

**JOURNAL**  
**OF THE**  
**HOUSE OF DELEGATES**  
**EIGHTY-THIRD**  
**LEGISLATURE**  
**OF**  
**WEST VIRGINIA**



**VOLUME I**  
**REGULAR SESSION, 2017**

WEST VIRGINIA HOUSE OF DELEGATES  
**HONORABLE TIM ARMSTEAD**  
SPEAKER OF THE HOUSE

\*\*\*\*\*

COMPILED AND PUBLISHED  
UNDER THE DIRECTION  
OF

**STEPHEN J. HARRISON**  
CLERK OF THE HOUSE



**CLERK'S OFFICE LEGISLATIVE GROUP**

Bo Hoover

Assistant Clerk/Parliamentarian

Robert Altmann

Lynn Lewis

Anne Landgrebe

Lori Skull

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# MEMBERS OF THE HOUSE

## REGULAR SESSION, 2017

### OFFICERS

*Speaker:* Tim Armstead – Elkview

*Clerk:* Stephen J. Harrison – Cross Lanes

*Sergeant-at-Arms:* Marshall Clay – Fayetteville

*Doorkeeper:* Frank Larese – Belle

<b>Name</b>	<b>District</b>	<b>City</b>	<b>Occupation</b>	<b>Term</b>
Ambler, George "Boogie" (R)	42 <sup>nd</sup>	Fort Spring	Businessman/Educator/Farmer	81 <sup>st</sup> – 83 <sup>rd</sup>
Anderson, Everette W. Jr. (R)	8 <sup>th</sup>	Williamstown	Educator	71 <sup>st</sup> – 83 <sup>rd</sup>
Armstead, Tim (R)	40 <sup>th</sup>	Elkview	Attorney	Appt. 9/5/1998, 73 <sup>rd</sup> ; 74 <sup>th</sup> – 83 <sup>rd</sup>
Arvon, Karen "Lynne" (R)	31 <sup>st</sup>	Beckley	Medical Sales/Social Services	81 <sup>st</sup> – 83 <sup>rd</sup>
Atkinson III, Martin "Rick" (R)	11 <sup>th</sup>	Reedy	Director of Sales	82 <sup>nd</sup> – 83 <sup>rd</sup>
Baldwin, Jr., Stephen (D)*	42 <sup>nd</sup>	Ronceverte	Minister	83 <sup>rd</sup>
Barrett, Jason (D)	61 <sup>st</sup>	Martinsburg	Restaurant Owner	81 <sup>st</sup> ; 83 <sup>rd</sup>
Bates, Mick (D)	30 <sup>th</sup>	Beckley	Physical Therapist/ Small Business Owner	82 <sup>nd</sup> – 83 <sup>rd</sup>
Blair, Saira (R)	59 <sup>th</sup>	Martinsburg	Student	83 <sup>rd</sup>
Boggs, Brent (D)	34 <sup>th</sup>	Gassaway	Railroad Engineer	73 <sup>rd</sup> – 83 <sup>rd</sup>
Brewer, Scott (D)	13 <sup>th</sup>	New Haven	Union Carpenter	83 <sup>rd</sup>
Butler, Jim (R)	14 <sup>th</sup>	Henderson	Excavating Contractor	81 <sup>st</sup> – 83 <sup>rd</sup>
Byrd, Andrew D. (D)	35 <sup>th</sup>	South Charleston	Attorney/Small Business Owner	83 <sup>rd</sup>
Canestraro, Joe (D)	4 <sup>th</sup>	Benwood	Lawyer/Assistant Prosecuting Attorney	83 <sup>rd</sup>
Capito, Moore (R)	35 <sup>th</sup>	Charleston	Attorney	83 <sup>rd</sup>
Caputo, Mike (D)	50 <sup>th</sup>	Rivesville	UMWA, District 31 Vice-President	73 <sup>rd</sup> – 83 <sup>rd</sup>
Cooper, Roy G. (R)	28 <sup>th</sup>	Wayside	Retired U. S. Navy	81 <sup>st</sup> – 83 <sup>rd</sup>
Cowles, Daryl E. (R)	58 <sup>th</sup>	Berkeley Springs	Businessman	78 <sup>th</sup> – 83 <sup>rd</sup>
Criss, Vernon (R)	10 <sup>th</sup>	Parkersburg	Executive	69 <sup>th</sup> ; 83 <sup>rd</sup>
Dean, Mark (R)	21 <sup>st</sup>	Verner	Principal	83 <sup>rd</sup>
Deem, Frank (R)	10 <sup>th</sup>	Vienna	Businessman, Oil and Gas Producer	52 <sup>nd</sup> – 56 <sup>th</sup> ; 57 <sup>th</sup> – 62 <sup>nd</sup> (Senate); 64 <sup>th</sup> – 65 <sup>th</sup> (Senate); 69 <sup>th</sup> ; 72 <sup>nd</sup> – 79 <sup>th</sup> (Senate); 82 <sup>nd</sup> – 83 <sup>rd</sup>
Diserio, Phillip (D)	2 <sup>nd</sup>	Follansbee	Retired Electrician	81 <sup>st</sup> ; 83 <sup>rd</sup>
Eldridge, Jeff (D)	22 <sup>nd</sup>	Alum Creek	Self Employed	77 <sup>th</sup> – 79 <sup>th</sup> ; 81 <sup>st</sup> – 83 <sup>rd</sup>
Ellington, Joe (R)	27 <sup>th</sup>	Princeton	Physician	80 <sup>th</sup> – 83 <sup>rd</sup>
Espinosa, Paul (R)	66 <sup>th</sup>	Charles Town	General Manager, Telecommunications	81 <sup>st</sup> – 83 <sup>rd</sup>
Evans, Allen V. (R)	54 <sup>th</sup>	Petersburg	Businessman/Farmer	70 <sup>th</sup> – 83 <sup>rd</sup>
Evans, Edward (D)	26 <sup>th</sup>	Welch	Retired Science Teacher	83 <sup>rd</sup>

## MEMBERS OF THE HOUSE OF DELEGATES - Continued

<b>Name</b>	<b>District</b>	<b>City</b>	<b>Occupation</b>	<b>Term</b>
Fast, Tom (R)	32 <sup>nd</sup>	Fayetteville	Attorney	82 <sup>nd</sup> – 83 <sup>rd</sup>
Ferro, Michael T. (D)	4 <sup>th</sup>	McMechen	Retired Educator/Coach	79 <sup>th</sup> – 83 <sup>rd</sup>
Fleischauer, Barbara Evans (D)	51 <sup>st</sup>	Morgantown	Attorney/Small Business Owner	72 <sup>nd</sup> – 76 <sup>th</sup> ; 78 <sup>th</sup> – 83 <sup>rd</sup>
Fluharty, Shawn (D)	3 <sup>rd</sup>	Wheeling	Attorney	82 <sup>nd</sup> – 83 <sup>rd</sup>
Folk, Michael “Mike” (R)	63 <sup>rd</sup>	Martinsburg	Airline Pilot; Farmer	81 <sup>st</sup> – 83 <sup>rd</sup>
Foster, Geoff (R)	15 <sup>th</sup>	Winfield	Construction Supply	82 <sup>nd</sup> – 83 <sup>rd</sup>
Foster, Nancy Reagan (R)**	38 <sup>th</sup>	Scott Depot	Business Owner	83 <sup>rd</sup>
Frich, Cindy (R)	51 <sup>st</sup>	Morgantown	Sales/Volunteer Home Care	76 <sup>th</sup> – 77 <sup>th</sup> ; 81 <sup>st</sup> – 83 <sup>rd</sup>
Gearheart, Marty (R)	27 <sup>th</sup>	Bluefield	Businessman	80 <sup>th</sup> – 83 <sup>rd</sup>
Hamilton, Bill (R)	45 <sup>th</sup>	Buckhannon	Independent Insurance Agency Owner	76 <sup>th</sup> – 83 <sup>rd</sup>
Hamrick, Danny (R)	48 <sup>th</sup>	Clarksburg	Consulting, Media Production	81 <sup>st</sup> – 83 <sup>rd</sup>
Hanshaw, Roger (R)	33 <sup>rd</sup>	Wallback	Attorney	82 <sup>nd</sup> – 83 <sup>rd</sup>
Harshbarger, Jason (R)	7 <sup>th</sup>	Pullman	Natural Gas Storage Project Management	83 <sup>rd</sup>
Hartman, William G. (D)	43 <sup>rd</sup>	Elkins	Retired Independent Insurance Agent	76 <sup>th</sup> – 83 <sup>rd</sup>
Hicks, Kenneth Paul (D)	19 <sup>th</sup>	Kenova	Attorney	82 <sup>nd</sup> – 83 <sup>rd</sup>
Higginbotham, Joshua (R)	13 <sup>th</sup>	Poca	Author	83 <sup>rd</sup>
Hill, Jordan (R)	41 <sup>st</sup>	Summersville	Human Resources	82 <sup>nd</sup> – 83 <sup>rd</sup>
Hollen, Ray (R)	9 <sup>th</sup>	Elizabeth	Retired USCG, Retired WV State Police	83 <sup>rd</sup>
Hornbuckle, Sean (D)	16 <sup>th</sup>	Huntington	Financial Services Broker	82 <sup>nd</sup> – 83 <sup>rd</sup>
Householder, Eric (R)	64 <sup>th</sup>	Martinsburg	Small Business Owner	80 <sup>th</sup> – 83 <sup>rd</sup>
Howell, Gary (R)	56 <sup>th</sup>	Keyser	Small Business Owner	80 <sup>th</sup> – 83 <sup>rd</sup>
Iaquinta, Richard (D)	48 <sup>th</sup>	Clarksburg	Teacher/Coach	76 <sup>th</sup> – 81 <sup>st</sup> , 83 <sup>rd</sup>
Isner, Phil (D)	43 <sup>rd</sup>	Elkins	Attorney	83 <sup>rd</sup>
Kelly, John (R)	10 <sup>th</sup>	Parkersburg	Retired, Chemical Industry	82 <sup>nd</sup> – 83 <sup>rd</sup>
Kessinger, Kayla (R)	32 <sup>nd</sup>	Mount Hope	Director of Human Resources	82 <sup>nd</sup> – 83 <sup>rd</sup>
Lane, Charlotte (R)	35 <sup>th</sup>	Charleston	Lawyer	64 <sup>th</sup> ; 67 <sup>th</sup> ; 70 <sup>th</sup> ; 83 <sup>rd</sup>
Lewis, Tony (R)***	53 <sup>rd</sup>	Eggon	Cable Splicer/Farmer	83 <sup>rd</sup>
Longstreth, Linda (D)	50 <sup>th</sup>	Fairmont	Administrator/Educator	77 <sup>th</sup> – 83 <sup>rd</sup>
Love, Shirley (D)	32 <sup>nd</sup>	Oak Hill	Retired	Appt. 8/8/1994, 71 <sup>st</sup> (Senate); 72 <sup>nd</sup> – 78 <sup>th</sup> (Senate); 83 <sup>rd</sup>
Lovejoy, Chad (D)	17 <sup>th</sup>	Huntington	Attorney	83 <sup>rd</sup>
Lynch, Dana (D)	44 <sup>th</sup>	Webster Springs	Retired	81 <sup>st</sup> – 83 <sup>rd</sup>
Marcum, Justin (D)	20 <sup>th</sup>	Williamson	Attorney	Appt. 1/21/2012, 80 <sup>th</sup> ; 81 <sup>st</sup> – 83 <sup>rd</sup>
Martin, Patrick (R)	45 <sup>th</sup>	Weston	Business Owner	83 <sup>rd</sup>

## MEMBERS OF THE HOUSE OF DELEGATES - Continued

<b>Name</b>	<b>District</b>	<b>City</b>	<b>Occupation</b>	<b>Term</b>
Maynard, Zack (R)	22 <sup>nd</sup>	Harts	Self Employed	83 <sup>rd</sup>
McGeehan, Pat (R)	1 <sup>st</sup>	Chester	Business Sales/Author	79 <sup>th</sup> ; 82 <sup>nd</sup> – 83 <sup>rd</sup>
Miley, Tim (D)	48 <sup>th</sup>	Bridgeport	Attorney	77 <sup>th</sup> – 83 <sup>rd</sup>
Miller, Carol (R)	16 <sup>th</sup>	Huntington	Small Business Owner/Bufalo Farmer	78 <sup>th</sup> – 83 <sup>rd</sup>
Miller, Rodney (D)	23 <sup>rd</sup>	Madison	Retired Sheriff/ Executive Director Sheriff's Assn	83 <sup>rd</sup>
Moore, Riley (R)	67 <sup>th</sup>	Harpers Ferry		83 <sup>rd</sup>
Moye, Ricky (D)	29 <sup>th</sup>	Crab Orchard	Businessman/School Bus Operator	78 <sup>th</sup> – 83 <sup>rd</sup>
Nelson, Eric (R)	35 <sup>th</sup>	Charleston	Businessman	80 <sup>th</sup> – 83 <sup>rd</sup>
O'Neal, John IV (R)	28 <sup>th</sup>	Beckley	Businessman	80 <sup>th</sup> – 83 <sup>rd</sup>
Overington, John (R)	62 <sup>nd</sup>	Martinsburg	Public Relations/Former Educator	67 <sup>th</sup> – 83 <sup>rd</sup>
Paynter, Tony (R)	25 <sup>th</sup>	Hanover	Truck Driver	83 <sup>rd</sup>
Pethtel, Dave (D)	5 <sup>th</sup>	Hundred	Educator	69 <sup>th</sup> – 71 <sup>st</sup> ; 74 <sup>th</sup> – 83 <sup>rd</sup>
Phillips, Rupert, Jr. (R)****	24 <sup>th</sup>	Laredo	Sales Manager	80 <sup>th</sup> – 83 <sup>rd</sup>
Pushkin, Mike (D)	37 <sup>th</sup>	Charleston	Taxi Driver/Musician	82 <sup>nd</sup> – 83 <sup>rd</sup>
Pyles, Rodney (D)	51 <sup>st</sup>	Morgantown	Retired	83 <sup>rd</sup>
Queen, Ben (R)	48 <sup>th</sup>	Bridgeport	Media Entrepreneur/Photography	83 <sup>rd</sup>
Robinson, Andrew (D)	36 <sup>th</sup>	Charleston	Real Estate Appraiser/Broker	83 <sup>rd</sup>
Rodighiero, Ralph (D)	24 <sup>th</sup>	Logan	Delivery Driver	78 <sup>th</sup> – 80 <sup>th</sup> ; 82 <sup>nd</sup> – 83 <sup>rd</sup>
Rohrbach, Matthew (R)	17 <sup>th</sup>	Huntington	Physician	82 <sup>nd</sup> – 83 <sup>rd</sup>
Romine, Chuck (R)	16 <sup>th</sup>	Huntington	Retired Insurance Agent	59 <sup>th</sup> – 61 <sup>st</sup> ; 74 <sup>th</sup> ; 83 <sup>rd</sup>
Romine, William Roger (R)	6 <sup>th</sup>	West Union	Retired School Administrator	75 <sup>th</sup> – 83 <sup>rd</sup>
Rowan, Ruth (R)	57 <sup>th</sup>	Points	Retired Educator	77 <sup>th</sup> – 83 <sup>rd</sup>
Rowe, Larry L. (D)	36 <sup>th</sup>	Charleston	Attorney	73 <sup>rd</sup> – 74 <sup>th</sup> ; 75 <sup>th</sup> – 76 <sup>th</sup> (Senate); 82 <sup>nd</sup> – 83 <sup>rd</sup>
Shott, John (R)	27 <sup>th</sup>	Bluefield	Attorney	79 <sup>th</sup> (Resigned and Appt. to Senate May 2010); 81 <sup>st</sup> – 83 <sup>rd</sup>
Sobonya, Kelli (R)	18 <sup>th</sup>	Barboursville	Realtor	76 <sup>th</sup> – 83 <sup>rd</sup>
Sponagle, Isaac (D)	55 <sup>th</sup>	Franklin	Attorney	81 <sup>st</sup> – 83 <sup>rd</sup>
Statler, Joe (R)	51 <sup>st</sup>	Core	Retired	82 <sup>nd</sup> – 83 <sup>rd</sup>
Storch, Erikka (R)	3 <sup>rd</sup>	Wheeling	Financial Officer	80 <sup>th</sup> – 83 <sup>rd</sup>
Summers, Amy (R)	49 <sup>th</sup>	Flemington	Registered Nurse	82 <sup>nd</sup> – 83 <sup>rd</sup>
Sypolt, Terri Funk (R)	52 <sup>nd</sup>	Kingwood	Assessor	83 <sup>rd</sup>
Thompson, Robert (D)	19 <sup>th</sup>	Wayne	Teacher	83 <sup>rd</sup>

## MEMBERS OF THE HOUSE OF DELEGATES - Continued

Name	District	City	Occupation	Term
Upson, Jill (R)	65 <sup>th</sup>	Charles Town	Former Retail Manager	82 <sup>nd</sup> – 83 <sup>rd</sup>
Wagner, Danny (R)	47 <sup>th</sup>	Philippi	Retired Educator and Coach	82 <sup>nd</sup> – 83 <sup>rd</sup>
Walters, Ron (R)	39 <sup>th</sup>	Charleston	Insurance Executive/President	71 <sup>st</sup> –73 <sup>rd</sup> ; 75 <sup>th</sup> – 83 <sup>rd</sup>
Ward, Guy (R)	50 <sup>th</sup>	White Hall	Fairmont Community Development Partnership	83 <sup>rd</sup>
Westfall, Steve (R)	12 <sup>th</sup>	Ripley	Insurance Agent	81 <sup>st</sup> – 83 <sup>rd</sup>
White, Brad (R)	36 <sup>th</sup>	Charleston	Insurance Agent/Owner	82 <sup>nd</sup> – 83 <sup>rd</sup>
Williams, John (D)	51 <sup>st</sup>	Morgantown	Insurance Sales	83 <sup>rd</sup>
Wilson, S. Marshall (R)	60 <sup>th</sup>	Gerrardstown	Author/Army Officer	83 <sup>rd</sup>
Zatezalo, Mark (R)	1 <sup>st</sup>	Weirton	Hydrogeologist	82 <sup>nd</sup> – 83 <sup>rd</sup>

### Roster Changes for the 2<sup>nd</sup> Extraordinary Session, 2017

Graves, Dianna (R)	38 <sup>th</sup>	Cross Lanes	Auditor	83 <sup>rd</sup> ; Appt. 9/19/2017 to fill vacancy created by the resignation of Nancy Reagan Foster**
Jennings, D. Rolland "Buck" (R)	53 <sup>rd</sup>	Thornton	Self Employed	83 <sup>rd</sup> ; Appt. 10/10/2017 to fill vacancy created by the death of Tony Lewis***

### Roster Changes for the 3<sup>rd</sup> Extraordinary Session, 2017

Campbell, Jeff (D)	42 <sup>nd</sup>	Hinton	Teacher/Broadcaster	83 <sup>rd</sup> ; Appt. 10/30/2017 to fill vacancy created by the resignation of Stephen Baldwin Jr.*
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\* Stephen Baldwin, Jr. resigned October 16, 2017.

\*\* Nancy Reagan Foster resigned September 1, 2017.

\*\*\* Tony Lewis died September 24, 2017.

\*\*\*\* Rupert Phillips switched from Democrat to Independent on January 26, 2017, and from Independent to Republican on May 11, 2017.



# MEMBERS OF THE SENATE

## REGULAR SESSION, 2017

### OFFICERS

*President:* Mitch Carmichael – Ripley

*Clerk:* Clark Barnes – French Creek

*Sergeant-at-Arms:* Andrew Palmer – Charleston

*Doorkeeper:* Jeffrey Branham – Cross Lanes

<b>Name</b>	<b>District</b>	<b>City</b>	<b>Occupation</b>	<b>Term</b>
Azinger, Mike (R)	3 <sup>rd</sup>	Vienna	Manager, Contractor Group	82 <sup>nd</sup> (House); 83 <sup>rd</sup>
Beach, Bob (D)	13 <sup>th</sup>	Morgantown	Appt. 5/1998, 73 <sup>rd</sup> ; 75 <sup>th</sup> – 79 <sup>th</sup> (House); 80 <sup>th</sup> – 83 <sup>rd</sup>	
Blair, Craig (R)	15 <sup>th</sup>	Martinsburg	Businessman	76 <sup>th</sup> – 79 <sup>th</sup> (House); 79 <sup>th</sup> – 83 <sup>rd</sup>
Boley, Donna (R)	3 <sup>rd</sup>	St. Marys	Retired	Appt. 5/14/85; 67 <sup>th</sup> ; 68 <sup>th</sup> – 83 <sup>rd</sup>
Boso, Greg (R)	11 <sup>th</sup>	Summersville	Civil Engineer	82 <sup>nd</sup> – 83 <sup>rd</sup>
Carmichael, Mitch (R)	4 <sup>th</sup>	Ripley	Director of Commercial Sales	75 <sup>th</sup> – 80 <sup>th</sup> (House); 81 <sup>st</sup> – 83 <sup>rd</sup>
Clements, Charles H. (R)*	2 <sup>nd</sup>	New Martinsville	Retired	77 <sup>th</sup> (House); Appt. 1/2017; 83 <sup>rd</sup>
Cline, Sue (R)	9 <sup>th</sup>	Brenton	Real Estate Agent	Appt. 1/2016; 82 <sup>nd</sup> ; 83 <sup>rd</sup>
Facemire, Doug (D)	12 <sup>th</sup>	Sutton	Owner, Grocery Chain	79 <sup>th</sup> – 83 <sup>rd</sup>
Ferns, Ryan (R)	1 <sup>st</sup>	Wheeling	Physical Therapist	80 <sup>th</sup> – 81 <sup>st</sup> (House); 83 <sup>rd</sup>
Gaunch, Ed (R)	8 <sup>th</sup>	Charleston	Retired/Former President/ Insurance	82 <sup>nd</sup> – 83 <sup>rd</sup>
Hall, Mike (R)**	4 <sup>th</sup>	Winfield		72 <sup>nd</sup> – 77 <sup>th</sup> (House); 78 <sup>th</sup> – 83 <sup>rd</sup>
Jeffries, Glenn (D)	8 <sup>th</sup>	Red House	Businessman	83 <sup>rd</sup>
Karnes, Robert (R)	11 <sup>th</sup>	Tallmansville	Information and Technology Field Services	82 <sup>nd</sup> – 83 <sup>rd</sup>
Mann, Kenny (R)	10 <sup>th</sup>	Ballard	Funeral Director	83 <sup>rd</sup>
Maroney, Mike (R)	2 <sup>nd</sup>	Glen Dale	Physician	83 <sup>rd</sup>
Maynard, Mark (R)	6 <sup>th</sup>	Genoa	Automobile Dealer	82 <sup>nd</sup> – 83 <sup>rd</sup>
Miller, Ronald (D)***	10 <sup>th</sup>	Lewisburg	Self-Employed	80 <sup>th</sup> – 83 <sup>rd</sup>
Mullins, Jeff (R)	9 <sup>th</sup>	Shady Spring	Insurance	82 <sup>nd</sup> – 83 <sup>rd</sup>
Ojeda II, Richard (D)	7 <sup>th</sup>	Holden	Retired US Army/JROTC Instructor	83 <sup>rd</sup>
Palumbo, Corey (D)	17 <sup>th</sup>	Charleston	Attorney	76 <sup>th</sup> – 78 <sup>th</sup> (House); 79 <sup>th</sup> – 83 <sup>rd</sup>
Plymale, Robert (D)	5 <sup>th</sup>	Huntington	Businessman	71 <sup>st</sup> – 83 <sup>rd</sup>
Prezioso, Roman (D)	13 <sup>th</sup>	Fairmont	Administrator	69 <sup>th</sup> – 73 <sup>rd</sup> (House); 73 <sup>rd</sup> – 83 <sup>rd</sup>

## MEMBERS OF THE SENATE - Continued

Name	District	City	Occupation	Term
Romano, Mike (D)	12 <sup>th</sup>	Clarksburg	Attorney/CPA	82 <sup>nd</sup> – 83 <sup>rd</sup>
Rucker, Patricia (R)	16 <sup>th</sup>	Harpers Ferry	Home Schooling Mother	83 <sup>rd</sup>
Smith, Randy (R)	14 <sup>th</sup>	Davis	Coal Miner	81 <sup>st</sup> – 82 <sup>nd</sup> (House); 83 <sup>rd</sup>
Stollings, Ron (D)	7 <sup>th</sup>	Madison	Physician	78 <sup>th</sup> – 83 <sup>rd</sup>
Swope, Chandler (R)	6 <sup>th</sup>	Bluefield	Retired	83 <sup>rd</sup>
Sypolt, Dave (R)	14 <sup>th</sup>	Kingwood	Professional Land Surveyor	78 <sup>th</sup> – 83 <sup>rd</sup>
Takubo, Tom (R)	17 <sup>th</sup>	South Charleston	Physician	82 <sup>nd</sup> – 83 <sup>rd</sup>
Trump, Charles (R)	15 <sup>th</sup>	Berkeley Springs	Lawyer	71 <sup>st</sup> – 78 <sup>th</sup> (House); 82 <sup>nd</sup> – 83 <sup>rd</sup>
Unger, John II (D)	16 <sup>th</sup>	Martinsburg	Businessman/Economic Development	74 <sup>th</sup> – 83 <sup>rd</sup>
Weld, Ryan (R)	1 <sup>st</sup>	Wellsburg	Physical Therapist	82 <sup>nd</sup> – 83 <sup>rd</sup>
Woelfel, Mike (D)	5 <sup>th</sup>	Huntington	Lawyer	82 <sup>nd</sup> – 83 <sup>rd</sup>

### Roster Changes for the 3<sup>rd</sup> Extraordinary Session, 2017

Baldwin, Jr., Stephen (D)	10 <sup>th</sup>	Hinton	Minister	83 <sup>rd</sup> ; Appt. 10/16/2017 to fill vacancy created by the resignation of Ronald Miller***
Drennan, Mark (R)	4 <sup>th</sup>	Teays Valley	Behavioral Health and Psychology	83 <sup>rd</sup> ; Appt. 9/9/2017 to fill vacancy created by the resignation of Mike Hall**

\* Kent Leonhardt served during the January 11, 2017 Organizational Session but resigned January 15, 2017 to become Commissioner of Agriculture. Senator Clements was appointed January 28, 2017 and took the oath of office on February 2, 2017.

\*\* Mike Hall resigned August 20, 2017.

\*\*\* Ronald Miller resigned September 30, 2017.

**COMMITTEES OF THE HOUSE OF DELEGATES**  
**Regular Session, 2017**

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**STANDING**

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**AGRICULTURE AND NATURAL RESOURCES**

Allen Evans, Chair (*Agriculture*), Bill Hamilton, Chair (*Natural Resources*), Roger Romine, Vice Chair (*Agriculture*), George Ambler, Vice Chair, (*Natural Resources*), Isaac Sponaugle, Minority Chair, (*Agriculture*), Ralph Rodighiero, Minority Chair, (*Natural Resources*), Robert Thompson, Minority Vice Chair (*Agriculture*), Ken Hicks, Minority Vice Chair (*Natural Resources*), Anderson, Atkinson, Cooper, Folk, Hanshaw, Harshbarger, Lewis, C. Miller, Moore, Overington, Summers, Wagner, Baldwin, Brewer, Eldridge, Love, Lynch

**BANKING AND INSURANCE**

Cindy Frich, Chair (*Banking*), Steve Westfall, Chair (*Insurance*), Jill Upson, Vice Chair (*Banking*), Brad White, Vice Chair, (*Insurance*), Justin Marcum, Minority Chair, (*Banking*), Bill Hartman, Minority Chair (*Insurance*), Chad Lovejoy, Minority Vice Chair, (*Banking*), Andrew Robinson, Minority Vice Chair, (*Insurance*) Arvon, Capito, Criss, Deem, A. Evans, Householder, McGeehan, Nelson, O'Neal, C. Romine, Shott, Walters, Bates, Jaquinta, Isner, Rowe, Sponaugle

**EDUCATION**

Paul Espinosa, Chair, Joe Statler, Vice Chair, Ricky Moye, Minority Chair, Sean Hornbuckle, Minority Vice Chair, Blair, Cooper, Dean, Folk, Harshbarger, Higginbotham, Kelly, Rohrbach, R. Romine, Rowan, Upson, Wagner, Westfall, Wilson, Baldwin, E. Evans, Hicks, Pyles, Rodighiero, Rowe, Thompson

## HOUSE OF DELEGATES COMMITTEES

### **ENERGY**

Bill Anderson, Chair, John Kelly, Vice Chair (*Oil and Gas*), Mark Zatezalo, Vice Chair (*Coal*), David Pethtel, Minority Chair, Jeff Eldridge, Minority Vice Chair, Hamilton, Harshbarger, Higginbotham, Kessinger, Martin, Maynard, Paynter, R. Romine, Statler, Storch, Sypolt, Upson, Ward, Boggs, Caputo, Hicks, Lynch, Marcum, Miley, Phillips

### **ENROLLED BILLS**

Roger Hanshaw, Chair, Steve Westfall, Vice Chair, Lane, Marcum, Pushkin

### **FINANCE**

Eric Nelson, Chair, Eric Householder, Vice Chair, Brent Boggs, Minority Chair, Mick Bates, Minority Vice Chair, Ambler, Anderson, Butler, Cowles, Ellington, Espinosa, A. Evans, Frich, Gearheart, Hamilton, C. Miller, Storch, Walters, Westfall, Barrett, Hartman, Longstreth, Moye, Pethtel, Rowe, Sponaugle

### **GOVERNMENT ORGANIZATION**

Gary Howell, Chair, Lynne Arvon, Vice Chair, Michael Ferro, Minority Chair, Phil Diserio, Minority Vice Chair, Atkinson, Criss, Hamrick, Hill, Lewis, Martin, Maynard, McGeehan, Paynter, Queen, C. Romine, Sypolt, Ward, Brewer, Caputo, Eldridge, Iaquinta, Lynch, Marcum, Pyles, Williams

### **HEALTH AND HUMAN RESOURCES**

Joe Ellington, Chair, Amy Summers, Vice Chair, Linda Longstreth, Minority Chair, Mike Pushkin, Minority Vice Chair, Arvon, Atkinson, Butler, Cooper, Criss, Dean, Hill, Hollen, Householder, Queen, Rohrbach, Rowan, Sobonya, White, Baldwin, Bates, Fleischauer, Fluharty, Iaquinta, Love, Rodighiero

HOUSE OF DELEGATES COMMITTEES

**INDUSTRY AND LABOR**

Tom Fast, Chair, Geoff Foster, Vice Chair, Scott Brewer, Minority Chair, Phil Isner, Minority Vice Chair, Blair, Cowles, Dean, Ellington, N. Foster, Harshbarger, Hill, Householder, Overington, Shott, Sobonya, Statler, Ward, White, Caputo, Diserio, Ferro, Fluharty, Hicks, R. Miller, Pushkin

**INTERSTATE COOPERATION**

Erikka Storch, Chair, Danny Hamrick, Vice Chair, Ellington, Higginbotham, R. Romine, Barrett, Ferro

**JUDICIARY**

John Shott, Chair, Roger Hanshaw, Vice Chair, Barbara Fleischauer, Minority Chair, Shawn Fluharty, Minority Vice Chair, Capito, Deem, Fast, G. Foster, N. Foster, Hollen, Kessinger, Lane, Moore, O'Neal, Overington, Sobonya, Summers, Zatezalo, Byrd, Canestraro, Isner, Lovejoy, R. Miller, Pushkin, Robinson

**PENSIONS AND RETIREMENT**

Ron Walters, Chair, Mike Folk, Vice Chair, Anderson, Hamilton, O'Neal, E. Evans, Pethtel

**POLITICAL SUBDIVISIONS**

Erikka Storch, Chair, Saira Blair, Vice Chair, Rodney Miller, Minority Chair, John Williams, Minority Vice Chair, Anderson, Cowles, Folk, G. Foster, Gearheart, Hamrick, Hanshaw, Householder, Lane, Queen, Rohrbach, Statler, Summers, Barrett, Byrd, Canestraro, Longstreth, Moye, Pyles, Robinson, Rowe

**PREVENTION AND TREATMENT OF SUBSTANCE ABUSE**

Joe Ellington, Chair, Kayla Kessinger, Vice Chair, Frich, Hollen, Sobonya, Storch, Upson, Baldwin, Bates, Boggs, Hornbuckle

HOUSE OF DELEGATES COMMITTEES

**ROADS AND TRANSPORTATION**

Marty Gearheart, Chair, Danny Hamrick, Vice Chair, Mike Caputo, Minority Chair, Ed Evans, Minority Vice Chair, Ambler, Butler, Capito, Criss, Dean, Espinosa, Fast, Howell, Lane, Maynard, Paynter, Rohrbach, Statler, Wagner, Boggs, Canestraro, Diserio, Hartman, Moye, Phillips, Williams

**RULE MAKING REVIEW**

Kelli Sobonya, Chair, Cindy Frich, Vice Chair, G. Foster, Hanshaw, Fleischauer, Rowe

**RULES**

Tim Armstead, Chair, Anderson, Cowles, Ellington, Espinosa, Hanshaw, Howell, C. Miller, Nelson, O'Neal, Overington, Shott, Sobonya, Boggs, Caputo, Ferro, Fleischauer, Miley, Moye, Pethel

**SENIOR CITIZEN ISSUES**

Ruth Rowan, Chair, Matt Rohrbach, Vice Chair, Dana Lynch, Minority Chair, Rodney Pyles, Minority Vice Chair, A. Evans, Kelly, Lewis, Martin, Maynard, Paynter, Queen, C. Romine, R. Romine, Sypolt, Walters, White, Zatezalo, Boggs, Eldridge, Ferro, Fleischauer, Love, Lovejoy, Moye, Pethel

**SMALL BUSINESS ENTREPRENEURSHIP AND  
ECONOMIC DEVELOPMENT**

Jordan Hill, Chair, Rick Atkinson, Vice Chair, Larry Rowe, Minority Chair, Jason Barrett, Minority Vice Chair, Blair, Espinosa, N. Foster, Higginbotham, Kelly, Kessinger, Martin, C. Miller, Moore, Storch, Ward, Westfall, Wilson, Zatezalo, Bates, Byrd, Marcum, Miley, Phillips, Sponaugle, Thompson

HOUSE OF DELEGATES COMMITTEES

**VETERANS' AFFAIRS AND HOMELAND SECURITY**

Jim Butler, Chair (*Homeland Security*), Roy Cooper, Chair (*Veterans' Affairs*), Pat McGeehan, Vice Chair (*Homeland Security*), Danny Wagner, Vice Chair (*Veterans' Affairs*), Andrew Byrd, Minority Chair (*Homeland Security*), Richard Iaquina, Minority Chair (*Veterans' Affairs*), Stephen Baldwin, Minority, Vice Chair (*Homeland Security*), Joe Canestraro, Minority Vice Chair (*Veterans' Affairs*) Arvon, Higginbotham, Hollen, Howell, Kelly, Kessinger, Lewis, Paynter, Rowan, Sypolt, Upson, Wilson, Ferro, Fleischauer, Longstreth, Lynch, Pushkin

SENATE COMMITTEES

**COMMITTEES OF THE SENATE**  
**Regular Session, 2017**

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**STANDING**

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**AGRICULTURE AND RURAL DEVELOPMENT**

Senators Sybolt (Chair), Rucker (Vice Chair), Clements, Cline, Mann, Maynard, Smith, Beach, Miller, Ojeda, Woelfel

**BANKING AND INSURANCE**

Senators Gaunch (Chair), Azinger (Vice Chair), Clements, Hall, Mann, Maroney, Mullins, Swope, Facemire, Palumbo, Prezioso, Romano, Woelfel

**CONFIRMATIONS**

Senators Boley (Chair), Ferns (Vice Chair), Azinger, Blair, Boso, Gaunch, Miller, Plymale, Prezioso

**ECONOMIC DEVELOPMENT**

Senators Maroney (Chair), Maynard (Vice Chair), Blair, Boso, Cline, Mann, Smith, Swope, Takubo, Jeffries, Miller, Stollings, Romano, Woelfel

**EDUCATION**

Senators Mann (Chair), Karnes (Vice Chair), Azinger, Boley, Hall, Maynard, Rucker, Swope, Trump, Beach, Plymale, Romano, Stollings, Unger

**ENERGY, INDUSTRY AND MINING**

Senators Smith (Chair), Sybolt (Vice Chair), Blair, Boley, Cline, Ferns, Gaunch, Mullins, Swope, Facemire, Jeffries, Ojeda, Woelfel



## SENATE COMMITTEES

### **ENROLLED BILLS**

Senators Maynard (Chair), Azinger, Gaunch, Palumbo, Presiozo

### **FINANCE**

Senators Hall (Chair), Mullins (Vice Chair), Blair, Boley, Boso, Ferns, Gaunch, Mann, Maroney, Sypolt, Takubo, Facemire, Palumbo, Plymale, Prezioso, Stollings, Unger

### **GOVERNMENT ORGANIZATION**

Senators Blair (Chair), Gaunch (Vice Chair), Boso, Clements, Maroney, Smith, Sypolt, Takubo, Weld, Facemire, Jeffries, Miller, Palumbo, Woelfel

### **HEALTH AND HUMAN RESOURCES**

Senators Takubo (Chair), Maroney (Vice Chair), Azinger, Clements, Karnes, Rucker, Trump, Weld, Palumbo, Plymale, Prezioso, Stollings, Unger

### **INTERSTATE COOPERATION**

Senators Cline (Chair), Azinger (Vice Chair), Maroney, Maynard, Sypolt, Palumbo, Unger

### **JUDICIARY**

Senators Trump (Chair), Weld (Vice Chair), Azinger, Clements, Cline, Ferns, Karnes, Maynard, Rucker, Smith, Swope, Beach, Jeffries, Miller, Ojeda, Romano, Woelfel

### **MILITARY**

Senators Weld (Chair), Boley (Vice Chair), Azinger, Clements, Cline, Sypolt, Facemire, Ojeda, Palumbo

SENATE COMMITTEES

**NATURAL RESOURCES**

Senators Maynard (Chair), Mann (Vice Chair), Cline, Karnes, Rucker, Smith, Sypolt, Takubo, Beach, Facemire, Prezioso, Stollings, Woelfel

**PENSIONS**

Senators Gaunch (Chair), Hall (Vice Chair), Maroney, Mullins, Weld, Plymale, Romano

**RULES**

Senators Carmichael (Chair), Blair, Boley, Ferns, Hall, Sypolt, Trump, Palumbo, Prezioso, Plymale, Stollings

**TRANSPORTATION AND INFRASTRUCTURE**

Senators Boso (Chair), Swope (Vice Chair), Gaunch, Maroney, Maynard, Rucker, Beach, Jeffries, Plymale

**SELECT COMMITTEE ON TAX REFORM**

Senators Karnes (Chair), Blair (Vice Chair), Ferns, Boso, Gaunch, Jeffries, Plymale

**COMMITTEE ON THE WORKFORCE**

Senators Swope (Chair), Weld (Vice Chair), Boso, Karnes, Mullins, Rucker, Smith, Beach, Jeffries, Ojeda, Stollings

**SCHEDULE SHOWING LEGISLATIVE DAYS  
AND CALENDAR DAYS  
AND PAGES OF JOURNAL COVERING SAME**

**REGULAR SESSION, 2017**

Organizational Day.....	Wednesday.....	January 11.....	1
1 <sup>st</sup> Day.....	Wednesday.....	February 8.....	141
2 <sup>nd</sup> Day.....	Thursday.....	February 9.....	223
3 <sup>rd</sup> Day.....	Friday.....	February 10.....	257
6 <sup>th</sup> Day.....	Monday.....	February 13.....	267
7 <sup>th</sup> Day.....	Tuesday.....	February 14.....	303
8 <sup>th</sup> Day.....	Wednesday.....	February 15.....	317
9 <sup>th</sup> Day.....	Thursday.....	February 16.....	341
10 <sup>th</sup> Day.....	Friday.....	February 17.....	367
13 <sup>th</sup> Day.....	Monday.....	February 20.....	385
14 <sup>th</sup> Day.....	Tuesday.....	February 21.....	417
15 <sup>th</sup> Day.....	Wednesday.....	February 22.....	483
16 <sup>th</sup> Day.....	Thursday.....	February 23.....	519
17 <sup>th</sup> Day.....	Friday.....	February 24.....	533
20 <sup>th</sup> Day.....	Monday.....	February 27.....	559
21 <sup>st</sup> Day.....	Tuesday.....	February 28.....	587
22 <sup>nd</sup> Day.....	Wednesday.....	March 1.....	607
23 <sup>rd</sup> Day.....	Thursday.....	March 2.....	645
24 <sup>th</sup> Day.....	Friday.....	March 3.....	699
27 <sup>th</sup> Day.....	Monday.....	March 6.....	713
28 <sup>th</sup> Day.....	Tuesday.....	March 7.....	733
29 <sup>th</sup> Day.....	Wednesday.....	March 8.....	771
30 <sup>th</sup> Day.....	Thursday.....	March 9.....	817
31 <sup>st</sup> Day.....	Friday.....	March 10.....	851
34 <sup>th</sup> Day.....	Monday.....	March 13.....	877
35 <sup>th</sup> Day.....	Tuesday.....	March 14.....	909
36 <sup>th</sup> Day.....	Wednesday.....	March 15.....	975
37 <sup>th</sup> Day.....	Thursday.....	March 16.....	1003
38 <sup>th</sup> Day.....	Friday.....	March 17.....	1079
41 <sup>st</sup> Day.....	Monday.....	March 20.....	1111
42 <sup>nd</sup> Day.....	Tuesday.....	March 21.....	1137
43 <sup>rd</sup> Day.....	Wednesday.....	March 22.....	1173
44 <sup>th</sup> Day.....	Thursday.....	March 23.....	1219
45 <sup>th</sup> Day.....	Friday.....	March 24.....	1291
46 <sup>th</sup> Day.....	Saturday.....	March 25.....	1357
48 <sup>th</sup> Day.....	Monday.....	March 27.....	1427

49 <sup>th</sup> Day .....	Tuesday .....	March 28.....	1497
50 <sup>th</sup> Day .....	Wednesday.....	March 29.....	1547
51 <sup>st</sup> Day .....	Thursday .....	March 30.....	1603
52 <sup>nd</sup> Day.....	Friday.....	March 31.....	1763
53 <sup>rd</sup> Day .....	Saturday .....	April 1 .....	1825
55 <sup>th</sup> Day .....	Monday .....	April 3 .....	1925
56 <sup>th</sup> Day .....	Tuesday.....	April 4 .....	2079
57 <sup>th</sup> Day .....	Wednesday.....	April 5 .....	2227
58 <sup>th</sup> Day .....	Thursday .....	April 6 .....	2337
59 <sup>th</sup> Day .....	Friday.....	April 7 .....	2569
60 <sup>th</sup> Day .....	Saturday .....	April 8 .....	2723
61 <sup>st</sup> Day .....	Sunday .....	April 9 .....	3267

**FIRST EXTRAORDINARY SESSION**

1 <sup>st</sup> Day .....	Thursday .....	May 4.....	3497
2 <sup>nd</sup> Day.....	Friday.....	May 5.....	3505
3 <sup>rd</sup> Day.....	Monday .....	May 15.....	3511
4 <sup>th</sup> Day .....	Tuesday.....	May 16.....	3515
5 <sup>th</sup> Day .....	Wednesday.....	May 17.....	3519
6 <sup>th</sup> Day .....	Thursday .....	May 18.....	3523
7 <sup>th</sup> Day .....	Friday.....	May 19.....	3529
8 <sup>th</sup> Day .....	Monday .....	May 22.....	Senate Only
9 <sup>th</sup> Day .....	Tuesday.....	May 23.....	3543
10 <sup>th</sup> Day .....	Wednesday.....	May 24.....	3549
11 <sup>th</sup> Day .....	Monday .....	June 5.....	3627
12 <sup>th</sup> Day .....	Tuesday.....	June 6.....	3631
13 <sup>th</sup> Day .....	Wednesday.....	June 7.....	3635
14 <sup>th</sup> Day .....	Thursday .....	June 8.....	3643
15 <sup>th</sup> Day .....	Friday.....	June 9.....	3647
16 <sup>th</sup> Day .....	Monday .....	June 12.....	3653
17 <sup>th</sup> Day .....	Tuesday.....	June 13.....	3657
18 <sup>th</sup> Day .....	Wednesday.....	June 14.....	3675
19 <sup>th</sup> Day .....	Thursday .....	June 15.....	3879
20 <sup>th</sup> Day .....	Friday.....	June 16.....	3883
21 <sup>st</sup> Day .....	Monday .....	June 26.....	4205

**SECOND EXTRAORDINARY SESSION**

1 <sup>st</sup> Day .....	Monday .....	October 16 .....	4212
2 <sup>nd</sup> Day.....	Tuesday.....	October 17 .....	4225
3 <sup>rd</sup> Day .....	Monday .....	November 13 .....	Senate Only
4 <sup>th</sup> Day .....	Monday .....	December 4.....	Senate Only
5 <sup>th</sup> Day .....	Monday .....	January 8, 2018.....	Senate Only

**THIRD EXTRAORDINARY SESSION**

1 <sup>st</sup> Day .....	Monday .....	December 4.....	4263
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West Virginia Legislature  
Journal  
of the  
House of Delegates

Eighty-Third Legislature

First Regular Session

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Charleston, Wednesday, January 11, 2017

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This being the day fixed by Section 18, Article VI of the Constitution of the State of West Virginia, for the annual assembly of the Legislature, the Members-elect of the House of Delegates met in their Chamber in the Capitol Building in the City of Charleston at 12:00 noon and the Clerk of the last House of Delegates, the Honorable Stephen J. Harrison, announced that the Honorable John Overington, the Delegate from the 62<sup>nd</sup> Delegate District, was the oldest member in point of continuous service and, in accordance with Section 18, Article VI of the Constitution, would preside over the organization of the House of Delegates until a Speaker was chosen and shall have taken his seat.

Delegate Overington then assumed the Chair and called the House of Delegates to order.

Prayer was offered by the Honorable Eric Householder, the Delegate from the 64<sup>th</sup> Delegate District.

The House of Delegates was then led in recitation of the Pledge of Allegiance by the Honorable William Hartman, a Delegate from the 43<sup>rd</sup> District.

The Honorable Natalie Tennant, Secretary of State, presented a communication which was received and laid before the House, containing the official returns of the election held on the 8<sup>th</sup> day of November, 2016, covering the 100 seats in the House of Delegates, which returns were accompanied by certificates for those appearing to have been elected by the voters of the 67 Delegate Districts.

### **DELEGATES ELECTED**

The names of those whose credentials showed they were regularly elected members of the House of Delegates of the Eighty-third Legislature in accordance with the laws of West Virginia were as follows:

#### **First District**

Pat McGeehan

Mark Zatezalo

#### **Second District**

Phillip E. Diserio

#### **Third District**

Shawn Fluharty

Erikka Storch

#### **Fourth District**

Joe Canestraro

Michael T. Ferro

#### **Fifth District**

Dave Pethtel

#### **Sixth District**

Wm. Roger Romine

#### **Seventh District**

Jason S. Harshbarger



**Eighth District**

E. W. “Bill” Anderson, Jr.

**Ninth District**

Ray Hollen

**Tenth District**

Vernon Criss

Frank Deem

John R. Kelly

**Eleventh District**

Martin “Rick” Atkinson

**Twelfth District**

Steve Westfall

**Thirteenth District**

Scott Brewer

Joshua Kurt Higginbotham

**Fourteenth District**

Jim Butler

**Fifteenth District**

Geoff Foster

**Sixteenth District**

Sean Hornbuckle

Carol Miller

C. E. “Chuck” Romine

**Seventeenth District**

Chad Lovejoy

Matthew Rohrbach

**Eighteenth District**

Kelli Sobonya

**Nineteenth District**

Kenneth “Ken” Paul Hicks

Robert Thompson

**Twentieth District**

Justin J. Marcum

**Twenty-first District**

Mark Dean

**Twenty-second District**

Jeff Eldridge

Zack Maynard

**Twenty-third District**

Rodney A. Miller

**Twenty-fourth District**

Rupert “Rupie” Phillips

Ralph Rodighiero

**Twenty-fifth District**

Tony Paynter

**Twenty-sixth District**

Ed Evans

**Twenty-seventh District**

Joe Ellington

Marty Gearheart

John H. Shott

**Twenty-eighth District**

Roy G. Cooper

John D. O'Neal IV

**Twenty-ninth District**

Ricky Moye

**Thirtieth District**

Mick Bates

**Thirty-first District**

Karen "Lynne" Arvon

**Thirty-second District**

Tom Fast

Kayla Kessinger

Shirley Love

**Thirty-third District**

Roger Hanshaw

**Thirty-fourth District**

Brent Boggs

**Thirty-fifth District**

Andrew D. Byrd

Moore Capito

Charlotte R. Lane

Eric Nelson

**Thirty-sixth District**

Andrew Robinson

Larry L. Rowe

Brad White

**Thirty-seventh District**

Mike Pushkin

**Thirty-eighth District**

Nancy Reagan Foster

**Thirty-ninth District**

Ron Walters

**Fortieth District**

Tim Armstead

**Forty-first District**

Jordan Hill

**Forty-second District**

George “Boogie” Ambler

Stephen Baldwin

**Forty-third District**

Bill Hartman

Phil Isner

**Forty-fourth District**

Dana L. Lynch

**Forty-fifth District**

Bill Hamilton

**Forty-sixth District**

Patrick S. Martin

**Forty-seventh District**

Danny Wagner

**Forty-eighth District**

Danny Hamrick

Richard Iaquina

Tim Miley

Ben Queen

**Forty-ninth District**

Amy Summers

**Fiftieth District**

Mike Caputo

Linda Longstreth

Guy Ward

**Fifty-first District**

Barbara Evans Fleischauer

Cindy Frich

Rodney A. Pyles

Joe Statler

John Williams

**Fifty-second District**

Terri Funk Sypolt

**Fifty-third District**

Tony J. Lewis

**Fifty-fourth District**

Allen V. Evans

**Fifty-fifth District**

Isaac Sponaugle

**Fifty-sixth District**

Gary G. Howell

**Fifty-seventh District**

Ruth Rowan

**Fifty-eighth District**

Daryl E. Cowles

**Fifty-ninth District**

Saira Blair

**Sixtieth District**

S. Marshall Wilson

**Sixty-first District**

Jason Barrett

**Sixty-second District**

John Overington

**Sixty-third District**

Michael "Mike" Folk

**Sixty-fourth District**

Eric L. Householder

**Sixty-fifth District**

Jill Upson

**Sixty-sixth District**

Paul Espinosa

**Sixty-seventh District**

Riley Moore

In the absence of objection, the returns of the election of Delegates as presented by the Secretary of State were accepted and filed with the Clerk of the House.

\* \* \* \* \*

The Clerk then called the roll (**Quorum Call**), and the following answered to their names:

Ambler	Fast	Lewis	Rohrbach
Anderson	Ferro	Longstreth	Romine, C.
Armstead	Fleischauer	Love	Romine, R
Arvon	Fluharty	Lovejoy	Rowan
Atkinson	Folk	Lynch	Rowe
Baldwin	Foster, G.	Marcum	Shott
Barrett	Foster, N.	Martin	Sobonya
Bates	Frich	Maynard	Sponaugle
Blair	Gearheart	McGeehan	Statler
Boggs	Hamilton	Miley	Storch
Brewer	Hamrick	Miller, C.	Summers
Butler	Hanshaw	Miller, R.	Sypolt
Byrd	Harshbarger	Moore	Thompson
Canestraro	Hartman	Moye	Upson
Capito	Higginbotham	Nelson	Wagner
Cooper	Hill	O'Neal	Walters
Cowles	Hollen	Overington	Ward
Criss	Hornbuckle	Paynter	Westfall
Dean	Householder	Pethtel	White
Deem	Howell	Phillips	Williams
Diserio	Iaquinta	Pushkin	Wilson
Ellington	Isner	Pyles	Zatezalo
Espinosa	Kelly	Queen	
Evans, A.	Kessinger	Robinson	
Evans, E.	Lane	Rodighiero	

The roll call disclosing that 97 Delegates had answered to their names, the Presiding Officer declared the presence of a quorum. Delegate Eldridge arrived after his name had been called.

All the Delegates present then took the several oaths of office as prescribed by Section 16, Article VI of the Constitution of the State of West Virginia, which oaths of office were administered by the Honorable Beth Walker, Justice of the Supreme Court of Appeals.

### **ELECTION OF SPEAKER**

The Presiding Officer announced that the next order of business was the election of a Speaker of the House of Delegates for the Eighty-third Legislature and stated that nominations were now in order.

### **MAJORITY NOMINATION**

Delegate Hanshaw, the Delegate from the 33<sup>rd</sup> Delegate District, nominated the Honorable Tim Armstead from the 40<sup>th</sup> Delegate District, as follows:

DELEGATE HANSHAW. Thank you, Mr. Speaker Pro Tem. Ladies and gentlemen, good afternoon. Welcome to our new friends and colleagues to the 83<sup>rd</sup> Legislature. It is my pleasure this afternoon to place a nomination for the Office of Speaker, the Honorable Tim Armstead. For those who had the privilege of serving under Delegate Armstead's leadership during the past two years, you know that Speaker Armstead is a gentleman and true friend to all. While he hails from the Elk River community of Elkview, West Virginia, it is obvious, from interaction with the Speaker, that he considers all 55 counties and all residents of West Virginia to be his district and his constituents.

Those of us who have had the privilege and the pleasure of working alongside of Delegate Armstead as Speaker for the past two years, realize that he helped lead this House through unprecedented times for our State and it was under his leadership that we, as a body with our colleagues elsewhere in government, brought about historic reforms to our civil justice system which brought

West Virginia positive light throughout the nation, has helped make West Virginia a more attractive place to grow and locate a business and help spur the kind of economic development that we in West Virginia so desperately need.

It was under Delegate Armstead's leadership as Speaker that we navigated a budget crisis which has called all West Virginian's to fundamentally rethink the way we view our government and there is no person more qualified than Delegate Tim Armstead to lead our House as we head into the 83<sup>rd</sup> Legislature today. It is my privilege, and a pleasure, to place a nomination for the Office of Speaker, the Honorable Tim Armstead.

\* \* \* \* \*

The nomination of Delegate Armstead was seconded by the Honorable Kayla Kessinger of the 32<sup>nd</sup> Delegate District, with the following remarks:

DELEGATE KESSINGER. Thank you, Mr. Chairman. Two years ago, I had the opportunity to serve my first term in the West Virginia Legislature and on election night it was very exciting and I was with my dad and he congratulated me and told me how proud he was and immediately following that, in very good ole dad fashion, gave me a lecture on what it meant to be a true leader. In that lecture he reminded me of a phrase that he had told me, over and over and over again, when I was growing up. It is that leadership is servanthood. It wasn't really until I started to serve in this body and this chamber that I started to fully understand what he meant by that statement and I realized, sitting in my chair in this chamber, that leadership isn't about fancy titles or name plates or license plates or gaudy name tags but it is about serving the people that rely on us. It is about fulfilling our obligation as public servants to the people that elected us to represent them in this body, and I had the distinct privilege of watching Tim Armstead fulfill that role as Speaker as he presided over this body over the course of the last two years.

As the first Republican Speaker within any of our lifetimes, except for maybe you, Frank, Tim didn't have the luxury of going to a previous Republican Speaker for guidance or counsel but instead he had to wing it, and he

had to learn as he went, and he did an incredible job. There were days where we would spend hours in this chamber droning on and on about issues like raw milk and other things that some of us are passionate about but never once did he restrict someone's right to speak on this floor. He served diligently with respect and honor and refused to...and always made sure that everyone had the chance to articulate their beliefs regardless of political affiliation or opinion on the issue. There were bills that he would allow to come to this floor that he would eventually vote against because he believed in the opportunity for every member of this body to serve their district to the best of their ability.

When we go to elect leaders, whether it be in this body or in the polling place, we should never choose those leaders based on what we are promised or what we can gain but instead should choose those candidates based on the content of their character. If Tim Armstead is lacking in any area it is not character. He has served with integrity and honor, and I am so proud to second the nomination for Tim Armstead as Speaker for the West Virginia House of Delegates.

### **MINORITY NOMINATION**

Delegate Bates, 30<sup>th</sup> Delegate District, then nominated the Honorable Tim Miley, a Delegate from the 48<sup>th</sup> Delegate District, as follows:

DELEGATE BATES. Mr. Chairman, thank you. Ladies and gentlemen, legislative staff, guests in the gallery, familiar faces, new faces, it is good to be with you and good to be here as a member of the House of Delegates in the 83<sup>rd</sup> West Virginia Legislature. Yesterday... last night was a great night and a great day to be a Mountaineer. Today and every day is a great day to be a West Virginian and we are blessed to be here. It is my privilege and great honor to place a nomination, the name of the Gentleman from the 48<sup>th</sup>, the Gentleman from Harrison, the Honorable Tim Miley for Speaker to the West Virginia House. To the members, you are leaders. By the virtue of sitting here on this floor, in this chamber, under this dome, you have shown that you are leaders. Each of us, one of a hundred, to do the work of the people here in the people's house. Your community, the people that know you best from the



varied counties across West Virginia have sent you here to be their delegate and to lead. In the days ahead we will have that opportunity but before we can proceed, we must choose our leader.

Among the many wise words of Dr. Martin Luther King are these, "A genuine leader is not a searcher of consensus but a molder of consensus." Tim Miley is a genuine leader. Tim Miley is not a searcher of consensus. Tim Miley is a molder of consensus. At this most challenging time in our State's history and a time in our nation, we need this kind of leadership. To my friend and leader, thank you for your friendship, your service, and opportunity to serve with you and your leadership.

In one of his many books on leadership, James Maxwell said, "A leader is one who knows the way, goes the way and shows the way." Tim Miley, you know the way. Tim Miley, you go the way. Tim Miley, you show the way.

To Mr. Speaker-elect, now I am not very good at math but my time up in Finance with Chairman Nelson and Delegate Boggs has helped me to figure out a few sums and I am pretty sure that 63 is a bigger number than 37. So I have seen this movie before and I know how it goes. So unless someone has got something planned that is off script, I think we could maybe skip a whole lot of this, and clearly my preference is known, but I believe both of these gentlemen are as equally qualified to serve as leader having both been Minority Leaders and having both been Speakers. So you have had two years each, and if you just wanted to flip that back and forth every couple of years we could probably get this taken care of a lot quicker. What do you think? I tried.

I would like to just close by reflecting on just three lessons I have learned from a number of lessons I have learned from serving when observing Delegate Miley these past two years. A ruler seeks to rule. A leader is sought to lead. A leader's strength is in his or her capacity to understand and or accommodate for the weakness of those he is asked to lead. A leader need not know of the final destination but pushes forth, still finding the way for and with others. Tim Miley does not seek to rule. Tim Miley is

a leader who is sought to lead. Tim Miley's strength is his capacity to understand and accommodate for the weaknesses of those he is asked to lead. Tim Miley may not know the final destination but pushes forth while still finding a way forward for and with others. For these and many other reasons, I ask for your support. I ask for your vote and I ask that we elect Tim Miley, my leader, my friend, as our Speaker. Thank you, Mr. Chairman.

The nomination of Delegate Miley was seconded by the Honorable Brent Boggs of the 34<sup>th</sup> Delegate District, with the following remarks:

DELEGATE BOGGS. Good afternoon. Returning and newly elected House members, it is a pleasure to be here with you. It is an honor to stand before you today and to our...not only my esteemed colleagues, also the staff, the wonderful staff that we have. The folks in the gallery today, welcome. Obviously to my two very dear, very close friends, Delegate Tim Armstead, Delegate Tim Miley. But I am up here on a mission today as was Delegate Bates and let me start by saying I am here to second the nomination for my friend and my colleague Delegate Tim Miley for Speaker of the House of Delegates in the 83<sup>rd</sup> West Virginia Legislature. But I want to tell you, I want to recall my first impressions of Tim, Delegate Miley, during his freshman year and he and I both sat back pretty much in the same area but I had an opportunity, a unique opportunity to observe. Not only in some of the committees that we served on together but here on the floor. Tim not only sought a diversity of opinion, he also delved in as an informed and articulate participant in committee and floor debate. Every vote, every issue afforded equal thought and importance to Tim.

That same sense of responsibility continues today. His passion for serving his constituents and giving back to his community is indeed noteworthy. Tim represents a District as diverse as our State. It is replete with good jobs but it also desperately needs a lot of infrastructure like all of our districts. I know that he works diligently for infrastructure and improvements, jobs and high speed internet service not only in his district but across the State so that all of our folks can have an equal opportunity and equal footing to succeed. Tim's acumen for the business sector, especially

small business and entrepreneurs who are the backbone of our State, continues to set the standard for others to follow. He has true compassion and the voice for those who often have no voice, for those that often have the lack of an advocate when it comes to public policy. They are often the ones that are the most affected, often adversely, by the actions of government.

Most important to me, Tim is a man of faith. His faith, his family and his drive to serve others has well equipped him for leadership in the House including the Office of Speaker where he previously served with distinction. Never one to steer away from making tough decisions, Tim Miley seeks counsel from across spectrum of interests, opinions and party lines to make the best decision for our State and those he represents. Tim has demonstrated to me as delegate, as Judiciary Chair, as Speaker, the Minority Leader and friend, that decisive leadership and vision are not solely depended upon numbers but by the depth of your convictions and your willingness to take a stand despite the obstacles and hurdles that you may encounter along the way.

To quote former Vice President of the United States Henry Wallace, "If we put our trust in the common sense of common men and with malice toward none, the charity to all go forward on the great adventure of making political, economic and social democracy a practical reality, we shall not fail." Colleagues and friends, these are indeed tumultuous times as we go about challenging often tedious but essential duties that we have as delegates and the representatives of the citizens that place great trust in us to represent their interests. We must not falter and we must not fail. We must look for practical solutions, reasonable and prudent solutions, to ensure the public good for all.

Tim Miley has the vision, the strength and the fortitude to lead us as Speaker in these challenging times we face. Again, I am very pleased and very honored to second the nomination for Delegate Tim Miley. Thank you.

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There being no further nominations, on motion of Delegate Hanshaw, the Presiding Officer declared nominations closed.

The Clerk then called the roll, the result of which was as follows:

Delegates voting for Delegate Armstead – 63, as follows:

Ambler	Foster, G.	Lewis	Rowan
Anderson	Foster, N.	Martin	Shott
Arvon	Frich	Maynard	Sobonya
Atkinson	Gearheart	McGeehan	Statler
Blair	Hamilton	Miley	Storch
Butler	Hamrick	Miller, C.	Summers
Capito	Hanshaw	Moore	Sypolt
Cooper	Harshbarger	Nelson	Upton
Cowles	Higginbotham	O'Neal	Wagner
Criss	Hill	Overington	Walters
Dean	Hollen	Paynter	Ward
Deem	Householder	Phillips	Westfall
Ellington	Howell	Queen	White
Espinosa	Kelly	Rohrbach	Wilson
Evans, A.	Kessinger	Romine, C.	Zatezalo
Fast	Lane	Romine, R.	

Delegates voting for Delegate Miley - 34 as follows:

Armstead	Eldridge	Longstreth	Pyles
Baldwin	Evans, E.	Love	Robinson
Barrett	Ferro	Lovejoy	Rodighiero
Bates	Fleischauer	Lynch	Rowe
Boggs	Fluharty	Marcum	Sponaugle
Brewer	Hartman	Miller, R.	Thompson
Byrd	Hornbuckle	Moye	Williams
Canestraro	Iaquinta	Pethtel	
Diserio	Isner	Pushkin	

On the call of the roll for the election of Speaker, Delegate Folk abstained from voting.

The Presiding Officer stated that the total number of votes cast was 97, of which the Honorable Tim Armstead of the 40<sup>th</sup> Delegate District received 63, and the Honorable Tim Miley of the 48<sup>th</sup> Delegate District received 34, and declared that the Honorable Tim Armstead, having received the majority of the votes cast, was duly elected Speaker of the House of Delegates. (Applause, the members rising)

Whereupon,

The Presiding Officer appointed Delegates Hanshaw, Kessinger and Miley as a committee to escort the Speaker to the Chair.

The committee then escorted the Speaker to the Clerk's Desk and Delegate Miley delivered the following remarks:

DELEGATE MILEY. Well, Mr. Speaker, on behalf of certainly the Democratic Caucus of the House of Delegates, we congratulate you, and look forward to working with you, on being elected Speaker. You have a tough job ahead of you, as we all do, but you certainly can't and won't do it alone and you will have the support of all of us here working with you, both representing our districts as well as most importantly, the State of West Virginia, and putting her interests first above all else. Here is your gavel.

At the conclusion of Delegate Miley's remarks, Delegate Armstead took the oath of office as prescribed for the Speaker, which oath of office was administered by the Honorable Beth Walker, Justice of the Supreme Court of Appeals.

The Speaker then addressed the House as follows:

MR. SPEAKER, MR. ARMSTEAD. Well, thank you Justice Walker for being here today and congratulations as you assume your new duties as our Justice of the State Supreme Court of Appeals. Minority Leader Miley, thank you for your kind words and your support and we look forward to working with you, and we do have challenges ahead but we certainly look forward to working with you and your caucus to meet those challenges. I also want to thank Delegate Hanshaw and Delegate Kessinger and for their kind words and nomination and seconding my nomination.

To each member, let me just congratulate you because it is never easy to get here. It is hard work to be elected to this House and I want to congratulate you on your victory and tell each of you how much I look forward to working with you. Whether you served in the House of Delegates or are a newly elected member, I know that you share, as I do, a deep appreciation to the people who have chosen you to serve as their representatives.

I also want to take this opportunity to thank my wife, Anna, and my daughter, Katie, for their support and their sacrifices they make to allow me to serve in this House and I want to say all of our families are part of this legislative

family and I want us to each take a moment to show our appreciation to them for all they do to allow us to serve in the House.

I also want to thank our legislative staff which I would put up against any group of people in the country. We couldn't do it without you and we appreciate all you do to help each of us each and every day. Let's give our staff a hand.

Two years ago this House provided me one of the greatest honors that I have ever had and that is to serve as the Speaker of the House, to be able to be the first Republican Speaker in this beautiful capitol building that we serve in. Today I am very deeply grateful to each of you for allowing me to continue to serve as your Speaker. When I stood before you two years ago, I said while we had a very historic 2014 election, we truly made history when we took that opportunity the voters had given us and we made life truly better for our fellow West Virginians. We have been given the chance of a lifetime. Our efforts were driven by one enduring principle, a truth that continues to motivate us as we begin the 83<sup>rd</sup> Legislature, that is, plainly and simply, we believe in West Virginians. We believe in their abilities, in their integrity, in their work ethic. We believe that if we create a level playing field that respects them, gives them a solid education and provides them opportunities to succeed in the free market of ideas and economics, they will in fact succeed.

Since 2014, working together we did in fact make history. We reshaped our legal system to make it one that is more fair and predictable. We've been deemed a judicial hellhole every single year since that list was created but not anymore. We ensured the erroneous red tape and regulations are sunsetted and removed from the books. We created new opportunities for entrepreneurship and venture capital to start new businesses. Together we repealed the erroneous cap and trade scheme to help back our energy industry and we modernized our mining and safety regulations. We gave workers more rights over their own destiny and we gave them the freedom to work. We took steps to protect the constitutional rights of our citizens and to insure our State truly values the life and dignity of all of our citizens, born and unborn. We made sure that our hard

earned tax dollars can go further so that we could build more roads, more bridges, more schools with the limited resources we have. Working together we gave communities more tools to improve their roads and infrastructure. We put more healthcare professionals in our rural communities. We made government more open and accountable. Today, because of the work we have done, we can put more teachers in our classrooms through innovative programs. We have given our communities new tools to fight drug abuse and addiction. Just a few months ago we came together here in a special session to appropriate hundreds of millions of dollars to help our friends and neighbors whose homes and communities were destroyed by the most damaging floods ever recorded in neighborhoods throughout our State.

Ladies and gentlemen, together we accomplished that in a single two-year term. In the next two years, we have hard work ahead of us as the Minority Leader has said, but we have unbelievable opportunities. Winston Churchill once said, "A pessimist sees the difficulty in every opportunity. An optimist sees the opportunity in every difficulty." What I believe our State needs more than ever before is urgency and optimism. At this point in our history we need a legislature full of optimists. Realistic optimists but optimists who can see the opportunities that are imbedded within the challenges we face. Yes, our budget is going to be a challenge. Everyone knows that. With that challenge also provides us new opportunities to bring our government in line with a government our people can afford. We started the process of looking at ways to save money during the Budget Session and through the GATE Committee, the Finance Committees and we will continue that process. It will not only require us to take a good hard look at combining functions and streamlining agencies but will also provide us the opportunity to eliminate inefficiencies and waste such as what we have already seen through our State's automobile fleet. Our budget will require our immediate attention, and while it must be a priority in terms of our time and energy, we shouldn't allow our budgetary problems and hurdles to prevent us from seizing the opportunity to address so many other issues that need a solution in terms of the long-term future of our State. For decades we have recognized the inherent and fundamental problems and inequities within our tax



structure but we have failed to truly grasp the enormous opportunities that provides us to reshape that tax structure, to make it one that allows people to do more with their own money and encourages rather than hinders job creation. We also need to build upon our progress that we made in terms of our legal and regulatory climate. We have identified and continue to identify regulations that serve little or no benefit, that place an enormous burden on our citizens and our businesses. There are additional legal provisions that we still have in place within our court system that need to be addressed.

Our children are our State's most valuable resource; I think we would all agree with that. But we must recognize one thing and that is, by allowing our State to remain at the bottom of the list in terms of K-12 achievement, we are failing our children. We continue to have a top heavy and overregulated education system that ties the hands of teachers and principals. We need to get out of their way. We need to get out of the way and allow our principals and teachers to use their talents to reach our children and to teach our children.

We must also truly act on the devastating drug problem that is a scourge throughout our State. We will continue our Select Committee to Fight Substance Abuse and center on three areas that we must address if we are truly going to free our citizens from illegal drugs: one, the punishment of those who deal drugs in our neighborhoods, secondly, preventing our children from becoming addicted in the first place, and third, providing drug treatment opportunities for those who are struggling to free themselves from drug dependency. Of course the best solution for the drug problem our systems face, as well as so many of the other problems that we face, is to provide good paying jobs for our citizens that provide hope and opportunity. We need to do all that we can do to do just that. With a great sense of urgency and determination we can put West Virginians back to work. We are going to spend the next two years working each and every day to do just that. To make West Virginia not only a good place to invest and create jobs but truly the best state in the nation to create jobs. I know it is a lofty goal but I truly believe that we can achieve it, and I look around this room and I see a team of people who care about this State who want to

achieve just that. These are only some of the issues that we are going to be addressing during the 83<sup>rd</sup> Legislature.

Let me say this in general, regardless of our differences, regardless of the political parties to which we belong, our personal philosophies or where we live, we share two very important characteristics: First a great love for the State of West Virginia, secondly a desire to make life better for all West Virginians. Too often the issues that we grapple with here at the Capitol may become philosophical or abstract and sometimes it is hard to remember the real impact they have on the lives of our fellow West Virginians but when we see boarded up shops and businesses in our communities, when we hear about WARN notices and layoffs and closed mines, when we see companies pull out of West Virginia and go to other states, we must always remember that each one of those situations represents friends, neighbors and family members who have lost their jobs and are struggling to put food on their table and to pay their bills. We can help them and we are going to help them. Each time we see a student struggling to pass his or her classes or we see a good hard working teacher frustrated because they are trying to reach that student, they are working every day to reach that student but their hands are tied through red tape and bureaucracy. We have to realize that that's a lost opportunity for that student to truly achieve their potential. We can help them and we are going to help them. When we hear of a good talented son or daughter, brother or sister who can't keep a job or stay in school or care for their children because they are addicted to drugs, when we talk with mothers who can't go to sleep at night, when they go to bed because they are afraid they are going to get that call that their son or daughter has overdosed on drugs, when we hear of newborn babies spending months in intensive care in treatment to remove the effects of drugs in their systems, each of those stories is not a statistic it is a West Virginian. It is a friend. It is a neighbor. We have it within our power to help them and we are going to help them. Each day we remove a road block that stands in the way of job creation; each day we give our teachers more tools to teach our children; each day we make it harder for drug dealers to deal drugs and easier for those who are addicted to drugs to break free from that addiction; that is a good day in the

West Virginia Legislature and that is a good day for the people of West Virginia.

Proverbs 3:27 instructs us, “Do not withhold good from those to whom it is due when it is in your power to do it.” We can’t solve every problem every West Virginian has but it is within the power of this Legislature to help solve a lot of these challenges. My fellow Delegates, I urge each of us to be optimistic about our State, to identify the tremendous opportunities that rest within the challenges we face, to act with urgency and to use each and every day of this the 83<sup>rd</sup> Legislature to make life better for the citizens of our State and to write an exciting new chapter in the history of West Virginia. Thank you. (Applause, the members rising in ovation)

The Speaker then assumed the Chair.

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### **ELECTION OF CLERK**

The next order of business being the election of the Clerk, the Speaker stated that nominations were now in order.

Delegate Sobonya, the Delegate from the 18<sup>th</sup> District, nominated Stephen J. Harrison, of the County of Kanawha, as follows:

DELEGATE SOBONYA. Thank you, Mr. Speaker, and congratulations to you. I look very forward to serving under you for another two years and to the new members, I would like to welcome you to this body. This is an awesome experience to be able to represent the people across the State and you will forge many friendships and they will last a lifetime.

The role of the Clerk is important. He is the keeper of the records, of the rolls, and I have known Steve Harrison for nearly 25 years, almost half of my life actually. In 2014, I had the honor and pleasure of nominating Steve Harrison to serve as the Clerk of the West Virginia House of Delegates. He left his long-time career as a bank executive to become the first Republican House Clerk to be elected since 1929. Today, I am equally honored and pleased to nominate him once again to serve as the Clerk of the West Virginia House of Delegates in this 83<sup>rd</sup> Legislature.

Steve Harrison is no stranger to this body. He was a member of the West Virginia House of Delegates and the State Senate having served 14 years representing the people of Kanawha County. With his working knowledge of the legislative process and parliamentary procedure, we knew two years ago that Steve Harrison was the right person for this position to serve as the House Clerk and he certainly has proved us right. Regardless of your party affiliation, Steve often takes time out of his busy day to conduct mock legislative sessions for school children visiting the Capitol, who are visiting with their state legislators and I say state legislators because the times that he has been so gracious to have his staff come in, it is not part of his job description but he would come in and teach the kids about parliamentary procedure and about how a bill becomes law, actually allowing them to place votes here in this body and he didn't have to do that but students receive a hands on civic lesson on how a bill becomes law because of his willingness to go the extra mile and he even did it for Senators, not just House members here in the House of Delegates.

Steve is a native West Virginian and a graduate of Sissonville High School and Brown University. During his collegiate years, he was a standout football player. Now, if I had to find several words to describe Steve Harrison, besides him being a husband devoted to his wife Kristen for 24 years, a father to two 6-year old twins, he is also a principled man of faith, but the list could go on and on. One word stands out in my mind describing Steve Harrison and that word is honorable and if you go to the dictionary and you look up the word honorable you will find honest, moral, ethical, principled, selflessness, humility and truthfulness and these are the marks of an honorable man and this describes Steve Harrison.

In closing, Steve Harrison has the experience and necessary leadership skills to continue to serve as our House Clerk. Please join me in supporting my friend, Steve Harrison, for reelection and allowing him to serve the Great State of West Virginia as the Clerk of the House of Delegates. Thank you.

The nomination was seconded by Delegate Walters of the 39<sup>th</sup> Delegate District, with the following remarks:

DELEGATE WALTERS. Let me start out by saying I see a lot of friends here. I see a lot of new faces and I am proud to serve with you all every time that I have been here and if I am lucky enough again to ever come back. Today again I have the privilege to second the nomination of my long-time friend, Steve Harrison, for House Clerk for the 83<sup>rd</sup> Legislative Session. Steve as you know once was a member of this body. While not as young as Saira or the new gentleman whose last name I can't pronounce, he was very close to their age at the time he came here.

Steve is a man many of us know with a kind smile and a hard work ethic. He is always willing to help Members or any staff member we send to him with any request. His hand, mind and heart are guided by our Lord and Savior Jesus Christ. He is a man of integrity, a committed public servant, not just for us but for his hometown of Sissonville, West Virginia and the State of West Virginia. Over the years I have had the opportunity to speak with many of his friends and family in the Sissonville area. They have shared many stories about young Steve Harrison as he was growing up during his childhood. I won't share all those with you, his face will turn red, but I will share one. Everyone told me that one thing they remember about Steve was he would stand in front of his house every day and kick the football. Amazing how that turns into a scholarship to play football at Brown University. It is a testament to his determination and becoming a football Academic All-American. He is a leader in his church and from time to time preaches a little. He organized the Legislative Prayer Breakfast for many years. He was always committed to economic development because he wanted all of our children to stay here in West Virginia and have a place to work. We should make sure that we do the same these next two years.

It would be wrong of me if I didn't take the time today to thank his wife, Kristen, and their two children for the joy that they have brought to his life and for sharing him with us and all his leadership and organizational skills. I said the last time I nominated Steve that I believe there were a few quotes that best described the man he will be as House Clerk. Walt Bettinger said remember, work/life balance is a myth, watch where someone spends their time and sets their priorities and you will know what is important to

them. We are Steve's family also and he has dedicated himself to us all. Oscar Wilde said the smallest act of kindness is worth more than the grandiose intentions. That's the Steve Harrison I know. That's the Steve Harrison we all know. An honorable man, a kind worker who is dedicated to us and the job at hand.

I am privileged and humbled today to share this with you and second the nomination of Steve Harrison as House Clerk and I ask each and every one of you to vote unanimously to support Steve Harrison for House Clerk for the 83<sup>rd</sup> Legislative Session. Thank you very much.

On motion of Delegate Sobonya, nominations were closed and the Honorable Stephen J. Harrison, of the County of Kanawha, was elected Clerk of the House by acclamation.

Mr. Harrison then took the oath of office as prescribed for the Clerk, which oath of office was administered by the Honorable Beth Walker, Justice of the Supreme Court of Appeals.

### **ELECTION OF SERGEANT-AT-ARMS**

The next order of business being the election of Sergeant-at-Arms, nominations were now in order.

Delegate Howell the Delegate from the 56<sup>th</sup> Delegate District, nominated Marshall Clay, of the County of Fayette, as follows:

DELEGATE HOWELL. Thank you, Mr. Speaker. I would like to nominate a man who successfully defended the Chamber for two years against all enemies foreign and domestic. During his tenure as Sergeant-at-Arms, not one Delegate, staff member, or guest have been harmed. He is a man so deeply endowed with the spirit of West Virginia that his very name testifies to not one but three of our counties; thus we affectionately call him tri-county. I respectfully nominate Marshall Wayne Clay for Sergeant-at-Arms.

The nomination was seconded by Delegate Cooper of the 28<sup>th</sup> Delegate District, with the following remarks:

DELEGATE COOPER. Thank you, Mr. Speaker and congratulations to the newer members here, we are glad to see you. I am up here to second the nomination of Marshall Clay. Marshall and I have a couple of things in common. I will get to those in just a minute. But Marshall's whole life has been about service. Not just service here to us, as was noted by the former speaker, he has been rather successful in that endeavor. His service has been to his community, to his community as a community leader, a volunteer and prior to that he was also a volunteer and served his country for 20 years and defended his country against all enemies foreign and domestic for 20 years. So he is now a retiree of the US Navy and we are proud to have him here. I am proud to second his nomination for this office, for this position and I would like to also add that if you are wondering what the difference is between sea story and a fairy tale, Marshall will be able to tell you. Thank you, Mr. Speaker.

On motion of Delegate Howell, nominations were closed and the Honorable Marshall Clay, of the County of Fayette, was elected Sergeant-at-Arms by acclamation.

Mr. Clay then took the oath of office as prescribed for the Sergeant-at-Arms, which oath of office was administered by the Honorable Beth Walker, Justice of the Supreme Court of Appeals. (Applause, the members rising)

### **ELECTION OF DOORKEEPER**

The next order of business being the election of Doorkeeper, nominations were now in order.

Delegate Nelson, a Delegate from the 35<sup>th</sup> Delegate District, nominated Frank Larese of the County of Kanawha, as follows:

DELEGATE NELSON. Thank you, Mr. Speaker, and congratulations. Also, congratulations and welcome to all fellow members. It is my privilege today to nominate Frank Larese as our Doorkeeper for the benefit of the members and others.

The Doorkeeper has two primary functions: The first, he announces all messages to this body and second, and probably most important, is he is in charge of overseeing

all the doors that have access to this Chamber. Frank is a native of Fayette County and currently resides in Kanawha County and I have been told that Frank makes one mean spaghetti sauce and so hopefully he will share that with us as we come through the doors. But seriously, Frank has served as a dedicated Doorkeeper these last two years and, Mr. Speaker, it is my privilege to nominate him for Doorkeeper once again. Thank you.

The nomination was seconded by Delegate Zatezalo of the 1<sup>st</sup> Delegate District, with the following remarks:

DELEGATE ZATEZALO. Thank you, Mr. Speaker, and congratulations. Ladies and gentlemen, it is a real pleasure for me to second the nomination of Frank Larese as Doorkeeper of this body.

The Doorkeeper's job and the jobs of the people that work directly under Frank is an interesting one in that they have to keep us safe and there is one other thing that I would like to say, they also, when times are hectic and that type of thing, it is good to have good humored people who actually know when to be firm and when to make the place a bit more welcoming, and I can honestly say that the Doorkeepers of this Chamber do that with great distinction and the only reason that they can do that is because the leadership of the person who has been doing this for the past few years. Therefore, Mr. Speaker, it is indeed a pleasure, and especially an honor, to place nomination... second the nomination of Frank Larese as Doorkeeper. Thank you.

On motion of Delegate Nelson, nominations were closed and the Honorable Frank Larese of the County of Kanawha was elected Doorkeeper by acclamation.

Mr. Larese then took the oath of office as prescribed for Doorkeeper, which oath of office was administered by the Honorable Beth Walker, Justice of the Supreme Court of Appeals. (Applause, the members rising)

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On motion of Delegate Cowles, the Speaker was authorized to appoint a committee of three to notify the Senate that the House of Delegates had assembled in the First Session of the Eighty-third Legislature as provided by Section 18, Article VI of the Constitution of the State, with a quorum present, had organized by the election of Tim Armstead, 40<sup>th</sup> Delegate District, as Speaker; Stephen J. Harrison, of the County of Kanawha, as Clerk; Marshall Clay of the County of Fayette, as Sergeant-at-Arms; and Frank Larese, of the County of Kanawha, as Doorkeeper, and was ready to proceed to the business of the session.

Whereupon,

The Speaker appointed as members of such committee:

Delegates Sobonya, Arvon and Moye.

On motion of Delegate Cowles, the Speaker was authorized to appoint a committee of three on the part of the House of Delegates, to join with a similar committee of the Senate, to inform His Excellency, the Governor, that the Legislature had assembled for the First Regular Session of the Eighty-third Legislature as provided by Section 18, Article VI of the Constitution of the State, with a quorum of each house present, had organized by the election of officers of the respective houses, and was ready to enter upon the business of the session.

Whereupon,

The Speaker appointed as members of such committee:

Delegates Atkinson, Rowan and Rowe.

Delegate Sobonya from the Committee to notify the Senate that the House of Delegates had assembled for the First Regular Session of the Eighty-third Legislature, with a quorum present, had organized by the election of officers and was ready to proceed to the business of the session, announced that the committee had performed that duty.

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### **Resolutions Introduced**

Mr. Speaker (Mr. Armstead) offered a resolution, which was read by the Clerk as follows:

**H. C. R. 1** — “Raising a Joint Assembly to open and publish election returns.”

*Resolved by the Legislature of West Virginia:*

That the two houses of the Legislature convene in Joint Assembly in the Hall of the House of Delegates at 1:45 o'clock postmeridian, this day, that the Speaker of the House of Delegates may, in the presence of the Senate, open and publish the returns of the election held throughout the State on the 8<sup>th</sup> day of November, 2016, as provided by Sec. 3, Article VII of the Constitution.

At the request of Delegate Cowles, and by unanimous consent, reference of the resolution (H. C. R. 1) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

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

### **Messages from the Senate**

A message from the Senate, by

Senators Azinger, Smith and Woelfel announced that a quorum of the Senate had assembled and organized by the election of the Honorable Mitch Carmichael, 4<sup>th</sup> Senatorial District, as President; Clark Barnes, of the County of Randolph, as Clerk; the election of other officers as provided by law, and was ready to proceed to the business of the session.

### **Resolutions Introduced**

Mr. Speaker (Mr. Armstead) offered a resolution, which was read by the Clerk as follows:

**H. C. R. 2** – “Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising a Joint Assembly therefor.”

Whereas, His Excellency, the Governor, has advised that he will be pleased to address a Joint Assembly of the Senate and House of Delegates at the convenience of the two houses; therefore, be it

*Resolved by the Legislature of West Virginia:*

That His Excellency, the Governor, be hereby invited to address a Joint Assembly of the Legislature at 2:00 o'clock postmeridian this day; and, be it

*Further Resolved*, That the President of the Senate and the Speaker of the House of Delegates appoint three members of each of the respective houses of the Legislature as a committee to wait upon His Excellency, the Governor, and escort him into the Hall of the House of Delegates at the time herein appointed for hearing the address.

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the resolution (H. C. R. 2) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

In accordance with the provisions of the resolution, the Speaker appointed as members of the committee to wait upon His Excellency, the Governor, the following:

Delegates Sobonya, Arvon and Moye.

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

Mr. Speaker (Mr. Armstead) offered a resolution, which was read by the Clerk as follows:

**H. C. R. 3** - “Providing for an adjournment of the Legislature until February 8, 2017.”

Whereas, The first regular session of the 83<sup>rd</sup> Legislature assembled on this date, the second Wednesday in January, 2017, organized by the election of officers of the two houses, and the two houses in joint assembly opened and published the returns of the election of state officers held on the 8<sup>th</sup> day of November, 2016, all as prescribed by Section 18, Article VI of the Constitution of the State; and the two houses adopted rules to govern their proceedings and separately and concurrently acted on certain other matters incident to organization; therefore, be it

*Resolved by the Legislature of West Virginia:*

That having complied with the provisions of said section of the Constitution, when adjournment is taken by the two houses this day, such adjournment shall be until February 8, 2017, at 12 o'clock meridian.

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the resolution (H. C. R. 3) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

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

At 1:27 p.m., on motion of Delegate Cowles, the House of Delegates recessed until 1:30 p.m.

### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

**H. C. R. 1**, Opening and publishing of election returns.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

**H. C. R. 2**, Raising a Joint Assembly to hear remarks of the Governor.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

**H. C. R. 3**, Providing for an adjournment of the Legislature until February 8, 2017.

### JOINT ASSEMBLY

The Sergeant-at-Arms announced the Honorable Mitch Carmichael, President, and the members of the Senate.

The President and members of the Senate then entered the Hall of the House of Delegates and the members were seated in the places reserved for them.

The Speaker invited the President to a seat to his right.

### RETURNS OF ELECTIONS

The Honorable Natalie Tennant, Secretary of State, presented a communication which was received and read by the Clerk indicating the candidates appearing to have been elected in the election held on the 8<sup>th</sup> day of November, 2016, for Governor and other constitutional officers, in accordance with Section 3, Article VII of the Constitution of the State:

Jim Justice	as Governor	713,879 ballots cast
Mac Warner	as Secretary of State	691,455 ballots cast

John “JB” McCuskey	as Auditor	659,740 ballots cast
John D. Perdue	as Treasurer	671,554 ballots cast
Kent Leonhardt	as Commissioner of Agriculture	664,253 ballots cast
Patrick Morrissey	as Attorney General	694,154 ballots cast

The Speaker declared the following, having received the highest number of votes and being duly qualified, were elected to the Office of Governor and other State offices for the term fixed by law, beginning on the first Monday after the second Wednesday of January, 2017.

JIM JUSTICE, GOVERNOR

MAC WARNER, SECRETARY OF STATE

JOHN “JB” MCCUSKEY

JOHN D. PERDUE, TREASURER

PATRICK MORRISEY, ATTORNEY GENERAL

KENT LEONHARDT, COMMISSIONER OF AGRICULTURE

\* \* \* \* \*

### **ADDRESS BY THE GOVERNOR**

The Sergeant-at-Arms then announced members of the Board of Public Works, who were escorted to the places reserved for them.

The Sergeant-at-Arms next announced Chief Justice Loughry and Justices of the Supreme Court, who entered the Hall of the House of Delegates and took the seats reserved for them.

The Sergeant-at-Arms then announced the committee to wait upon His Excellency, the Governor, who escorted The Honorable Earl Ray Tomblin to the Clerk's desk.

The Governor presented to Speaker Armstead and President Carmichael the following communication:

State of West Virginia  
Office of the Governor  
1900 Kanawha Blvd., East  
Charleston, WV

**Executive Message No. 1**

The Honorable Tim Armstead  
West Virginia House of Delegates  
State Capitol  
Charleston, West Virginia 25305

Dear Speaker Armstead:

I herewith submit, pursuant to the Constitution of the State of West Virginia, a budget and budget bill for the fiscal year beginning July 1, 2017.

Sincerely yours,

Earl Ray Tomblin,  
*Governor.*

The Speaker then presented the Honorable Earl Ray Tomblin, who addressed the House as follows:

GOVERNOR TOMBLIN. Thank you. Thank you all very much. Mr. Speaker, Mr. President, Members of the Board of Public Works, Justices of the Supreme Court of Appeals and Members of the Legislature, our distinguished guests and my fellow West Virginians. I stand before you today after six years in the Governor's Office and 42 years in this grand statehouse with a deep sense of gratitude and reflection and an equally profound hope for West Virginia's future. Public service has anchored my life's work from a young 22-year old

in this very House Chamber to a desk across the hall in the State Senate, the Senate President's podium for 17 years and now your 35<sup>th</sup> Governor. It has been the greatest honor and the greatest reward to serve the people of this State that we all love. Together we have put West Virginia first and moved our State forward even in the midst of tough times including, far reaching economic shifts, budgetary challenges and historic natural disasters. West Virginians are strongest in the toughest times. We come together. We lift each other up and we don't just hope for a better future, we fight for it. Working hard is exactly what we have done over the past six years to create new economic opportunities for the Mountain State. We have all seen the dramatic impact of the coal industry's decline in our State. We have seen thousands of jobs lost. Families and communities struggling and people beginning to lose hope. But I believe in and have fought to reach the light around the corner. Shortly after becoming Governor, I pledged to go anywhere and meet with anyone to grow our State's economy. Across West Virginia, the country and the globe, we have succeeded. Last year global giant Proctor and Gamble announced it would build its first U. S. manufacturing facility since the 1970s right here in West Virginia in the Eastern Panhandle. This will ultimately be a half-billion-dollar investment in the Mountain State and result in hundreds of new jobs. (Applause)

P&G chose our State after an exhausting search of many states and as numerous companies have discovered, I know that they will find it to be the best decision that they have ever made. Toyota Motor Manufacturing in West Virginia, which recently celebrated its 20<sup>th</sup> anniversary, has expanded continuously, nine times in fact. Today, Toyota employees more than 1,600 people. The company has invested \$1.4 billion since 1996. Manufacturing jobs like those at P&G in Martinsburg and Toyota in Buffalo will be among the most critical to our State's economic future. In my time as your Governor, I fought for jobs like these and many more from Amazon in Huntington, Macys in Berkeley County, Bombardier Aerospace Manufacturing in Harrison County which just in November announced an expansion of 150 jobs. Companies are finding that when they invest in West Virginia it pays off. In fact, since 2011, West Virginia has seen more than \$15 billion in new investments spanning 275 projects. We have welcomed more than 60 new companies and secured



215 competitive expansion projects. Over the past six years investment projects have reached 22 industries and provided West Virginians with more than 12,000 good paying jobs and right here in the Kanawha Valley, we have one of the best examples of that remarkable progress. Gestamp has grown beyond the bounds of any of our expectations. Since opening in 2013, Gestamp has tripled production and more than doubled its workforce now employing more than 900 West Virginians. (Applause)

Now I know that one of the fundamental reasons behind their growth has been our ability to transform Work Force Training of West Virginia for the better. For example, the Learn and Earn program which we launched in 2012 gives our community and technical college students classroom instruction and hands on work experience simultaneously. These students earn a competitive salary while giving employers a cost-effective way to recruit and train new employees. Joe Atha is one of these students. A former coal miner, Joe is now a student at BridgeValley Community and Technical College where he is also supporting his family by earning a wage through the Learn and Earn Program at Gestamp. Joe is here with us today along with his wife Rita. So Joe, you and Rita, please, stand to be recognized along with Dr. Sarah Tucker, our Chancellor of the Community and Technical College System. Please let's give them a round of applause. (Applause)

Through forward thinking programs like this we can make a real lasting difference for West Virginians and that is why I personally convened the West Virginia WorkForce Planning Council which has helped us break down bureaucratic silos and better aligned classroom learning with the workforce needs of our businesses and our industries. We have even started that process at high schools through the simulated workplace program. Today, our career technical education classrooms have been transformed into businesses. Medical classes are now clinics. Hospitality programs are now catering businesses and restaurants and instead of just going to a welding or a carpentry class, our students are now part of a construction company complete with job foreman and safety inspectors. Just last month we celebrated a heart-warming moment as a result of the hard work of more than 2,000 of these students from 12 high schools all across our State. Together with the Department of Education's Career

Technical Education Division, the West Virginia National Guard and our Voluntary Organizations Active in Disaster we presented keys to tiny homes that were designed and built by these students for survivors of a historic flood that hit our State last June. Time and time again in the aftermath of this tragic flooding we have seen selflessness of West Virginians make a difference for one another. The Big Hearts Give Tiny Homes Project was a shining example of that West Virginia spirit and one that made an overwhelming difference for 15 families impacted by the flooding. (Applause)

Included in one of these families is Brenda Rivers from Nicholas County whose home was a total loss to the flooding. Brenda now lives in a brand new Tiny Home built by students including Chance Ballard from Spring Valley High School in Wayne County. Please join me in welcoming Brenda, Chance along with Dr. Kathy D'Antoni whose visionary leadership at the Department of Education has made simulated workplace the success it is today. Please stand and take a round of applause. (Applause)

As you can see, Chance is not only a builder, he is a pretty good size boy and basketball player too and we're proud of him. Working hand in hand with the Federal Government and local officials our immediate response to the flooding was quick and effective. We were able to expedite federal assistance to our communities and families in need and over the past ten months we have been able to shift our focus to long term recovery. Through a public private approach we launched the RISE West Virginia Program, kind of with the help of the Speaker back here, for which in total now has provided nearly \$2 million to 230 small businesses in the flood impacted counties. Funding that is helping them reopen or continue operations and keep fueling our local economies and I would once again like to thank, West Virginia native and a champion, I think, Brad Smith. He is the CEO of Intuit. It is one of the world's largest, leading financial software companies, and his wife Alys for their family donation of \$500,000 which gave the RISE Program its first needed boost and we are very proud of that. (Applause)

West Virginia has experienced more than its share of disasters during my time as your Governor. This historic flooding, the derecho, Hurricane Sandy, Winter Storms Thor and Jonas and the water crisis, and through it all we have

grown stronger. We have improved our emergency response capabilities and we have strengthened public safety. Adversity demands resilience and that is what we have shown in these challenges and many more including one of the most trying epidemics, I believe, in the Mountain State that we have ever faced with the sharp rise in substance abuse and addiction. That is why in 2011, I issued an executive order to create the Governor's Advisory Council on Substance Abuse made up of representatives of substance abuse prevention, behavioral medicine, law enforcement, child and adolescent psychology, the legal system, residential treatment facilities, the public school system, the faith community and healthcare. My vision for this council was a community driven ground up approach to tackling this epidemic through community based task forces in six regions across the State. Through those task forces we had made significant progress and enacted life-saving reforms. We now look at substance abuse as an illness not a crime. We have decreased the number of meth labs across the State as a result of making it more difficult to obtain pseudoephedrine. We have expanded access to the life-saving drug Narcan to first responders and family members of those struggling with addiction. Last year alone we saved hundreds of lives because of this action taken by the Legislature. We have substance-abuse prevention services now in all 55 counties. We have expanded and improved community-based treatment options and recovery services. Across the State we have 188 crisis detox beds in residential treatment facilities with more sites under development. We have 118 beds designated for youth and post-partum treatment as well as short-term and long-term residential treatment and we have over 1,000 beds for those seeking help and support through peer and provider recovery homes and facilities. We are working closely with our prisons and correctional facilities to ensure all West Virginians are provided access to substance-abuse rehabilitation. In fact, the Division of Corrections operates 9 residential substance abuse treatment units in our correctional facilities across the State and we have expanded this model to our regional jail facilities as well. Through justice reinvestment we have successfully worked to address substance abuse which is the root cause of many crimes. Because of that work we have expanded drug courts, substance abuse counseling and greater supervision after release and ultimately we have better control incarceration rates which prevented our State from having to build a new \$200 million prison that was projected to be needed because

of our previous rise in prison population. Just this week we announced the news that West Virginia had reached settlements with two additional drug wholesalers totaling \$36 million which resolves allegations by our State regarding the distribution of controlled substances in West Virginia. This brings the total amount of drug-settlement money paid to our State by drug wholesalers to \$47 million which will expand our efforts even further for more law-enforcement diversion options, more treatment-recovery services and more efforts to fight this epidemic. (Applause)

I'm also very proud of the work we have done in creating the State's first ever 24-hour substance-abuse call line. You may remember that number 844-HELP-4-WV which has received nearly 8,500 calls since it launched in September 2015. The help line provides referral support for those seeking them and recovery services. It is an opportunity for people who are struggling to talk with someone who cares, get connected to treatment options and begin the road to recovery. No caller is ever placed on hold and they are immediately connected with treatment staff representing the best and most appropriate treatment options for each of them. Administered by First Choice Health Systems of West Virginia this help line is staffed by certified professionals, many who have overcome addictions themselves and want to help others turn their lives around as well. The one young gentleman that I met did just that because he picked up the phone. A. J. Walker, a recovering alcoholic and addict, was given the help line number by his brother. A. J. said that when he called he was treated like a person, not like a drug addict. He found hope. They got him into the detox facility and into recovery and the help line staff called and checked on him every step of the way. Today A. J. is employed by the treatment facility that helped him and he is in school studying to become a substance abuse counselor. A. J. is here today with his brother Andrew along with Vickie Jones, our Commissioner of our Bureau of Behavioral Health and Health Facilities. I would ask that they, please, stand. (Applause)

A.J., we are so proud of you and today you are giving other people the hope that they need to get the help that they need. Thank you so much. Now I hear stories like A.J.'s, I'm incredibly optimistic for West Virginia's future. With economic changes, job losses and families struggling we have to seize every opportunity before us to become stronger as

individuals and as a state. One such opportunity lies in Boone and Lincoln Counties where I believe we have the chance to revitalize southern West Virginia and make the Mountain State stronger. It was here in this chamber, one year ago, during my state of the State address where I announced plans for the largest development project in West Virginia history at the former Hobet Surface Mine site in Boone and Lincoln Counties. Since last year at this time we have worked every day and we have made tremendous progress on this project which is now known as Rock Creek Development Park. We have worked with local landowners who are generously donating land that will result in more than 12,000 developable acres for Rock Creek which is a size of the City of Huntington. (Applause)

The West Virginia National Guard, Rock Creek's first tenant, is on the ground with newly expanded operations for maintenance work and trading and we have a long-term strategic plan which is now in place which looks at demographics and market trends to help us identify the best investment opportunities for Rock Creek. For generations our coal miners, workers and their families have kept West Virginia strong. Now it is our turn to help them by realizing the full potential of Rock Creek Development Park for job creation and economic diversification. We can build up a region of our State hard hit by the downturn in the coal industry. My vision for Rock Creek started many years ago. Senator Stollings may remember this cause I rode around on my 4-wheeler around the hills of southern West Virginia and saw the possibilities that such an enormous site with such a great amount of flat land could have. Embracing opportunities like this takes careful thought and planning and this public-private project will require some state investment but I wholeheartedly believe that the returns will vastly exceed our investments. This isn't something that I say lightly. Throughout my 42 years in public service, fiscal responsibility has been at the heart of every project I've undertaken, every policy I have fought for and every decision that I have made. As a result of much hard work, over the years we have been able to decrease taxes, embrace responsible spending, make great progress toward the State's unfunded liabilities and control growth of our State's budget. We have realized milestone tax reforms, including progressive elimination of the food tax, saving West Virginians \$162 million each year. (Applause)

We have gradually eliminated the State's business franchise tax and decrease the corporate net income tax. Changes that make West Virginia more attractive for business investments. As a result of responsible reforms last year the council, the National Council on Compensation Insurance filed the 12<sup>th</sup> reduction in Workers' Compensation premiums in 12 years and West Virginia employers have seen a savings of more than \$352 million since we privatized the program in 2006. (Applause)

We addressed our Other Post Employment Benefits by dedicating \$30 million annually to pay off the \$5 billion unfunded liability which was caused by previous promises that became too expensive to maintain. As I did last year, I present to you today, a budget that is balanced but a budget that requires difficult decisions and thinking about the next generation rather than the next election. I continue to be proud of the fiscal responsibility we have shown, not just for the past six years but over the last generation. Our commitment to pay down our long-term liabilities has not waived and we have responsibly reduced taxes on both our employers and our employees. Because of our improved fiscal policies, we have been able to refinance bonds that pay for schools, water and sewer lines, college-campus improvements and roads. We have been able to save over \$100 million in the past six years. (Applause)

So, when people ask me why I am so concerned with maintaining our Rainy Day Fund and our bond rating, that is why. It means more schools, more roads and more homes with clean water. As part of tough decisions during tough economic times, we have cut more than \$600 million from our budget in the past five years. While we all continue to hope that the coal industry will rebound that hasn't happened quickly and likely will never return to the levels that we once saw. We continue to work to diversify our economy and I know the improvements that we have made will pay long-term dividends and job growth and investment. But we are not there yet and part of being fiscally responsible means making sure that we can pay our bills without taking the Rainy Day Fund to dangerously low levels or cutting services to the point we cannot care for our people or educate our students. Therefore, the budget I present to you today includes a 1 percent increase in the consumer sales tax to raise \$200 million and elimination of the current sales tax exemption on telecommunication

services. A move that would make our system the same as 80 percent of the country. I understand that these taxes will not be easy but asking people to pay a few dollars more now is a far better choice than seeing PEIA cards not being accepted by medical providers or going back to the days when we couldn't finance school and road improvements or even pay the gas bill at the Governor's mansion. I urge you to consider these responsible actions to balance the budget until the brighter economic picture, that we all expect, comes into focus. I believe the thing that compelled each of us to public service is our love for West Virginia and that is the very thing that should compel us to all work together. When I became you Governor, I said that we must put West Virginia first and that is what we have done. I encourage you to continue working together and out of that deep devotion to our beloved State in the coming year and beyond. I am proud of the work that we have accomplished. I look forward to the leadership of Governor-elect Jim Justice and I thank all of you who have worked with me over the years. I want to thank my cabinet members and agency directors and I thank my dedicated staff members who have worked every day not for me but for the people of West Virginia. (Applause)

It has been the honor of my life to be your Governor, to be West Virginia's Governor. Jo Ann and I thank the people of West Virginia for your abiding trust, counsel and support. We look forward with the greatest hope and optimism to an even stronger West Virginia. Ladies and gentlemen, thank you. God bless you and God bless our great State of West Virginia. Thank you. (Applause)

The committee to wait upon His Excellency, the Governor, then escorted the Governor from the Chamber.

The business of the Joint Assembly having been completed, the Speaker declared the Joint Assembly dissolved.

The Sergeant-at-Arms escorted the invited guests from the Chamber.

The members of the Senate retired to their Chamber.

The Speaker then called the House to order.

## **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title as follows:

**S. C. R. 1** – “Adopting joint rules of the Senate and House of Delegates.”

*Resolved by the Legislature of West Virginia:*

That the joint rules of the Senate and House of Delegates to be adopted as follows and shall govern the proceedings of the eighty-third Legislature, subject to amendment as provided in the standing rules of the Senate and the House of Delegates:

### **Joint Assembly**

1. Whenever there shall be a joint assembly of the two houses, a brief account of the proceedings shall be entered upon the Journal of each house, except in the joint assembly for counting votes for state officers.

### **Joint Assembly to Open and Publish Election Returns**

2. As soon as the Senate, being organized, is informed that the House of Delegates is ready to proceed, as provided by Article VII, Section 3 of the Constitution of West Virginia, to open and publish the returns of the election for state officers, the Senate, preceded by its presiding officer and other officers, shall repair in a body to the hall of the House of Delegates. Upon their arrival the Sergeant-at-Arms of the House of Delegates shall announce the presence of the Senate. The presiding officer of the Senate shall then address the Speaker of the House, stating that a majority of the Senate has assembled in the hall of the House of Delegates to be present at the opening and publishing of the returns of the elections for State officers, held on the \_\_\_\_\_ day of \_\_\_\_\_. The Speaker of the House of Delegates shall invite the presiding officer of the Senate to a seat upon his right, and the other members of the Senate



and officers thereof to take seats assigned to them, and after announcing that a majority of the House of Delegates is present, shall then open and publish the returns of said election, proceeding by counties in alphabetical order, the Clerks of the two houses each taking down the returns as announced by the Speaker, to be entered upon the Journal of the House, and when completed and tabulated the Speaker shall announce the votes received by each person voted for, for each of said offices, and those receiving the largest number of votes, shall be by him declared duly elected; and the Senate shall then return to its hall, and if any two or more candidates for any of said offices have an equal and the highest number of votes for the same office, the two houses shall immediately proceed to choose one of such persons for said office by a joint vote, as provided by Article VII, Section 3 of the Constitution of West Virginia.

### **Disagreement and Conference**

3. (a) Whenever a measure of one house is amended in the other and the house in which it originated shall refuse to concur in the amendment, the house amending the measure may either insist or recede therefrom. But when a measure originating in one house is amended in the other, the house in which it originated may amend such amendment and a motion therefor shall take precedence of a motion to concur. If said house refuses to concur, the other house may either recede from or insist upon its amendment, and a motion to recede shall take precedence of a motion to insist. The motion to lay on the table or to postpone indefinitely shall not be in order in respect to the motion to recede from or to insist.

A motion to recede having failed shall be equivalent to the adoption of a motion to insist and shall be so entered upon the Journal. A motion to insist being decided in the negative shall be equivalent to the adoption of a motion to recede and shall be so entered upon the Journal. If the motion to insist prevails, the house so insisting shall request a committee of conference on the subject of disagreement and shall appoint a committee therefor. The other house may thereupon appoint such committee. Unless a different number is agreed upon, such conference committee shall consist of five members from each house.

Such committee shall consider and report upon only the subject matter of the amendment or amendments which were in disagreement, with necessary consequential changes. The committee shall meet at a convenient time, to be agreed upon by their Chairs, and upon notifying all conferees of the time and place of any such meeting, and having conferred freely, shall report to their respective houses the result of the conference. In case of agreement, the report shall be first made, with the papers referred accompanying it, to the house which refused to concur, and there acted upon; and such action, with the papers referred, shall be immediately reported by the Clerk to the other house. In case of disagreement, the papers shall remain with the house in which the measure originated. If an agreement is reached, the report shall be made and signed in duplicate by at least a majority of the conferees from each house, one of the duplicates being retained by the conferees of each house.

(b) With respect to any conference agreed to within the first fifty-one days of a regular session, the conference committee shall report to each house within seven days of agreement to conference or be discharged, except that upon a concurrent resolution duly adopted by a majority of those present and voting in each house, the presiding officer of each house may extend the conference not to exceed an additional three days. In no event shall a conference committee report to each house later than 8:00 P.M. on the sixtieth day.

With respect to any conference agreed to after the fifty-first-day of a regular session, or any time during any extraordinary session, the conference committee shall report to each house within three days after agreement to conference or be discharged, except that such conference may be extended by concurrent resolution duly adopted by a majority of those present and voting in each house, for a period not to exceed one additional day. In no event shall a conference committee report to each house later than 8:00 P.M. on the sixtieth day.

Any conference committee which fails to report within the time limits established by this rule shall be deemed to be discharged,

and the papers referred shall remain with the house in which the measure originated.

Any conference report shall, upon recognition by the presiding officer, be communicated to each house by its Clerk and made available to members of each house. Each house shall designate a location or office where copies of such report shall be made available. The Clerk shall communicate availability of conference reports by an announcement to the members of said house during session. Such announcement can be made at any time upon recognition by the presiding officer, and the Clerk shall duly note the time of said announcement. Except as provided herein, the conference report shall lie over one day and shall not be considered in either house until at least the next day following, but thereafter it shall be proper to take up consideration of the conference report at any time otherwise permitted by the rules of such house whether or not such house met on the preceding day: *Provided*, That after the fifty-ninth day of any regular session or on any day of any extraordinary session a conference committee report may be considered the same day if availability of written copies of such report is communicated to that house while in session at least two hours prior to any consideration: *Provided, however*, That the conference report may be taken up for immediate consideration at any time by a two-thirds vote of the members of that house present.

Nothing herein shall affect the right of the presiding officer of either house to appoint or discharge any conference committee as heretofore provided, such right to appoint and discharge such committee being subject to the rules of each respective house.

The provisions of subsection (b) above shall not apply to the Budget Bill.

### **Messages Between the Houses**

4. When a message is sent by one house to the other, it shall be communicated by the Clerk thereof to the Clerk of the house to which it is sent, but no message shall be received during a call of the roll. The Clerk of one house may communicate a message to the Clerk of the other at any time, ~~and any message so sent shall be~~

~~received by the house to which it is sent whenever it may be in session.~~

### **Bill Processing**

5. (a) Legislation recommended by the Governor or by executive departments or agencies is requested to be filed in the respective Clerks' offices, and a copy sent to Legislative Services, no later than the tenth day of each regular session of a Legislature.

(b) No bill or joint resolution shall be considered on third reading in its house of origin after the fiftieth day, unless authorization shall be granted by a concurrent resolution adopted by a two-thirds vote of the members present of both houses: *Provided*, That the Budget Bill, or any salary or supplementary appropriation bills, may be considered at any time.

(c) This rule may be suspended by adopting a concurrent resolution approved by a two-thirds majority of those present and voting in each house. A house desiring to suspend this rule may adopt a concurrent resolution and proceed as if the concurrent resolution had been adopted in both houses and the rule suspended. Any bill or joint resolution passed pursuant to such concurrent resolution may be communicated to the other house with the concurrent resolution or at any time after the concurrent resolution has been communicated to the other house. The other house may proceed to consider such bill or joint resolution only after adopting the concurrent resolution. The provisions of this rule shall not apply to any extended regular session or to any extraordinary session.

### **Processing of Bills Authorizing the Promulgation of Proposed Legislative Rules; Duplication and Distribution of Proposed Legislative Rules.**

5a. A "bill authorizing the promulgation of proposed legislative rules" or a "bill of authorization" is a measure intended to be enacted as general law, which incorporates by reference a proposed legislative rule, with or without amendments or substitutions set forth in the bill, and which authorizes the promulgation and

implementation of the proposed legislative rule. The processing of bills authorizing the promulgation of proposed legislative rules shall be governed by the standing rules of the Senate and the House of Delegates, which are supplemented by the provisions of this joint rule. In the case of any conflict between this rule and a standing rule of the Senate or the House of Delegates, the provisions of this rule shall control.

(1) The requirement of either house that bills shall be presented in duplicate applies to bills authorizing the promulgation of proposed legislative rules, but does not apply to the proposed legislative rule which the bill incorporates by reference. Of the duplicate copies, only the designated original copy shall have appended thereto the full text of the proposed legislative rule as finally approved by the agency seeking permission for its promulgation. Other copies of the full text of the proposed legislative rule shall be made available to members of the Legislature as hereinafter provided.

(2) Copies of the full text of each proposed legislative rule shall be reproduced by printing or duplication by the Clerk prior to, or as soon as is reasonably practicable after, the introduction of the bill which would authorize by law the promulgation of the proposed legislative rule. Prior to such printing or duplication, a notation shall be affixed to the proposed legislative rule which identifies the bill number of the introduced bill which would authorize its promulgation and which also identifies the committee or committees of the house to which the bill is to be referred by the presiding officer following its introduction. Otherwise, the copies printed or duplicated shall conform to the copy of the proposed legislative rule appended to the original bill, so as to facilitate the consideration and amendment of the rule throughout the legislative process.

(3) The Clerk shall furnish to any member, upon his or her request, without cost, one copy of the full text of a proposed legislative rule as reproduced by the Clerk in accordance with the provisions of subsection (2) of this Joint Rule. For any request for an additional copy or copies of the proposed legislative rule, the member requesting the copy or copies shall pay to the Clerk, in

advance, a charge which the Clerk has reasonably determined to be adequate to cover the actual cost of the printing or duplication: *Provided*, That the provisions herein for the Clerk to furnish a member with an additional copy or copies, with a cost charged, may not interfere with or delay the prompt and otherwise timely consideration of bills of authorization by the house or its committees or subcommittees.

(4) Whenever the standing rules of either house require the printing or reprinting of a bill, the rules apply to bills authorizing the promulgation of a proposed legislative rule with the same force and effect as they apply to other bills. However, no printing or reprinting of the proposed legislative rule which is incorporated by reference in the bill of authorization shall be required, other than the printing required by subsection (2) of this Joint Rule.

(5) Whenever the standing rules of either house require a bill to be read, or fully and distinctly read, the rules apply to bills authorizing the promulgation of a proposed legislative rule with the same force and effect as they apply to other bills. However, no reading of the proposed legislative rule which is incorporated by reference in the bill of authorization shall be required.

### **One House to Notify Other of Rejection of Bill**

6. When a bill or resolution passed in one house is rejected in the other, notice thereof shall be sent to the house in which the same shall have been passed.

### **Record of Bills and Resolutions**

7. The Clerks of the two houses shall keep separate records or registers, in which shall be recorded every action taken by the Senate and House on each bill and resolution.

### **Clerks to Endorse Bills or Resolutions**

8. The Clerks of the two houses shall endorse on each bill or resolution a statement of any action taken by their respective bodies.

### **Messages to be in Writing**

9. Messages to either house of the action of the other shall be in writing, signed by the Clerk of the house sending the message.

### **Each House to Have Control of Own Printing**

10. Each house may order the printing of documents without the consent of the other.

### **Joint Committees**

11. Joint standing committees of the Senate and House shall be appointed as follows:

(1) *Joint Committee on Enrolled Bills* — To consist of five members from each house.

(2) *Joint Committee on Joint Rules* — To consist of the presiding officers and two members of each house, to be appointed by the presiding officers.

(3) *Joint Committee on Pensions and Retirement* —

(a) The Joint Committee on Pensions and Retirement shall continually study and investigate public retirement systems. All pension and retirement related legislation introduced in the Legislature shall be referred to the committee in addition to any other reference the presiding officer may designate. Upon reference of any pension or retirement related legislation, the committee shall forward such legislation to the actuary of the Consolidated Public Retirement Board or other actuary or actuarial firm who shall return an actuarial letter or note to the committee prior to the committee's consideration of such legislation.

(b) The committee shall consist of seven members of the Senate to be appointed by the presiding officer of the Senate and seven members of the House of Delegates to be appointed by the presiding officer of the House of Delegates. If possible, no more than five of the seven members appointed by the presiding officers

of the Senate and the House of Delegates, respectively, may be members of the same political party.

(c) The committee shall make a continuing study and investigation of retirement benefit plans applicable to nonfederal government employees in this state. The powers and duties of the committee include, but are not limited to, the following:

(1) Studying retirement benefit plans applicable to nonfederal government employees in the State of West Virginia, including, without limitation, federal plans available to such employees;

(2) Making recommendations within the scope of the study with particular attention to financing of the various pension funds and financing of accrued liabilities;

(3) Considering all aspects of pension planning and operation, and making recommendations designed to establish and maintain sound pension policy as to all funds;

(4) Filing a report to each regular session of the Legislature concerning activities conducted between sessions;

(5) Analyzing each item of proposed pension and retirement legislation, including amendments thereto, with particular reference to analysis as to cost, actuarial soundness and adherence to sound pension policy, and reporting of its findings in regard thereto to the Legislature; and

(6) Maintaining reference materials concerning pension and retirement matters, including, without limitation, information as to laws and systems in other states.

(d) The committee shall hold meetings at such times and places as it may designate. The presiding officer of each house shall appoint a cochair of the committee. When the Legislature is not in session, the committee shall meet and conduct its business as a joint committee.

When the Legislature is in session, in addition to joint meetings, the members of either house may meet separately from



members of the other house to conduct committee business concerning pension and retirement related legislation introduced or originated in that house. When the members meet separately, they may function as other committees of that house. As far as practicable, relevant information, including actuarial letters or notes, gathered by members meeting separately from the other house shall be sent to the cochair of the other house if it is considering the same or similar legislation.

12. Other joint committees may be created by concurrent resolution or by approval of the presiding officers of each house.

### **Engrossed Bills to Be Filed with Clerk of the House**

13. All engrossed bills passed by, and joint and concurrent resolutions adopted by, both houses shall be filed with the Clerk of the House of Delegates to be kept with the rolls of the Legislature and to be used in printing and publishing the Acts of the Legislature.

### **Joint Committee on Enrolled Bills**

14. The Joint Committee on Enrolled Bills shall consist of five members of the Senate and five members of the House of Delegates, to be appointed by the presiding officer of each house, whose duty it shall be to compare carefully all bills and joint resolutions passed by both houses, with the enrollment thereof, and to correct any errors or omissions they may discover and to make reports to their respective houses, from time to time, of the correctly enrolled bills or joint resolutions. It shall be in order for the Joint Committee on Enrolled Bills to report at any time.

### **Printing Enrolled Bills**

15. After a bill has been passed by both houses, the text from which it was originally printed shall be corrected as to any typographical errors that may not previously have been corrected and to include any amendments that may have been made by either house since the last printing of the bill. After the text has been so corrected, not less than fifty copies of the bill shall be printed. One of the copies, when properly authenticated, shall become the Enrolled Bill. In the case of enrolled bills authorizing the promulgation of a proposed

legislative rule, a copy of the full text of the proposed legislative rule which the bill incorporates by reference shall be appended to the bill which has been properly authenticated and designated to be the Enrolled Bill. The copy appended to the Enrolled Bill shall conform to the copy of the full text of the proposed legislative rule appended to the introduced bill. Copies of the proposed legislative rule are not to be appended to the additional copies of the Enrolled Bill. Following action by the Governor, or the failure or refusal of the Governor to approve or disapprove a bill of authorization, the copy of the Enrolled Bill with the proposed legislative rule appended is the copy of the bill filed with the Secretary of State in accordance with the provisions of Rule 19 of these Joint Rules.

### **Authentication of Enrolled Bills**

16. Enrolled Bills shall be authenticated by the signature of the Chair of the House Committee and the Chair of the Senate Committee, composing such Joint Committee on Enrolled Bills, but in the absence of such Chair another member of the committee may act in his stead, and they shall require all bills and joint resolutions before such authentication to be free from interlineations or erasures and destroy any previous enrollment containing any interlineations or erasures. A certificate, showing in which house the bill originated and when it takes effect, signed by the Clerks of the two houses, shall be endorsed on the bill. After enrolled bills and joint resolutions are authenticated as aforesaid, they shall be signed by the presiding officer of each house.

### **Presenting Enrolled Bills to Governor**

17. After a bill shall have thus been signed in each house, it shall be presented by the Joint Committee on Enrolled Bills to the Governor, for his approval. The said committee shall report the day of presentation to the Governor, which time shall be entered on the Journal of each house.

### **Record of Enrolled Bills**

18. It shall be the duty of the Clerk of the House of Delegates, as Keeper of the Rolls of the Legislature, to keep a record book of

all bills presented to the Governor for his approval. The title and number of each bill presented to the Governor shall be entered in this book, and when a bill is presented to the Governor, the date presented and the signature of the Governor, showing receipt of same, shall be entered at the side of each title.

### **Action of Governor on Bills**

19. When the Legislature is in session, any bill, including an appropriation bill or any part thereof, disapproved by the Governor shall be returned to the house in which it originated, with objections thereto, within five days after receipt thereof, Sundays excepted, or become a law. If the Legislature, by adjournment, prevents the return of a disapproved bill, other than an appropriation bill, within such time, it shall be filed by the Governor in the office of the Secretary of State with objections within fifteen days, Sundays excepted, after adjournment, or become a law. If the Legislature, by adjournment, prevents the return of a disapproved appropriation bill or any part thereof, it shall be filed by the Governor in the office of the Secretary of State with objections within five days after adjournment, or become a law. When any bill, including an appropriation bill or any part thereof, is disapproved after adjournment of the Legislature and such bill with the Governor's objections is filed in the office of the Secretary of State within the prescribed time as aforesaid, the Governor shall notify the house in which the bill originated.

Every bill approved by the Governor shall, within the prescribed time after it is presented, as aforesaid, be filed by the Governor in the office of the Secretary of State and the fact of such approval communicated by the Governor to the house in which said bill originated.

Any bill which shall be neither approved nor disapproved by the Governor shall immediately, after the expiration of the time fixed by the Constitution of West Virginia in which he may disapprove the same, be filed in the office of the Secretary of State, who shall forthwith engross thereon a certificate to the following effect: "I certify that the foregoing act, having been presented to the Governor for approval, and not having been returned to the

house of the Legislature in which it originated within the time prescribed by the Constitution of the State, has become a law without approval.” and shall date and sign the same. The Governor shall notify the house in which the bill originated of each bill becoming a law without his approval.

When a bill is returned to either house of the Legislature with the objections of the Governor, proceedings thereon shall be governed by Article VII, Section 14 of the Constitution of West Virginia. In such cases the Clerk of the Senate and the Clerk of the House of Delegates shall engross the action, if any, of their respective houses on the reconsideration of the bill and sign the same.

The action of the Governor on all bills presented shall be appropriately noted in the Journals of the two houses.

### **Joint Meetings of Committees**

20. Whenever any bill has been referred by the Senate to one of its standing committees, and the same or like bill has been referred by the House to one of its committees, the Chairs of the respective committees, when in their judgment the interest of legislation or the expedition of business will be better served thereby, may arrange for a joint meeting of their committees for the consideration of such bill. All joint committee meetings shall be presided over by the Chair of the Senate committee.

### **What Shall Be Printed in the Journal**

21. The following shall always be printed in the Journal of each house:

(a) Messages from the Governor and messages from the other house, the titles of all bills and the title and text of all resolutions.

(b) A record of all votes taken by yeas and nays as required by the Constitution of West Virginia, the rules of the respective houses and these rules; and a brief statement of the contents of each petition, memorial or paper presented to each house.

(c) A true and accurate account of the proceedings of each house.

### **Manner of Printing the Journal and Bills**

22. In printing the daily Journal of the proceedings of each house there shall be printed at the top of each page, except the first, the date of the Journal; and on the last page of each day's Journal shall be printed the calendar for the next day.

At the top of the first page of each bill, preceding the title and number thereof, there shall be printed the name of the person by whom, or the committee by which, it was introduced and the date of introduction; and at the top of each page, except the first, shall be printed the number of the bill.

### **Regulation and Use of Legislative Offices, Chambers, Halls, Stairways and Corridors**

23. The presiding officer of each house shall have power to assign and regulate the office space in the portions of the Capitol used by their respective houses and to grant permission for the use of such space and the legislative Chambers for other than legislative purposes. They shall also have jurisdiction over all halls, stairways and corridors in the areas used by their respective houses. The presiding officers may submit any question or request arising under the foregoing provisions of this rule to the Committee on Rules of their respective houses for determination and action.

The area on the second floor between the legislative Chambers and surrounding the rotunda on the second floor shall be under the jurisdiction of the Joint Committee on Rules. It shall be the duty of this committee to maintain and preserve the aesthetic features of this area of the Capitol. No display or exhibition of any material or objects in this area shall be permitted without approval of the committee.

Attaching pictures, posters, cards or placards on the walls in any manner whatsoever in the halls, stairways and corridors in the areas used by the respective houses and in the area between the legislative Chambers surrounding and to the east and west of the rotunda is prohibited.

## **Resolutions**

24. Resolutions requiring concurrent action may originate in either house and shall be of two kinds, namely:

*Joint Resolutions:* These resolutions shall be used for proposing amendments to the Constitution of West Virginia and for ratifying amendments to the Constitution of the United States. Joint resolutions proposing amendments to the Constitution of West Virginia shall be adopted as provided in Article XIV, Section 2 of said Constitution.

*Concurrent Resolutions:* Such resolutions shall be used for all purposes not covered by joint resolutions as defined above.

## **Suspension of Joint Rules**

25. Joint Rules may only be suspended by a two-thirds vote of each house taken by yeas and nays, or by unanimous consent.

## **Transfer of Appropriations Between Items**

26. The Clerk of the Senate, with the approval of the presiding officer, is authorized to make written request to the State Auditor for the transfer of amounts between items of the total appropriations for the Senate in order to protect or increase the efficiency of the service. Upon receipt of such written request, the State Auditor shall transfer the amounts as requested.

27. The Clerk of the House of Delegates, with the approval of the presiding officer, is authorized to make written request to the State Auditor for the transfer of amounts between items of the total appropriations for the House of Delegates in order to protect or increase the efficiency of the service. Upon receipt of such written request, the State Auditor shall transfer the amounts as requested.

28. The Clerk of the Senate and the Clerk of the House of Delegates, with the approval of the presiding officers, are authorized to make a joint written request to the State Auditor for the transfer of amounts between items of the total appropriations for joint expenses of the Legislature in order to protect or increase

the efficiency of the service. Upon receipt of such written request, the State Auditor shall transfer the amounts as requested.

### **Governing Powers**

29. The presiding officers of each house, as selected in accordance with the Constitution of West Virginia, the Rules of the Senate, the Rules of the House of Delegates, respectively, these Joint Rules and laws of the State, shall have the power to and are hereby authorized to act on behalf of the Legislature as required by the business and legal affairs of the Legislature unless otherwise directed by a majority vote of both houses while the Legislature is in session or by the majority vote of the Joint Committee on Government and Finance while the Legislature is not in session.

### **Receipt of Constitutional Petitions and Resolutions**

30. Any application from a county commission or a verified petition from the voters of a county seeking to reform, alter or modify a county commission pursuant to Article IX, Section 13 of the Constitution of West Virginia and any related documents that may be subsequently submitted shall be filed with the Clerk of the Senate and the Clerk of the House of Delegates. The Clerk of the Senate and the Clerk of the House of Delegates shall verify that the application, petition or related document has been properly submitted to the other Clerk before processing it in his or her respective house. Such applications, petitions and related documents not submitted to both the Clerk of the Senate and the Clerk of the House of Delegates will not be submitted to either house for processing or consideration by the Legislature.

When the Legislature is not sitting in regular session, upon receipt of an application, petition or related document from a county commission by the Clerk of the Senate and the Clerk of the House of Delegates, it shall be processed as a regular order of business at the next regular session following receipt of the application, petition or related document.

An application or petition to reform, alter or modify a county commission filed with the Legislature on or after the tenth day of a

regular legislative session may not be processed or considered by the Legislature until the next regular legislative session.

An application or petition to reform, alter or modify a county commission filed with the Legislature is only valid for the session in which it was processed and such application or petition not acted upon during that session is null and void.

If an application or petition to reform, alter or modify a county commission filed with the Legislature is determined by the Legislature to have an unconstitutional provision, then the Legislature may: (a) Request that the application or petition be corrected and resubmitted; or (b) make changes necessary to meet the constitutional objection. A corrected application or petition may be processed by the Legislature if there is sufficient time remaining in the session for full consideration. If any request by the Legislature to correct an application or petition prevents full consideration of that application or petition during the session in which it would have been considered, the Senate and the House of Delegates may process the corrected application or petition at the next regular session.

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the resolution (S. C. R. 1) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title as follows:

**S. C. R. 2** – “Payment of supplies, services and printing.”

*Resolved by the Legislature of West Virginia:*



That for the regular and any extraordinary session of the eighty-third Legislature, the Auditor of West Virginia, in advance of the appropriation for such purposes, is hereby authorized, upon proper requisition of the Clerk of the Senate and the Clerk of the House of Delegates, to pay bills for supplies and for services furnished to the Legislature preparatory to the beginning of, during and following the adjournment of sessions, including contingent expenses of the respective houses; the per diem of officers, other than the President of the Senate and the Speaker of the House of Delegates, and employees of the Senate and of the House of Delegates; travel expenses of members as authorized by law; bills for legislative printing as the accounts for same become due; and any other authorized contingent and other expenses of the Legislature or the respective houses.

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the resolution (S. C. R. 2) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

### **Resolutions Introduced**

Mr. Speaker (Mr. Armstead) offered a resolution, which was read by the Clerk as follows:

**H. R. 1** - "Adopting Rules of the House of Delegates."

*Resolved by the House of Delegates:*

That Rules of the House of Delegates for the 83<sup>rd</sup> Legislature are hereby adopted and shall govern the proceedings of the Regular Sessions of the Legislature and any Extraordinary Sessions thereof insofar as applicable, subject to amendment as provided by Rule 133, as follows:

## RULES

### ELECTION AND DUTIES OF OFFICERS

#### Officers and Their Compensation

1. The House, at the commencement of each Legislature, shall elect a Speaker, Clerk, Sergeant-at-Arms, and Doorkeeper. All officers, except the Speaker, shall receive such compensation as the House may determine.

#### Vote to Be *Viva Voce*

2. In the election of officers by the House, the vote shall be given *viva voce*, and a majority of the whole number of votes given, a quorum being present, shall be necessary to elect. If, upon any vote, there be no election, the person having the lowest number of votes shall be dropped, and any votes thereafter given to such person shall not be taken into the counting to affect the result in any way. But if two or more have the lowest and equal number of votes, they may be voted for again. No question before the House, or in committee of the whole, shall be voted on by ballot.

### DUTIES AND RIGHTS OF THE SPEAKER

#### Call to Order

3. The Speaker shall take the chair on each legislative day ~~precisely~~ at the hour to which the House shall have adjourned; ~~shall immediately~~ call the members to order and, after prayer and the Pledge of Allegiance, if a quorum is present, proceed to the order of business. (HR21, Reg. Sess., 1985; HR1, Reg. Sess., 2017)

**Effect of the 1985 amendment.** The Pledge of Allegiance was added to the Call to Order.

**Effect of the 2017 amendment.** Deleted the word “precisely” following the words “each legislative day”; and deleted the words “shall immediately” preceding the words “call the members”.

#### Preservation of Order

4. The Speaker shall preserve order and decorum while the House is in session; enforce the rules and orders of the

House; prescribe the order in which business shall come up for consideration, subject to the rules and orders of the House; announce the question of business before the House when properly requested by any member; receive all messages and communications; put to vote all questions which are properly moved; announce the result of all votes and authenticate, when necessary, the acts and proceedings of the House.

### **Decorum in Debate**

5. In debate, the Speaker shall prevent personal reflections and confine members to the question under discussion, but he shall not engage in any debate, or propose his opinion on any question without first calling some other member to the chair. When two or more members arise at the same time, he shall name the one entitled to the floor.

### **Questions of Order**

6. The Speaker shall decide all questions of order subject to an appeal to the House when demanded by any ten members. He may speak to questions of order in preference to other members, and may make the concluding speech on any appeal from his decision, notwithstanding, he may have before spoken on the question; but no other members shall speak more than once on such appeal without leave of the House.

When properly requested by a member, the Speaker shall inform the House upon any point of order or practice pertinent to the business before it.

### **Preserving Order in Galleries**

7. The Speaker shall have general control of the House Chamber, lobbies, and rooms and of the corridors and passages in that part of the Capitol assigned to the use of the House. In case of any disorderly conduct or disturbance in the galleries, corridors, or passages or galleries; including but not limited to, signs, audible displays, flash photography or standing in the galleries; he shall have the power to order the same to be cleared, and may cause any person guilty of such disturbance or disorderly conduct to be brought before the bar of the House. In all such cases

the members present may take such measures to prevent a repetition of such misconduct, either by the infliction of censure or such other penalty, as may be authorized by law, on the parties thus offending, as the House may deem best. (HR1, Reg. Sess., 2017)

**Effect of the 2017 amendment.** Clarified that audible displays, flash photography or standing in the galleries is prohibited.

### **Appointment of Speaker Pro Tempore, Presiding Officer in Absence of Speaker**

8. The Speaker shall appoint a Speaker pro tempore, who, during the absence of the Speaker, shall preside and perform all duties of the Speaker: *Provided*, That the Speaker may designate, by appointment in writing entered upon the Journal of the House, any member, other than the Speaker pro tempore, who, during the absence of the Speaker, shall preside and perform the duties of the Speaker until the Speaker returns to the chair: *Provided, however*, That the Speaker may call any member to the chair to perform the duties of Speaker but such substitution shall not extend beyond an adjournment: *Provided further*, That the Speaker pro tempore or any other member hereunder designated shall so preside for a period not to exceed three consecutive legislative days, but for no longer period, except by special consent of the House. (HR20, Reg. Sess., 1979)

**Effect of the 1979 amendment.** Created a Speaker Pro Tempore to preside and perform the duties of Speaker in the absence of the Speaker.

### **Appointment of House Employees**

9. For the performance of technical, clerical, stenographic, custodial and other services required by the House, at the beginning of each regular session of the Legislature, ~~upon the recommendation of the Committee on Rules,~~ the Speaker shall appoint such persons to ~~the~~ various positions ~~herein specified,~~ in such number as ~~he shall deem~~ deemed necessary to efficiently carry on the work of the House, ~~but not to exceed the total herein authorized.~~

(1) ~~For the Clerk's department the following:~~

~~One docket and calendar clerk, who shall number each bill and resolution and keep a correct record of the status thereof, make the proper endorsements on all bills, resolutions, memorials and petitions, keep a record of the proceedings of the House to be used in preparation of the daily Journal, and prepare a daily calendar; one House reporter, who shall be a competent stenographer and typist and shall daily take, collate and transcribe and arrange in logical orders such matters and things as are required for the official records and the House Journal and perform all other necessary duties in relation thereto; two roll call and record clerks, who shall prepare the roll calls for printing, and, under the supervision of the docket and calendar clerk, perform such other duties as may be assigned them; one supervisor of proofreading and five proofreaders, who shall have a knowledge of and experience in proofreading, as evidenced by such test as the Committee on Rules may require; one bookkeeper and payroll clerk, who, under the supervision of the Clerk, shall keep the accounts of the House and prepare requisitions for payment of compensation of officers and employees, and bills for services, supplies and contingent expenses; one supply clerk, who shall keep and issue supplies and keep an inventory of all properties, equipment and supplies; one bill editor, who shall read and edit all bills before introduction thereof; one enrolling clerk, who shall serve as clerk to the committee on enrolled bills and shall have some knowledge of and experience in proofreading; one parliamentary clerk, who shall serve as House parliamentarian and assist in the preparation of the House Journal and other publications; and one Journal stenographer, who shall type and compile the House Journal.~~

(2) ~~For other duties and positions the following: One supervisor of stenographers and fifteen legislative stenographers, who shall be expert in stenography and typing, to perform general stenographic and clerical duties for members and committees; eight typists; eight committee clerks, who shall serve as general committee clerks and perform such other duties as may be assigned them; one clerk, one assistant clerk and two stenographers to the Committee on the Judiciary; one clerk, one assistant clerk and one stenographer to the Committee on Finance; one superintendent of the House document room and five~~

~~document room clerks; one superintendent of the mailing room and three mailing room clerks; two assistant sergeants at arms, one clerk and one secretary to the Sergeant at Arms; six assistant doorkeepers; one voting machine and sound technician; two public address system technicians; four pages; one general information clerk; one supervisor of duplicating department and two duplicating machine operators; five collating and file clerks; two cloakroom attendants; and one chief janitor and five assistant janitors.~~

~~(3) In addition to the foregoing, the Speaker may appoint a House chaplain, a secretary, a clerk, a stenographer and, if needed, five general legislative clerks to perform such duties as he shall direct; the majority leader may appoint a secretary and a stenographer; the minority leader may appoint a counsel, a clerk to the minority, an assistant clerk to the minority, a secretary to the minority leader and a stenographer to the minority leader; and the Clerk of the House of Delegates may appoint a secretary, a stenographer and three assistant clerks.~~

~~At an extraordinary session of the Legislature, the committee shall recommend only such persons for appointment to positions designated for regular sessions as shall be necessary to perform the duties incident to the work of the session. Such persons as are recommended shall be selected appointed for the extraordinary session. Such persons as are appointed shall be selected with due regard to experience and qualifications.~~

All employees of the House shall report each day to their supervisor, the Clerk of the House of Delegates or A ~~some person designated by him, and the Clerk of the House of Delegates~~ shall keep a record of the attendance of such employees, and no employee shall be paid for days he is not in attendance, Saturdays and Sundays during sessions ~~excepted, unless excused by the Speaker Committee on Rules.~~ All employees shall be on duty daily during such hours as shall be designated by their supervisor the Committee on Rules. The appointing authority shall have power to discharge any employee at any time. The word "employee" as herein used shall include all persons employed by the House.

Notwithstanding designation of positions or duties herein prescribed, any employee may be assigned additional duties by the person by whom appointed, and may be assigned to such positions and duties as may be deemed proper to secure the most efficient and expeditious work.

The employees designated herein shall not include personnel required to staff a drafting office or drafting service authorized and maintained by the House. The Speaker shall make such appointments for this purpose as the House shall authorize.

The compensation of all employees shall be fixed by resolution during each regular session. The Speaker may hire, discharge and adjust salaries of employees subsequent to the adoption of the resolution as allowed by this rule. (HR22, Reg. Sess., 1963; HR2, Reg. Sess., 1967; HR2, Reg. Sess., 1971; HR1, Reg. Sess., 2017)

**Effect of the 1963 amendment.** The rule was completely rewritten. A limitation was placed upon the number of persons to be employed by the House during sessions of the Legislature, positions designated and duties prescribed.

**Effect of the 1967 amendment.** The amendment substituted the word “employees” for the “attaches” in paragraph (1).

**Effect of the 1971 amendment.** As a result of the 1970 amendment to the Constitution providing for annual 60-day sessions of the Legislature, the rule was rewritten to remove provisions applicable to the former 30-day session. The amendment made changes in the first and second paragraphs of subdivision (3).

**Effect of the 2017 amendment.** Updated the rule to reflect the practices of the House and removed outdated job descriptions.

### **Appointment of Committees and Subcommittees**

10. The Speaker shall appoint all committees, except when the House shall otherwise order. In appointing standing committees he shall designate a chairman and may designate a vice chairman. In the absence of the chairman of a committee having a vice chairman, such vice chairman shall preside, and if there be no vice chairman, the committee shall elect a temporary chairman. When the House authorizes the appointment of a committee, the

Speaker may wait until the next legislative day to appoint the same.

The Speaker may also name subcommittees of standing committees, prescribe their jurisdiction and designate the chairmen thereof. Legislative proposals and other business coming within the prescribed jurisdiction of any established subcommittee of a standing committee shall upon being committed to such standing committee be referred by the chairman thereof to the appropriate subcommittee. Reports of subcommittees shall be made to the committee and not to the House. (HR2, Reg. Sess., 1967)

**Effect of the 1967 amendment.** The last paragraph was added to the rule.

### **Chairman of Committee on Rules**

11. The Speaker shall be *ex officio* member and chairman of the Committee on Rules.

### **Acts and Writs Signed by the Speaker**

12. All acts shall be signed by the Speaker; and all writs, warrants and subpoenas issued by the order of the House or any committee having authority to issue same shall be under his hand and attested by the Clerk.

### **Putting Questions**

13. The Speaker shall rise to put a question but may state it sitting.

### **Vote of the Speaker**

14. In all cases of a call of the yeas and nays, the Speaker shall vote, unless excused; in other cases he shall not be required to vote unless the House is equally divided, or unless his vote, if given to the minority, will make the division equal and in case of such equal division the question shall be lost. When the yeas and nays are taken, the Speaker's name shall be called last.

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**CLERK, SERGEANT-AT-ARMS AND  
DOORKEEPER**

**CLERK**

**Examination of Journal**

15. It shall be the duty of the ~~Speaker~~ Clerk to examine the Journal of the House, daily, before it is read and cause all errors and omissions therein to be corrected. (HR1, Reg. Sess., 2017)

**Effect of the 2017 amendment.** Provided that the Clerk, and not the Speaker, examines the Journal, to bring the rule into conformity with the practices of the House.

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**~~CLERK, SERGEANT AT ARMS AND  
DOORKEEPER~~**

**~~CLERK~~**

**Charge of Clerical Business of House**

16. The Clerk shall have charge and supervision of all the clerical business of the House. He shall perform the duties imposed on him by law and the rules of the House. He shall have charge of the Clerk's desk and shall see that no one is permitted therein except himself and those assisting him.

**Duties of Clerk**

17. It shall be the Clerk's duty to read to the House all papers ordered to be read; to call the roll and note and report the absentees, when a call of the House is ordered; to call the roll and note the answers of members, when a question is taken by yeas and nays; to assist, under the direction of the Speaker, in taking the count when any vote of the House is taken; to notify committees of their appointment and the business referred to them; to superintend the execution of all printing ordered by the House, and to report to the Speaker, to be submitted to the House, every failure of the printer to execute the same properly and promptly. He shall attest all writs, warrants

and subpoenas issued by order of the House and shall certify to the passage of all bills, and to the adoption of all joint and concurrent resolutions by the Legislature. In addition to his other duties, the Clerk shall keep the accounts for pay and mileage of members, officers and employees, and for printing and other contingent expenses of the House, and prepare and sign warrants or requisitions for the same.

The Clerk shall superintend the recording of the Journal of the proceedings, the engrossing and enrolling of bills, and shall cause to be kept and prepared for the printer the Daily Journal of the proceedings of the House. (HR2, Reg. Sess., 1967)

**Effect of the 1967 amendment.** The word “employees” was substituted for “attaches”.

### **Clerk to Have Custody of All Records**

18. The Clerk shall have the custody of all records and papers of the House, and shall not allow them to be taken from the table or out of his possession without the leave of the House, unless to be delivered to the chairman of a committee to which they may have been referred and then he shall take a proper receipt therefor. He shall endorse on bills and papers brief notes of proceedings had thereon by the House and preserve the same in convenient files for reference.

### **Appointment of Assistants**

19. The Clerk may appoint such assistants and other personnel as is authorized by ~~Rule 9 code, resolution or by~~ the Rules of the House, and shall have the power to remove any appointee and appoint another in his stead. (HR22, Reg. Sess., 1963; HR1, Reg. Sess., 2017)

**Effect of the 1963 amendment.** The amendment brought the rule into conformity with Rule 9.

**Effect of the 2017 amendment.** Specified that the Clerk may appoint personnel as authorized by resolution, rule or West Virginia Code.

### **Clerk to Have Charge of All Printing**

20. The Clerk shall have supervision and charge of all printing done for the House and the ~~public~~ printer shall

print only such documents and other matter as the Clerk authorizes. (HR1, Reg. Sess., 2017)

**Effect of the 2017 amendment.** Removed the word “public” to reflect the establishment of in-house printing.

### **Payment for Printing**

~~21. The public printer shall have all bills for printing approved by the supervisor of public printing and then present the same to the Clerk who shall draw his warrant or requisition for same upon the Auditor payable from the Legislative Printing Fund. The supervisor of public printing shall see that all bills are in accordance with the State contract for legislative printing before he approves their payment. A copy of all bills for printing shall be furnished the Clerk by the public printer.~~

Printing of bills and daily journals will be done in the Legislative Print Shop. Bound material and other legislative printing which cannot be done with machines owned or leased by the House of Delegates or the Joint Committee on Government and Finance will be contracted in accordance with Section 34, Article 6 of the Constitution of the State of West Virginia. (HR1, Reg. Sess., 2017)

**Effect of the 2017 amendment.** Updated the rule to reflect current printing practices.

## **SERGEANT- AT-ARMS**

### **Duties**

22. It shall be the duty of the Sergeant-at-Arms to attend the House and the Committee of the Whole during their sittings and to maintain order under the direction of the Speaker. He shall execute the commands of the House from time to time, together with such process, issued by the authority thereof, as shall be directed to him by the Speaker.

Under the direction of the Speaker, he shall superintend the distribution of all documents and papers to be distributed to the members. He shall see that no person, except those authorized to do so, disturbs or interferes with the desks of the members, or with the books, papers, etc., thereat.

He shall have charge under the Speaker for the purpose of maintaining order of the Hall of the House, its lobby, galleries and other rooms in the Capitol assigned for its use, and shall exclude from the floor all persons not entitled to the privilege of the same. He shall attend to seating visitors, ~~and shall see that the janitors and cloak room attendants perform their duties,~~ and see that the House Chamber is properly ventilated, heated, and lighted. (HR1, Reg. Sess., 2017)

**Effect of the 2017 amendment.** Technical amendment to bring the rule into conformity with the practices of the House.

## DOORKEEPER

### Duties

23. It shall be the duty of the Doorkeeper to attend the House during its sessions, and to announce all messages. He shall have charge of the main door of the Chamber during the sittings of the House, and shall see that the other doors are properly attended; have general charge and oversight of the assistant doorkeepers; detail such assistant doorkeepers for such general or special duties as the Sergeant-at-Arms may deem proper; assist the Sergeant-at-Arms in seeing that the rules relating to admission to the floor are strictly enforced, and shall perform such other duties as the Speaker or the House may order.

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## RIGHTS AND DUTIES OF MEMBERS

### Absence from the House

24. No member shall absent himself from the service of the House unless he have leave, or be sick and unable to attend, but any member who conscientiously believes that ~~the seventh day of the week ought to be observed as his or her absence is necessary to observe the Sabbath or other religious observance~~ shall be excused from attending upon the House on that day. (HR1, Reg. Sess., 2017)

**Effect of the 2017 amendment.** Technical amendment to clarify the language.

**Every Member to Vote**

25. Every member present when a question is put, or when his name is called, shall vote unless he is immediately and particularly interested therein, or the House excuses him. A motion to excuse a member from voting must be made before the House divides, or before the call of the yeas and nays is commenced, and it shall be decided without debate, except that the member making the motion may briefly state the reason therefor.

**Members Shall Be in Places When Voting**

26. While the yeas and nays are being taken every member shall be in his seat, and during the session of the House no person other than a member shall occupy the chair of a member.

**Quorum**

27. A majority of all the members elected to the House shall be necessary to proceed to business; seven members may adjourn, and ten members may order a call of the House, send for absentees, and make any order for their censure or discharge. On a call of the House, the doors shall not be closed against any member until his name shall have been called twice. [Const., Art. VI, §32]

**When Less Than Quorum Present**

28. In case a number less than a quorum of the House shall convene, they are hereby authorized to send the Sergeant-at-Arms, or any other person or persons by them authorized, for any and all absent members as the majority of such members shall agree, at the expense of such absent members, respectively, unless such excuse for nonattendance shall be made as the House, when a quorum is convened, shall judge sufficient; and, in that case, the expense shall be paid out of the contingent fund of the House. This rule shall apply to the first meeting of the House, at the legal time of meeting, as well as to each day of the session after the hour has arrived to which the House stood adjourned.

### **Taking Members into Custody**

29. No member of the House shall be taken into custody by the Sergeant-at-Arms, on any question of complaint of breach of privilege, until the matter is examined by the Committee on Rules, and reported to the House of Delegates, unless by order of the Speaker of the House of Delegates. (HR2, Reg. Sess., 1967)

**Effect of the 1967 amendment.** Committee on Rules was substituted for the Committee on Elections.

### **Punishment of Members**

30. The House of Delegates may punish its own members for disorderly behavior, and, with the concurrence of two thirds of the members elected thereto, expel a member, but not twice for the same offense. [Const., Art. VI, §25]

### **Providing for Undisturbed Transaction of Business**

31. The House of Delegates may punish, by imprisonment, any person not a member, for disrespectful behavior in its presence; for obstructing any of its proceedings, or any of its officers in the discharge of his duties, or for any assault, threat or abuse of any member for words spoken in debate; but such imprisonment shall not extend beyond the termination of the session. [Const., Art. VI, §26]

## **ORDER AND DECORUM IN DEBATE**

### **Recognition and Decorum**

32. When a member is about to speak in debate or deliver any matter to the House, he shall rise in his place and upon being recognized, respectfully address the presiding officer as “MR. SPEAKER”, and, ~~upon being recognized, shall~~ proceed, confining himself to the question under debate, avoiding all personalities and indecorous or disrespectful language.

When a member arises and addresses the Chair, the Speaker may recognize him by name; but no member in debate shall designate another by name. (HR1, Reg. Sess., 2017)

**Effect of the 2017 amendment.** Technical amendment to clarify the language.

### **Recognition by the Chair**

33. When two or more members shall rise or request recognition at the same time, the Speaker shall name the one who is to speak first, and his decision shall be final and not open to debate or appeal. ~~However, in all other cases the member who shall rise first and address the Chair shall be first recognized.~~ (HR1, Reg. Sess., 2017)

**Effect of the 2017 amendment.** Added the words “or request recognition” and deleted the second sentence which read “However, in all other cases the member who shall rise first and address the Chair shall be first recognized.”

### **Mover of Question to Have Preference in Debate**

34. No question shall be debated until it has been propounded by the Speaker, and then the mover of the question shall have the right to open and close the debate thereon. When the question is the passage of a bill or adoption of a resolution, the Speaker may designate a member to explain the bill or resolution who shall have the right to open and close debate. (HR1, Reg. Sess., 2017)

**Effect of the 2017 amendment.** Added the last sentence to the rule, granting the Speaker the authority to designate a member to explain the bill or resolution who shall have the right to open and close debate on final reading.

### **Member Out of Order and Raising Points of Order or Inquiries of the Chair**

35. When any member, in speaking or otherwise, transgresses the rules of the House, the Speaker shall, or any member may, by rising, announcing a point of order, and addressing the rule being violated when called upon by the Speaker, call him to order; in which case the member so called to order shall immediately sit down, but may be permitted, with leave of the House, to explain; and the House shall, if appealed to, decide the case, but without debate. If there be no appeal, the decision of the Chair shall be submitted to; if the decision be in favor of the member so called to order, he is at liberty to proceed; if the decision be against him, and the case requires it, he shall be liable

to the censure of the House, or such other punishment as the House may properly impose.

Any member may at any time make an inquiry of the Chair by rising, announcing his or her inquiry and upon recognition by the Speaker, stating his or her point. (HR1, Reg. Sess., 2017)

**Effect of the 2017 amendment.** Added the procedure for raising points of order or inquiring of the Chair.

### **Calling to Order for Words Spoken in Debate**

36. If a member be called to order for words spoken in debate, the person calling him to order shall repeat the words excepted to and they shall be taken down at the Clerk's table. And no member shall be held to answer, or be subjected to the censure of the House, for words spoken in debate, if any other member has spoken or other business has intervened after the words were spoken and before the exception to them was taken.

### **Decorum During Debate**

37. While the Speaker is putting a question, ascertaining the result, or addressing the House, no one shall walk out of or across the House; and when a member is speaking, no one shall engage in conversation or pass between him and the Speaker.

### **Limitation on Debate**

38. No member shall speak except in his or her place, ~~and not more than twice on a question, and no member shall speak until recognized by the Speaker, and may not be recognized to speak more than twice on a question,~~ except by leave of the House: *Provided, That yielding to answer a question shall not count toward the limit of speaking twice set forth in this rule. Questions in the form of argument or debate are out of order.* ~~And if~~ If a question be pending at the time of an adjournment and is renewed on the succeeding day, no member who shall have spoken twice on the preceding day shall be permitted again to speak without leave of the House. The House by majority vote may limit debate on any question. (HR1, Reg. Sess., 2017)



**Effect of the 2017 amendment.** Specified that a member that is asked to take to the floor to answer a question does not lose the right to speak twice on a question.

### **Members Not to Be Disturbed While Speaking**

39. No one shall disturb or interrupt a member who is speaking, without his permission, except to call to order if he be transgressing the rules.

### **Speaking Before Negative is Put**

~~40. When the Speaker is putting the question, any member who has not spoken before to the matter may speak to the question before the negative is put.~~

(Rescinded by HR1, January 11, 2017.)

**Effect of the 2017 amendment.** The rule was completely abolished.

## **PUTTING QUESTIONS AND VOTING**

### **Putting Questions; Division**

41. All questions on which the yeas and nays are not taken shall be put ~~distinctly~~ in this form, to wit: "As many as are in favor (as the question may be) say 'Aye,'" and after the affirmative vote is expressed, "As many as are opposed say 'No'." If the Speaker be in doubt as to the result, or if a division is called for by any member, the House shall divide. Those in the affirmative of the question shall first rise from their seats and be counted, and afterwards those in the negative. The count may be made by the Speaker, or, if he so directs, by the Clerk, or two members, one from each side, to be named for that purpose by the Speaker. When the result is ascertained, the Speaker shall rise and state the decision of the House. Such vote shall not be printed in the Journal unless the yeas and nays are called for by one tenth of the members present. (HR3, 1<sup>st</sup> Ex. Sess., 1968; HR1, Reg. Sess., 2017)

**Effect of the 1968 amendment.** The language of the rule was modified slightly.

**Effect of the 2017 amendment.** Removed the word "distinctly" in the first sentence after the words "shall be put".

### **Yeas and Nays**

42. The yeas and nays shall be taken on motions to dispense with the constitutional rule requiring a bill to be fully and distinctly read on three different days and on fixing the effective date of an act of the Legislature; on agreeing to a joint resolution proposing an amendment to the Constitution of the State; on the passage of a bill notwithstanding the objections of the governor; on the passage of a supplementary appropriation bill; on the passage of bills on third reading; on the passage of a House bill amended by the Senate; on all questions where a specific vote is required by the Constitution, the joint rules of the Senate and House of Delegates, or by these rules; on quorum calls; and on questions when called for by one tenth of the members present.

The result of all votes taken by yeas and nays shall be entered on the Journal. When the yeas and nays are inserted on the Journal, the result of the vote as to total yeas, nays and absentees shall be recorded, and the names of the Delegates voting yea or nay, whichever is the smaller number, and the names of Delegates absent and not voting shall be inserted on the Journal. The names of Delegates omitted shall constitute the vote on the prevailing side.

On all roll calls, when the voting machine is not used, before the result is announced, the Clerk shall read to the House the names of those who voted in the affirmative or in the negative, whichever is the smaller number, and announce the names of those absent and not voting, at which time any member may correct a mistake committed in taking down his vote. The result shall then be announced, but if the House so orders, the announcement of the result may be postponed to the succeeding day, with liberty to absent members at any time before the result is announced by the Speaker, to appear and vote "Aye" or "No", in the presence of the House; and any member may, in the presence of the House, change his vote before the result is announced.

When the yeas and nays are called for by a member on any question, the Speaker shall hold this demand in abeyance until debate has closed upon the question under

consideration, or until the previous question has been moved and sustained.

Upon calls of the House, in taking the yeas and nays, the names of the members shall be called alphabetically, except the name of the Speaker shall be called last. (HR19, Reg. Sess., 1945; HR3, 1<sup>st</sup> Ex. Sess., 1968; HR2, Reg. Sess., 2003; HR7, Reg. Sess., 2007)

**Effect of the 1945 amendment.** Eliminated requirement for Clerk to read names of persons voting in the affirmative and the negative on roll calls when the voting machine is used, and prescribes when the Speaker shall put demand for yeas and nays.

**Effect of the 1968 amendment.** The amendment rewrote the rule.

**Effect of the 2003 amendment.** Provides for the taking of yeas and nays on the passage of all bills and clarifies that one roll is sufficient to pass a group of bills on third reading, Consent Calendar.

**Effect of the 2007 amendment.** Removed the provision covering on roll call vote to pass third reading Consent Calendar bills and restated that a roll call is to be taken on all bills on third reading.

## **Pairs**

43. Members may pair on any question by filing a signed statement of the same with the Clerk, who shall read the same to the House before the vote is taken. A blank form of pair for use of members shall be provided by the Clerk. No pair shall be recognized unless made in person by the member signing the same, nor unless one or both of the parties thereto are absent.

## **Division of Question**

44. Any member may ~~call~~ move for a division of any question other than passage of a bill before the vote thereon is taken, if it comprehend propositions in substance so distinct that, one being taken away, a substantive proposition will remain for the decision of the House, but the member ~~calling~~ moving for the division of a question shall state in what manner he proposes it shall be divided. A motion to strike out and insert shall be deemed indivisible, but a motion to strike out being lost, shall preclude neither amendment nor motion to strike out and insert. A bill is not divisible on the floor of the House. If the matter of one bill would be better distributed into two.

any part may be struck out by way of amendment and introduced as a new bill in accordance with Rule 92. (HR1, Reg. Sess., 2017)

**Effect of the 2017 amendment.** Added language clarifying that a bill is not divisible on third reading.

### **Calling of Yeas and Nays**

45. No member or any person shall visit or remain by the Clerk's table while the yeas and nays are being called.

### **Tie Vote Loses Question**

46. In all cases when the House is equally divided, the question shall be lost.

### **Verification of Vote**

47. When a question upon which the yeas and nays have been taken has prevailed or failed by not more than five votes, the Speaker may, upon request of five members, order a verification of the vote. During such verification, no member shall change his vote unless it was erroneously recorded, nor may any member not having voted cast a vote. A verification must be called for immediately after a vote is announced and before any other business has intervened.

### **Explanation of Vote**

48. No member shall be allowed to make any explanation of his vote during the taking of the yeas and nays; but after the roll has been called and the vote announced, any member may explain his vote and the explanation shall be recorded in the Journal if he requests it. The Speaker may limit the time allowed members for explaining votes. A member may indicate in writing to the Clerk how the member voted on a voice vote or, if absent when any vote is taken, indicate in writing to the Clerk how the member would have voted if present and it shall be noted in the Journal. (HR1, Reg. Sess., 2017)

**Effect of the 2017 amendment.** Added the last sentence to bring the rule into conformity with the practices of the House.

### **When Members Not to Vote**

49. When a question is put, any member having a direct personal or pecuniary interest therein should announce this fact and request to be excused from voting. ~~The disqualifying interest must be such as affects the member directly and not as one of a class. The member with such interest should advise the presiding officer of the facts which constitute the personal and pecuniary interest. If the presiding officer determines based upon the facts provided by the member that the interest is a direct personal or pecuniary interest and affects the member directly and not as a member of a class of five or more similarly situated persons or businesses then the presiding officer shall excuse the member from voting. If the presiding officer determines that the interest is not a direct personal or pecuniary interest or that the member is affected as a member of a class of five or more similarly situated persons or entities then the member shall be directed to vote on the question.~~ (HR23, Reg. Sess., 1977; HR1, Reg. Sess., 2017)

**Effect of the 1977 Amendment:** Provided that disqualifying interest must affect the member directly and not as one of a class.

**Effect of the 2017 amendment.** Requests that members advise the presiding officer of a possible personal or pecuniary interest, and clarifies that a class of five or more is used in determining whether a member is a member of a class.

### **Voting by Machine**

49a. A voting machine may be used in taking the yeas and nays on any question, for quorum calls and for determining the result when a division is demanded. When a vote is to be taken on the voting machine, the Speaker shall announce the question to be voted upon and direct the Clerk to prepare the machine. The Clerk shall then sound the gong which shall be notice to all members to vote. After reasonable time has been given all members to vote the Speaker shall ask the question, "Have all members voted?," vote himself, if the vote being taken is upon a question on which he is required to vote, and then direct the Clerk to close the machine and ascertain the result. As soon as this is done, ~~the Clerk shall hand the record of the vote to the Speaker and he~~ shall promptly announce the result. No vote may be changed after it has been recorded.

No member shall vote for another member, nor shall any person not a member cast a vote for a member. In addition to such penalties as may be prescribed by law, any member who shall vote or attempt to vote for another member may be expelled as a member of the House or punished in such other manner as the House may determine. If a person not a member shall vote or attempt to vote for any member, he shall be barred from the floor of the House for the remainder of the session and may be further punished in such manner as the House may deem proper, in addition to such punishment as may be prescribed by law.

All other rules governing voting and the taking of the yeas and nays, insofar as applicable, shall apply to taking votes by means of the voting machine. (HR1, 1<sup>st</sup> Ex. Sess., 1936; HR1, Reg. Sess., 2017)

**Effect of the 2017 amendment.** Deleted the requirement that the Clerk hand the record of the vote to the Speaker to bring the rule into conformity with the current practice of the House.

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## MOTIONS

### Stating the Question

50. When a motion is made, it shall be stated by the Speaker; or, being in writing, it shall be passed to the desk and read aloud by the Clerk before debate.

### Form of Motion

51. Every motion, except subsidiary or incidental motions, shall be reduced to writing, if the Speaker or any member desires it; but this exception shall not apply to motions to amend.

### Withdrawal of Motions

52. After a motion is stated by the Speaker or read by the Clerk, it is deemed to be in possession of the House, but may be withdrawn at any time before a decision or amendment, unless the previous question has been ordered, in which case it can only be withdrawn by leave of the House.

**Order and Precedence of Motions**

53. When a question is under debate, no motion shall be received except:

1. To adjourn.
2. To lay on the table.
3. For the previous question.
4. To postpone to a day certain.
5. To go into a Committee of the Whole on the pending question immediately.
6. To commit to a Committee of the Whole.
7. To commit to a Standing Committee.
8. To commit to a Select Committee.
9. To amend.
10. To postpone indefinitely.

These several motions shall have precedence in the order in which they are arranged. A motion to strike out the enacting clause of a bill shall have precedence of another motion to amend; and if carried, the bill is rejected.

**Motion to Adjourn**

54. A motion to adjourn shall always be in order, except when the House is voting, or while a member is addressing the House, or when no business has been transacted since the motion to adjourn has been defeated.

**Motions Not Debatable**

55. The following motions shall be decided without debate and shall not be amended:

1. To adjourn.
2. To fix the time to which the House shall adjourn.

3. To lay on the table.

4. For the previous question.

5. To suspend the constitutional rule requiring bills to be read on three several days.

6. To recess.

### **Motions Not in Order**

56. No motion directing the appropriation or payment of money shall be in order.

### **Effect of Indefinite Postponement**

57. When a question is postponed indefinitely, it shall not be again acted on during the session.

### **Motion to Reconsider**

58. After any question has been decided in the affirmative or in the negative, it shall be in order for any member who voted with the prevailing side to move for a reconsideration of the vote thereon at any time on the same day or the next succeeding day of actual session. When the yeas and nays have not been recorded in the Journal, any member, irrespective of whether he voted with the prevailing side or not, may make the motion to reconsider. If the House refuse to reconsider, or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order unless by unanimous consent. No vote shall be reconsidered upon motions to adjourn, to lay on the table, to take from the table, or for the previous question.

The motion to reconsider may be put and acted upon when made. If seconded, it shall take precedence of all other questions, except the consideration of a conference report and the motion to adjourn, and unless by motion postponed until some future date be acted upon at once. When a motion to reconsider is made and not acted upon at the time, it shall be placed upon the calendar, under unfinished business, and be acted upon the next day of actual sitting of the House. A motion to reconsider shall not be withdrawn without leave of the House.



No bill, resolution, message, report, amendment or motion, upon which a motion is pending to reconsider the vote thereon, shall be taken out of the possession of the House until final disposition of the motion to reconsider. No motion for reconsideration of the vote on any question, which has gone out of the possession of the House, shall be in order, unless subsequently recalled by vote of the House and in possession of the Clerk.

When a motion to reconsider has been carried, its effect shall be to place before the House the original question in the exact position it occupied before it was voted upon. (HR2, Reg. Sess., 1967)

**Effect of the 1967 amendment.** The amendment rewrote the rule.

### **Debate on Motions to Reconsider**

59. Debate shall be allowed on a motion to reconsider only when the question which it is proposed to reconsider is debatable. Where debate upon a motion to reconsider is in order, no member shall speak more than once nor for a longer period than three minutes.

### **Reconsideration of Question Requiring More than Majority Vote**

60. When a majority of members present vote in the affirmative on any question, but the question be lost because it is one in which the concurrence of a greater number than a majority of a quorum is necessary to an affirmative decision, any member may move for a reconsideration.

### **Effect of Motion to Table**

61. A motion to lay on the table shall only have the effect of disposing of the matter temporarily, and may be taken from the table at any time after the eighth order of business has been passed.

### **Motion Must Be Germane**

62. No motion on a subject different from that under consideration shall be admitted under color of amendment.

### Previous Questions

63. When any question is before the House, any member who has not spoken on the question, when properly recognized, may move the previous question. Any demand for the previous question must be sustained by one tenth of the members present. being in order and having the floor may move the previous question, but such motion to be put must be sustained by being seconded by ten members. If sustained, the motion for the previous question shall be put by the Speaker, without debate, in the form of "Shall the question on \_\_\_\_\_ now be put? The question being moved, the Speaker shall say, "Is the motion sustained?" and those favoring the motion shall rise. If a sufficient number arise, the previous question shall be thereby seconded, and the question shall then be put in this form, "Shall the main question be now put?" If this question be decided in the affirmative by a majority of the members voting, a quorum being present, it shall have the effect of cutting off all debate and bringing the House to a direct vote upon the immediate question or questions upon which it has been asked and ordered, except when the motion applies to the main question, the member in charge of the measure under consideration shall have five minutes to close the discussion before the vote is taken; and when the motion applies to an amendment, the person proposing the amendment shall have three minutes to close the discussion on the amendment. Should the previous question be decided in the negative, the House shall proceed with the matter before it as though the previous question had not been moved. If the motion for the previous question is adopted by a majority vote of members present, that question shall be put to a vote without further debate: *Provided*, That if the question is passage of the bill or adoption of a resolution, the Member recognized by the Speaker pursuant to Rule 34 to explain the bill or resolution shall be provided five minutes to close debate.

When a member moves the previous question, he shall specifically state in his motion whether it shall apply to the main question and the amendments or to the amendment or amendments only. If the motion applies to the main question and the amendments, separate votes shall be taken on each pending amendment and the main question without

further debate, except for the Member having the right to close on the question pursuant to this Rule.

The previous question shall not be admitted in the Committee of the Whole. (HR1, Reg. Sess., 2017)

**Effect of the 2017 amendment.** Outlined the procedure to be used when moving the previous question. The rule also clarified what procedure is followed when the motion is adopted.

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## MEETING OF THE HOUSE

### Time of Meeting

64. The House shall meet every day, except Sunday, unless it shall be otherwise directed by special order, ~~precisely~~ at the hour to which it shall have adjourned at its last sitting; but if no hour were fixed at such sitting, then at ~~two o'clock P.M.~~ eleven o'clock a.m. (HR1, Reg. Sess., 2017)

**Effect of the 2017 amendment.** Changed the time from two p.m. to eleven a.m. to reflect the normal meeting time of the House.

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## ORDER OF BUSINESS

### Daily

65. The daily order of business shall be as follows:

- I. To read, correct, and approve the Journal.
- II. Introduction of guests.
- III. To receive and consider reports of standing committees.
- IV. To receive and consider reports of select committees.
- V. To receive and consider messages from the Executive, state officials, and other communications and remonstrances.

- VI. To receive messages from the Senate, and consider amendments proposed by the Senate to bills passed by the House.
- VII. To receive (a) resolutions, (b) petitions, (c) motions.
- VIII. Bills introduced on motion for leave and referred to appropriate committees.
- IX. To act on unfinished business of the preceding day, and resolutions lying over from previous day, but no resolution shall lose its place on the calendar by not being acted upon on the day following that on which it was offered.
- X. House and Senate Bills on third reading.
- XI. House and Senate Bills on second reading.
- XII. House and Senate Bills on first reading.
- XIII. To act upon leave of absence for members.
- XIV. Remarks by members of the House.  
Item XIV, Remarks by members of the House, shall not be operative after the forty-seventh day of the session.
- XV. Miscellaneous business. (HR10, Reg. Sess., 2001; HR3, Reg. Sess., 2002)

**Effect of the 2001 amendment.** Item II language is new, and original item II was moved to the end of the order, appearing as XIII.

**Effect of the 2002 amendment.** Item XIV language is new, and original item XIV was moved to the end of the order, appearing as XV. Also, after the forty-seventh day of a regular session, there will not be an order of business for remarks of members.

### **Recess for Introductions**

65a. Upon the request of any member, the Speaker may, not more than twice daily, order a recess for the purpose of introductions. During such recess any member, upon recognition, may introduce to the House citizens seated in the galleries. No such introduction shall exceed one minute ~~in any case nor shall such recess exceed five~~

~~minutes without leave of the Speaker.~~ Rules of order and decorum shall remain in force during such recess as if the House is in session. (HR33, Reg. Sess., 1978; HR1, Reg. Sess., 2017)

**Effect of the 1978 amendment.** Provided for the introduction to the House of citizens in the galleries.

**Effect of the 2017 amendment.** Eliminated the language that restricted the recess to no longer than five minutes without leave of the Speaker.

### **Priority of Business**

66. All questions relating to priority of business shall be decided without debate.

### **Special Orders**

67. Any subject made a special order of business shall be laid before the House by the Speaker, or may be called up by any member, when the time fixed for its consideration arrives. If not called up or acted upon at the time fixed, it shall lose its standing as a special order.

### **Reports and Messages Receivable at Any Time**

68. Messages from the Governor and Senate, communications and reports from state officers, reports from the Committee on Rules, reports from the Committee on Enrolled Bills, and reports of Conference Committees may be received at any time when the House is not actually engaged in taking a vote on some question, in which case it shall be received as soon as the result of the vote is announced. When received it shall be disposed of as the House may direct. Messages and reports received by the Clerk after *sine die* adjournment, which do not require actions by the House, shall be considered received by the House and filed with the Clerk and shall be recorded in the Journal. (HR2, Reg. Sess., 1967; HR1, Reg. Sess., 2017)

**Effect of the 1967 amendment.** Reports from the Committee on Elections were removed from the rule due to another amendment abolishing the committee and transferring its jurisdiction with respect to questions involving the election and qualification of members to the Committee on Rules.

**Effect of the 2017 amendment.** Added language to the rule regarding the practice which allows messages and reports, which require no further House action, received after adjournment *sine die* to be included in the Journal.

### **Consideration of Local Bills**

~~69. Local bills shall be placed upon a special calendar to be known as the Local Bill Calendar, and on Friday of each week, after the ninth order of business is passed, shall be taken up and disposed of before any other business is acted upon: *Provided*, That this rule shall not prohibit the consideration of local bills at such times as the House may determine after the last Friday within the constitutional duration of the regular sessions of the Legislature. (Rescinded by HR1, January 11, 2017)~~

**Effect of the 2017 amendment.** The rule was completely abolished.

### **Special Calendar**

~~70. The House may by resolution authorize Unless the House otherwise directs by a majority vote of the members present, beginning on the thirtieth day of each Regular Session and the commencement of any Extraordinary Session, the Committee on Rules shall to arrange a special daily calendar and the consideration of bills on this calendar shall take precedence over the Regular House calendar.~~

Beginning on the thirty-first day of each Regular Session and the commencement of any Extraordinary Session, all bills or resolutions or other matters of business reported from committee, and having no additional committee reference, shall, unless referred to a second committee by the Speaker, automatically be placed by the Clerk on the Special Calendar, and no bill, resolution, or other matter of business shall be removed from the Special Calendar and placed on the regular House Calendar except by a majority vote of the Committee on Rules, a quorum being present. Once removed from the Special Calendar, any resolution, bill or other matter of business may only be again placed on the Special Calendar by a majority vote of the Committee on Rules, a quorum being present.

The Committee on Rules shall cause to be kept a record of all roll call votes on all questions pertaining to preparation of the Special Calendar and removing the same therefrom. This record of votes shall show those voting in the affirmative or those voting in the negative, whichever shall be the smaller number, and those absent and not voting. These vote records shall be prepared and following the adjournment of each meeting made available to House members and to the public. (HR1, Reg. Sess., 2017)

**Effect of the 2017 amendment.** Implemented a Special Calendar beginning on the 30<sup>th</sup> Day of the Regular Session and during any extraordinary session unless the House otherwise directs.

### **Consent Calendar**

70a. (Rescinded by HR6, January 16, 2007.)

**Effect of the 2007 amendment.** The rule was completely abolished.

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## **COMMITTEES**

### **Kinds of Committees**

71. Committees may be of four kinds, namely: Committee of the Whole House, Standing Committees, Select or Special Committees, and Conference Committees.

### **Committee of the Whole**

72. The House may resolve itself into a Committee of the Whole at any time on the motion of any member, and in forming a Committee of the Whole, the Speaker shall leave the chair and a chairman shall be appointed by him to preside over said committee. It shall consider and report on such subjects as may be committed to it by the House. The proceedings in Committee of the Whole shall not be recorded on the Journal except so far as reported to the House by the Chairman of the Committee.

### **Rules of Proceeding in the Committee of the Whole**

73. The rules of proceeding in the House shall be observed, as far as practicable, in Committee of the Whole,

except that any member may speak oftener than twice on the same subject, but he shall not speak a second time until every member desiring to speak shall have spoken; nor shall a motion for the previous question nor a motion to lay on the table or to adjourn be made therein. The yeas and nays need not be taken in Committee of the Whole.

### **Consideration of Bills in Committee of the Whole**

74. Upon demand by any member, bills committed to a Committee of the Whole House shall, in Committee of the Whole, be read by sections. All amendments made shall be noted by the Clerk and reported to the House by the Chairman. After being reported to the House, the bill shall again be subject to amendment before a vote on the report is taken.

### **Motion to Rise Decided Without Debate**

75. A motion that the Committee of the Whole rise shall always be in order, and shall be decided without debate.

### **Standing Committees**

76. At the commencement of each Legislature, the Speaker shall appoint the standing committees established by this rule. The Speaker shall refer bills introduced, resolutions offered, and messages, petitions, memorials and other matters presented to such committee as he shall deem appropriate to consider and report thereon.

Standing committees are hereby created as follows:

1. Committee on Agriculture and Natural Resources
2. Committee on Banking and Insurance
3. Committee on Education
4. Committee on Energy
5. Committee on Finance
6. Committee on Government Organization
7. Committee on Health and Human Resources



8. Committee on Industry and Labor

9. Committee on Interstate Cooperation

10. Committee on the Judiciary

11. Committee on Pensions and Retirement

12. Committee on Political Subdivisions

13. Committee on Prevention and Treatment of Substance Abuse

~~14~~3. Committee on Roads and Transportation

~~15~~4. Committee on Rules

~~16~~5. Committee on Senior Citizen Issues

~~17~~6. Committee on Small Business, Entrepreneurship and Economic Development

~~18~~7. Committee on Veterans' Affairs and Homeland Security (HR13, Reg. Sess., 1945; HR4, Reg. Sess., 1947; HR2, Reg. Sess., 1967; HR4, Reg. Sess., 1977; HR6, Reg. Sess., 1981; HR24, Reg. Sess., 1986; HR2, Reg. Sess. 2001; HR2, Reg. Sess., 2003; HR2, Reg. Sess., 2005; HR1, Reg. Sess., 2009; HR4, Reg. Sess., 2014; HR1, Reg. Sess., 2017)

**Effect of the 1945 amendment.** Established a Standing Committee on Veterans' Affairs.

**Effect of the 1947 amendment.** Reduced number of standing committees from 29 to 24; changed the membership of committees from not less than seven nor more than twenty-five to not less than eleven nor more than twenty-five; and changed the number of members of the Committee on Rules from seven to not less than five nor more than nine.

**Effect of the 1967 amendment.** The principal change was the reduction of the number of standing committees from 24 to 13. Some provisions of the old rule were embodied in amendments to other rules made at this time.

**Effect of the 1977 amendment.** Established a Standing Committee on Government Organization.

**Effect of the 1981 amendment.** Removed Committee on State and Federal Affairs from Standing Committees.

**Effect of the 1986 amendment.** Changed Committee on Health and Welfare to Health and Human Resources.

**Effect of the 1996 amendment.** Established the Committee on Veterans' Affairs. (HR 4, Reg. Sess., 1996)

**Effect of the 2001 amendment.** Expanded the duties and changed the Committee on Industry and Labor to the Committee on Industry and Labor, Economic Development and Small Business.

**Effect of the 2003 amendment.** Renamed the Committee on Veterans' Affairs the Committee on Veterans' Affairs and Homeland Security.

**Effect of the 2005 amendment.** Added the Committee on Pensions and Retirement as a standing committee of the House.

**Effect of the 2009 amendment.** This amendment separated the Committee on Agriculture and Natural Resources into two separate committees. It also expanded the duties and changed the name of the Committee on Industry and Labor, Economic Development and Small Business to the Committee on Energy, Industry and Labor, Economic Development and Small Business. Additionally, it added the Committee on Senior Citizen Issues as a standing committee of the House.

**Effect of the 2014 amendment.** Combined the Committee on Agriculture and the Committee on Natural Resources into one committee; removed the Committee on Constitutional Revision from the Standing Committees; and separated the Committee on Energy, Industry and Labor, Economic Development and Small Business into two separate committees.

**Effect of the 2017 amendment.** Established a standing committee on Prevention and Treatment of Substance Abuse.

### **Jurisdiction of Committees**

77. In general and without limitation, standing committees shall have functions and jurisdiction of subjects and other matters as follows:

1. Committee on Agriculture and Natural Resources:
  - (a) Agriculture generally, including agricultural production and marketing, animal industry and animal health, adulteration of seeds, commercial feeding stuffs and commercial fertilizer, processed foods, insect pests and pesticides, soil conservation, milk and milk products, meats and meat products, agricultural extension service, etymology and plant quarantine, poultry and poultry

products, and human nutrition and home economics; (b) natural resources in general, including game and fish, forest and wildlife areas, parks and recreation, water resources and reclamation.

2. Committee on Banking and Insurance: (a) Banks and banking, and financial institutions generally; (b) control and regulation of all types of insurance, including organization, qualification and licensing of insurers; and (c) securities and exchanges.

3. Committee on Education: (a) Education generally; (b) boards of education, and administration and control of schools; (c) textbooks and school curricula; (d) vocational education and rehabilitation; (e) qualifications, employment and tenure of teachers; (f) libraries; and (g) public schools and institutions of higher education.

4. Committee on Energy: (a) Mining and extraction of coal and other fossil fuels; (b) extraction and distribution of natural gas; (c) energy production employment, safety, local land use and community impacts; and (d) alternative energy development and efficiency measures.

5. Committee on Finance: (a) Tax and revenue measures increasing or decreasing the revenue or fiscal liability of the State; (b) collection of taxes and other revenue; (c) annual Budget Bills and supplementary appropriation bills; (d) proposals reducing public expenditures; (e) proposals relating to the principal and interest of the public debt; and (f) claims against the State.

6. Committee on Government Organization: (a) Legislation and proposals dealing with the Executive Department of state government with respect to creation, duties and functions; consolidation and abolition; and transfer, imposition and elimination of functions and duties of departments, commissions, boards, offices and agencies; and (b) measures relating to the Legislative Department, other than apportionment of representation and redistricting for the election of members of the two houses.

7. Committee on Health and Human Resources: (a) Public health and public welfare generally; (b) mental health; (c) public and private hospitals and similar institutions; (d) prevention and control of communicable

and infectious diseases; (e) pure food and drugs; (f) poison and narcotics; (g) correctional and penal institutions; and (h) public assistance and relief.

8. Committee on Industry and Labor: (a) Employment and establishment of industry; (b) labor standards; (c) labor statistics; (d) mediation and arbitration of labor disputes; (e) wages and hours of labor; (f) child labor; (g) safety and welfare of employees; (h) industry and labor generally; and (i) infrastructure.

9. Committee on Interstate Cooperation: Constitute the House members of the West Virginia Commission on Interstate Cooperation as provided by Article 1B, Chapter 29 of the Code.

10. Committee on the Judiciary: (a) Judicial proceedings, civil and criminal generally; (b) state and local courts and their officers; (c) crimes and their punishment; (d) corporations; (e) collection and enforcement of property taxes; (f) forfeited, delinquent, waste and unappropriated lands; (g) real property and estates therein; (h) domestic relations and family law; (i) revision and codification of the statutes of the State; (j) election laws; (k) proposals to amend the Constitution of the United States or the Constitution of the State; (l) legislation relating to constitutional conventions; and (m) other matters of a nature not deemed properly referable to any other standing committee.

11. Committee on Pensions and Retirement: (a) Continuing study and investigation of retirement benefit plans of the State and political subdivisions thereof; (b) making recommendations with particular attention to financing of the various pension funds and financing of accrued liabilities; (c) considering all aspects of pension planning and operation; and (d) analyzing each item of proposed pension and retirement legislation with particular reference as to cost, actuarial soundness and adherence to sound pension policy.

12. Committee on Political Subdivisions: (a) Counties, districts and municipalities generally; (b) division of the State into senatorial districts and apportionment of delegate representation in the House; and

(c) division of the State into districts for the election of representatives to Congress.

13. Committee on Prevention and Treatment of Substance Abuse: Issues relating to and regarding the prevention and treatment of substance abuse.

~~14~~3. Committee on Roads and Transportation: (a) Highways, public roads, railways, canals and waterways, aeronautics, aircraft and airways; (b) motor vehicle administration and registration; (c) licensing of motor vehicle operators and chauffeurs; (d) traffic regulation and laws of the road; and (e) regulation of motor carriers of passengers and property for hire.

~~15~~4. Committee on Rules: (a) Rules, joint rules, order of business and parliamentary rules in general; (b) recesses and final adjournments of the House and the Legislature; (c) payment of money out of the contingent or other fund of the House or creating a charge upon the same; (d) employees of and services to the House, and purchase of furniture, supplies and office equipment; (e) election and qualification of members of the House and state officers, privileges of members and officers of the House, and witnesses attending the House or any committee thereof; (f) punishment of members of the House for disorderly conduct; and punishment of any person not a member for contempt, disrespectful behavior in the presence of the House, obstructing its proceedings, and for any assault, threat or abuse of a member of the House; (g) House printing; (h) House Library, statuary and pictures, acceptance or purchase of works of art for the Capitol, purchase of books and manuscripts for the House, erection of monuments to the memory of individuals (i) sale of food and administration and assignment of office space in the House wing of the Capitol; and (j) Resolutions referred to the Committee on Rules pursuant to Rule 110.

~~16~~5. Committee on Senior Citizen Issues: Proposal, revision and recodification of statutory provisions relating to all senior citizen issues.

176. Committee on Small Business, Entrepreneurship and Economic Development: (a) small business; (b) entrepreneurship; (c) e-commerce; (d) e-government; (e)

economic development; (f) job creation; and (g) commerce generally.

187. Committee on Veterans' Affairs and Homeland Security: (a) Veterans' measures; (b) education of veterans; (c) cemeteries of the State in which veterans of any war or conflict are or may be buried; (d) measures generally affecting the health and welfare of veterans; (e) measures relating to detection, protection against, response to, and recovery from, terrorist attacks, internal or external; and (f) military affairs. (HR4, Reg. Sess., 1947; HR2, Reg. Sess., 1967; HR4, Reg. Sess., 1977; HR6, Reg. Sess., 1981; HR24, Reg. Sess., 1986; HR2, Reg. Sess., 2001; HR2, Reg. Sess., 2003; HR2, Reg. Sess., 2005; HR1, Reg. Sess., 2009; HR4, Reg. Sess., 2014; HR1, Reg. Sess., 2015; HR1, Reg. Sess., 2017)

**Effect of the 1947 amendment.** This rule originally prescribed the duties of the Committee on Elections and Privileges. The 1947 amendment changed the name to Committee on Elections.

**Effect of the 1967 amendment.** This amendment abolished the Committee on Elections and transferred its functions to the Committee on Rules and revised the rule to include jurisdiction of all standing committees.

**Effect of the 1977 amendment.** Created the Committee on Government Organization and prescribed its duties.

**Effect of the 1981 amendment.** Removed Committee on State and Federal Affairs from Standing Committees.

**Effect of the 1986 amendment.** Changed Committee on Health and Welfare to the Committee on Health and Human Resources.

**Effect of the 1996 amendment.** Created the Committee on Veterans' Affairs.

**Effect of the 2001 amendment.** Expanded the duties and changed the Committee on Industry and Labor to the Committee on Industry and Labor, Economic Development and Small Business.

**Effect of the 2003 amendment.** Changed the name of the Committee on Veterans' Affairs to the Committee on Veterans' Affairs and Homeland Security and sets forth its duties and jurisdiction.

**Effect of the 2005 amendment.** Added the Committee on Pensions and Retirement and set forth its duties and jurisdiction.

**Effect of the 2009 amendment.** This amendment separated the Committee on Agriculture and Natural Resources into two separate

committees and set forth their duties. It also expanded the duties and changed the name of the Committee on Industry and Labor, Economic Development and Small Business to the Committee on Energy, Industry and Labor, Economic Development and Small Business. Additionally, it added the Committee on Senior Citizen Issues and prescribed its duties.

**Effect of the 2014 amendment.** Combined the Committee on Agriculture and the Committee on Natural Resources into one committee and set forth its duties; removed the Committee on Constitutional Revision from the Standing Committees; and separated the Committee on Energy, Industry and Labor, Economic Development and Small Business into two separate committees and set forth their duties.

**Effect of the 2015 amendment.** Revised language regarding the jurisdiction of the Committee on Rules and the Committee on Veterans' Affairs and Homeland Security.

**Effect of the 2017 amendment.** Added the Committee on Prevention and Treatment of Substance Abuse and set forth its duties and jurisdiction.

### **Composition of Committees**

78. The Committee on Rules shall consist of not less than fifteen nor more than twenty-five members, which number shall include the Speaker, Majority Leader and Minority Leader; the Committee on Interstate Cooperation of seven members; and all other standing committees shall consist of not less than fifteen nor more than twenty-five members, except that the number of members of the Committee on Pensions and Retirement shall be appointed in accordance with Joint Rule 29 or in such number as may be determined by the Speaker. (HR4, Reg. Sess., 1947; HR2, Reg. Sess., 1957; HR22, Reg. Sess., 1963; HR2, Reg. Sess., 1967; HR6, Reg. Sess., 1997; HR2, Reg. Sess., 2001; HR2, Reg. Sess. 2003; HR2, Reg. Sess., 2005; HR1, Reg. Sess., 2011; HR1, Reg. Sess., 2015)

**Effect of the 1947 amendment.** The rule was completely rewritten and the jurisdiction of the committee expanded and delineated.

**Effect of the 1957 amendment.** At this time the number of members of the Committee on Rules was contained in Rule 76 at not less than five nor more than nine. The amendment changed the number to not less than seven nor more than twelve, and included the Speaker, majority leader and minority leader within the committee membership.

**Effect of the 1963 amendment.** The rule was rewritten expanding and detailing the duties and jurisdiction of the Committee on Rules. Among new duties given the committee were prescribing qualifications and recommending persons to fill positions under Rule 9.

**Effect of the 1967 amendment.** The amendment rewrote the rule fixing membership of all standing committees.

**Effect of the 1997 amendment.** The amendment increased the maximum number of members of the Committee on Rules by two.

**Effect of the 2001 amendment.** The amendment decreased the maximum number of members of the Committee on Rules by two.

**Effect of the 2003 amendment.** Increased the maximum number of members of the Committee on Rules by four.

**Effect of the 2005 amendment.** Increased the membership of the Committee on Rules and specified that the Speaker may set the number of members on the Committee on Pensions and Retirement.

**Effect of the 2011 amendment.** The amendment increased the maximum number of members of the Committee on Rules from eighteen to twenty.

**Effect of the 2015 amendment.** The amendment increased the maximum number of members of the Committee on Rules twenty-five.

### **Duties of Committees**

79. The several standing committees shall not only consider matters specifically referred to them, but whenever deemed practicable suggest such legislation as will provide upon general principles for all similar cases. It shall be the duty of each committee to inquire into the condition and administration of the laws relating to the subjects which it has in charge; to investigate the conduct and look to the responsibility of all public officers and agents concerned; and to suggest such measures as will correct abuses, protect the public interests, and promote the public welfare. (HR2, Reg. Sess., 1967)

**Effect of the 1967 amendment.** This rule, originally dealing with the duties of the Committee on Finance, was rewritten and made applicable to standing committees generally.

### **Bill Not to Be Divided among Committees, Speaker May Direct Second Reference**

80. A bill may not be divided among two or more committees although it may contain matters properly within the jurisdiction of several committees, but must be referred to one committee as an entirety.



When the Speaker is of the opinion that a bill should be considered by more than one committee, at the time of referring it, or at the time the bill is reported from a committee to which it has been referred, he may direct that when the committee to which it is referred completes its consideration thereof and makes a recommendation with respect thereto, the committee's report shall also recommend that it be referred to the additional committee or committees as ~~previously~~ directed by the Speaker. When a bill is so reported, it shall automatically be referred as directed, unless by unanimous consent the House shall dispense with such second reference. (HR2, Reg. Sess., 1967)

**Effect of the 1967 amendment.** This rule, originally applicable to the Committee on Claims only, was rewritten.

**Effect of the 2017 amendment.** Added language to the rule that allows the Speaker to refer a bill at the time the bill is reported from a committee to which it had been referred.

### **Reports of Committees**

81. The several standing committees shall have leave to report by bill or otherwise. All committees shall submit their reports to the House in writing, and the same shall be printed in the Journal. Reports of committees shall be advisory only. Committee chairmen shall see that the originals of all bills, resolutions, and such other documents as are referred to them are returned to the House, with the report upon the matter to which they pertain. (HR4, Reg. Sess., 1947)

**Effect of the 1947 amendment.** Originally, this rule dealt with functions of the Standing Committee on Executive Offices and Library, which was rescinded by the amendment and successive rules renumbered.

### **Discharging Committee from Consideration of Bill**

82. When a bill or resolution has been in the hands of a committee five legislative days after having been referred to it, the committee may be discharged from further consideration of the bill or resolution by a majority vote of all the members present. The chairman of a committee may move that his committee be discharged from consideration of the matter at any time after commitment, ~~and after the fiftieth day of the session any member may move to~~

~~discharge a committee from consideration of any bill or resolution at any time after the same has been referred to it.~~  
(HR1, Reg. Sess., 2017)

**Effect of the 2017 amendment.** Deleted language at the end of the rule that read “and after the fiftieth day of the session any member may move to discharge a committee from consideration of any bill or resolution at any time after the same has been referred to it”.

### **Committee Meetings**

83. Meetings of all committees shall be upon a call of the chairman, but no committee shall sit during a session of the House without leave of the House. It shall be the duty of the chairman of a committee to announce, or have announced, from the floor of the House, or by the Speaker or Clerk, during the session of the House, the time and place of the next meeting of the committee, and at such time, if practicable, announce the bills, resolutions or other business to be considered at such meeting. In case of failure of the chairman of any committee to call a meeting of such committee upon the request of a member, then fifty percent or more of the members of such committee shall have a right to call a meeting of such committee.

Notwithstanding any other rule to the contrary, on motions to report a bill or a resolution to the House, to table a bill or a resolution or to postpone consideration of a bill or a resolution indefinitely, the clerk of the committee shall make a record of the vote and following adjournment of the meeting make available to the public a list showing those voting in the affirmative or those voting in the negative, whichever shall be the smaller number, and those absent and not voting.

All meetings of standing committees shall be open, except a standing committee may, by a majority vote of the members present, hold an executive session for the specific purposes of: (1) Conducting committee discussion of legislative personnel; (2) conducting committee discussion of state government personnel; (3) consideration of and action on charges against a member of the House; or (4) where such meetings involve compiling information, investigating accusations or taking testimony which, if publicly disclosed, might unjustly injure or unfairly reflect on the reputation of innocent persons: *Provided*, That the

Committee on Rules, while holding an executive session for the specific purposes of (1), (2), (3) and (4) above, shall by roll call vote record any definitive action and shall make such vote record available to the public.

In no other instances shall a vote be taken while a standing committee is holding an executive session. (HR27, Reg. Sess., 1965; HR5, Reg. Sess., 1970; HR5, Reg. Sess., 1971; HR11, Reg. Sess., 1975; HR7, Reg. Sess., 1976)

**Effect of the 1965 amendment.** A provision was added at the end of the rule providing that no one not a member except the Clerk should be present in a committee when a vote was taken.

**Effect of the 1970 amendment.** The provision of the rule prohibiting anyone other than the clerk of a committee to be present when a vote was taken was changed to provide that all committee meetings except executive sessions should be open to the public.

**Effect of the 1971 amendment.** The last paragraph of the rule was added by the amendment.

**Effect of the 1975 amendment.** Inserted word "resolution" in the first two paragraphs following the word "bills", and added the last paragraph as shown in the text above.

**Effect of the 1976 amendment.** Deleted paragraph providing for executive session to set special daily calendar.

## Committee Hearings

~~84. On written request of the introducer of a bill or any interested person or organization, timely made to the Chair or clerk of a committee, a public hearing shall be held on any measure on the official agenda of the committee. A request for a public hearing shall only be proper in any committee to which the measure has been referred before the bill is explained. If the request for a public hearing be made after the committee agenda has been published, the Chair of the Committee may either remove such measure from the agenda and schedule the hearing to be held no sooner than the second calendar day following publication of the notice of public hearing, or may proceed with consideration of such measure in committee, in which case a public hearing shall be held by a subsequent committee to which the measure has been referred, if any, no sooner than the second calendar day following publication of the notice of the public hearing. If such measure on which a~~

~~public hearing is requested as aforesaid be reported to the floor, and no public hearing has been held by a committee prior to such measure being reported to the floor, the Chair of the Committee shall schedule a public hearing no sooner than the second calendar day following publication of notice of the public hearing, but prior to the measure being considered for passage.~~

Subject to the provisions hereof, a public hearing shall be held upon the timely written request of any member or citizen on any bill that is placed upon a committee agenda. A request for a public hearing shall be considered timely if the request is made prior to the bill being explained in the committee in which the request is made.

If the request for a public hearing is made in writing before the committee agenda has been published, the Chair of the Committee shall remove such measure from the agenda and schedule the public hearing prior to considering the measure.

If the request for a public hearing is made after the committee agenda has been published, either: (1) The Chair of the Committee shall remove such measure from the agenda and schedule the public hearing prior to considering the measure; (2) for any measure referred to an additional committee, the Chair of the Committee in which the request was made may proceed to consider the measure, in which case the public hearing shall be held by the additional committee to which the measure is referred, if such measure is placed on the agenda of such additional committee, prior to the additional committee's consideration of the measure; or (3) if the measure is not referred to an additional committee, the Chair may proceed to consider the measure and hold the public hearing prior to the measure being considered for passage.

For purpose of this Rule 84, publication of notice of public hearing shall be deemed to have been effective when the public hearing has been announced on the floor of the House. The subject, time and location of any public hearing shall also be placed on the legislative website. No public hearing shall be scheduled sooner than the second calendar day following announcement of the hearing on the floor of the House.

The Chair of the Committee may limit the time of proponents and opponents at such hearing. The hearing may be conducted by the entire committee or a subcommittee thereof, as the committee shall direct.

When a bill is referred to more than one committee, no more than one hearing shall be required when properly and timely requested under the provisions of this rule: *Provided*, That a public hearing request made after the 43<sup>rd</sup> day on House bills or after the 53<sup>rd</sup> day on Senate bills shall not be in order unless such bill is originated in committee, in which case the request for a public hearing shall be granted and the public hearing shall be scheduled in accordance with this Rule: *Provided further*, That after the 43<sup>rd</sup> day, in order to conduct the business of the House in a timely and efficient manner, the House may, by a vote of a majority of the members present, provide for a hearing to be held sooner than the second calendar day following announcement of the hearing on the floor of the House and may limit the number and length of public hearings, if there are public hearing requests pending for more than five bills in any committee. (HR 27, Reg. Sess., 1965; HR2, Reg. Sess., 1971; HR6, Reg. Sess., 2002; HR44, Reg. Sess., 2012; HR1, Reg. Sess., 2017)

**Effect of the 1965 amendment.** The amendment provided for committee hearings to be held either by the full committee or a subcommittee and directed that all hearing should be open to the public.

**Effect of the 1971 amendment.** The amendment rewrote the first paragraph and added the second paragraph.

**Effect of the 2002 amendment.** Clarifies when public hearings shall be held and eliminates the necessity of holding duplicate hearings.

**Effect of the 2012 amendment.** The amendment completely rewrote the rule, setting forth details for requests for and the holding of, public hearings.

**Effect of the 2017 amendment.** Revised and clarified guidelines for the committee hearing process and timelines of when public hearings are to be held.

### **Witnesses Before Committees**

84a. Every committee of the House shall ~~have authority upon its own motion to~~ administer oaths to any witness appearing before the committee at any hearing or

during the deliberations of any committee. If any witness to whom an oath has been administered shall refuse to answer a question put to such witness by any member of the committee, the committee may report such refusal to the House and upon motion duly made by any member of the House, the House may cause to be issued a subpoena to compel such witness to appear before the committee to give testimony. Upon appearance pursuant to subpoena the witness may be questioned by the chairman and any member of the committee. The Clerk of the House, the chairman of the committee and, in the absence of the chairman, the committee clerk or any member of the committee may administer the oath to the witness and may require that such oath be subscribed to by the witness.

No committee shall invoke this rule unless in the judgment of a majority of members appointed to the committee special circumstances so require. (HR1, Reg. Sess., 2017)

**Effect of the 2017 amendment.** Required every witness appearing before a committee to be administered an oath.

### **Committee Clerks**

85. The Speaker shall assign to the various committees such clerks and other clerical and stenographic help as may be necessary to properly carry on the work of the committees. Committee clerks shall keep such records and perform such duties as the chairmen of the respective committees may direct.

### **Committee Records**

86. The chairman of each committee shall keep, or cause to be kept, a record in which there shall be entered:

(a) The time and place of each hearing, and of each meeting of such committee.

(b) The attendance of committee members at each meeting.

(c) The names and addresses of all persons appearing before the committee, with the name of person, persons,

firm or corporation, and addresses, in whose behalf such appearance is made.

(d) The vote of each member on all motions, bills, resolutions and amendments acted upon, when a ye and nay vote is taken.

Such a record shall be read and approved at the next regular meeting of the committee. The committee records shall be open to inspection of the public at proper times and places and at the close of the session shall be filed with the Clerk of the House.

### **Committee Quorum; Subcommittees**

87. A majority of any committee shall constitute a quorum for the transaction of business. A subcommittee, which shall report to the regular committee, may be appointed to consider and report to the committee on any matter referred to it.

### **Minority Views**

88. The minority of any committee may present its recommendations in writing with the report of the committee, and the same shall be printed in the Journal, and said recommendation may, by a vote of the House, be substituted for and become the report of the committee. If the minority or any committee presents its recommendations after the report of the committee has already been received, it shall still be printed in the Journal.

**Effect of the 2017 amendment.** Added the last sentence to the rule.

### **House Rules to Govern Committee**

89. The rules governing the proceedings of the House shall apply to the proceedings of the committee, insofar as the same are applicable.

### **Select or Special Committees**

90. Select or special committees may be provided for on motion or resolution, designating the number and

object, and, unless otherwise ordered, shall be appointed by the Speaker.

### **Conference Committees and Reports**

91. All reports of conference committees shall be presented after having been signed by a majority of the conferees of each House and be printed in the Journal. No matter shall be considered by said committee, or reported upon by it, except that in disagreement between the two houses.

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## **BILLS, RESOLUTIONS AND PETITIONS**

### **BILLS AND JOINT RESOLUTIONS**

#### **Time Limit on Introducing**

91a. No House joint resolution and no House bill, other than a House supplementary appropriation bill or a House bill originating in a House standing or select committee, shall be introduced in the House after the thirty-fifth ~~forty-second~~ day of a regular session unless permission to introduce the joint resolution or bill be given by a House resolution, setting out the title to the joint resolution or bill and adopted by a two-thirds vote of the House members present. The thirty-fifth ~~forty-second~~ day of the regular session held in the year two thousand nine and every fourth year thereafter shall be computed from and include the second Wednesday of February of such years. When permission is requested to introduce a joint resolution or bill under provisions of this rule, ~~quaduplicate~~ duplicate copies of the joint resolution or bill shall accompany the resolution or bill when introduced. (HR22, Reg. Sess., 1981; HR17, Reg. Sess., 1994; HR11, Reg. Sess., 1995; HR3, Reg. Sess., 2008; HR1, Reg. Sess., 2015; HR 1, Reg. Sess., 2017)

**Effect of the 1981 amendment.** The rule was rewritten in order to provide for introduction of House bills after the fiftieth day by a simple House resolution rather than a concurrent resolution. The rule also provides that bills may originate in committee after the fiftieth day.



**Effect of the 1994 amendment.** The rule was changed to set the last day for bill introduction at the forty-first day of the session, instead of the fiftieth.

**Effect of the 1995 amendment.** The rule was changed to set the last day for bill introduction at the forty-fifth day of the session, instead of the forty-first.

**Effect of the 2008 amendment.** The rule was changed to set the last day for bill introduction at the forty-first day of the session, instead of the forty-fifth.

**Effect of the 2015 amendment.** The rule was changed to set the last day for bill introduction at the forty-second day of the session, instead of the forty-first.

**Effect of the 2017 amendment.** The rule was changed to set the last day for bill introduction at the thirty-fifth day of the session, instead of the forty-second. Also changed the required number of copies to two for joint resolutions and bills to reflect the practices of the House.

### **Method of Introducing**

92. Bills for introduction in the House on the opening day of any session of the Legislature may be filed with the Clerk not later than the day preceding the opening of such session. During sessions bills to be introduced shall be filed with the Clerk not later than 12:00 o'clock meridian on the legislative day next preceding their introduction. Before formal introduction, the Clerk shall number such bills as are presented and edit and correct them as to form. When the time for introducing bills is reached in the regular order of business, the Clerk shall report each of said bills by title in the same manner as if it were introduced from the floor. This rule shall not deny a member the right to introduce a bill from the floor in case of urgency. (HR26, Reg. Sess., 1963; HR3, 1<sup>st</sup> Ex. Sess., 1968; HR3, Reg. Sess., 1972)

**Effect of the 1963 amendment.** The "fiscal note" rule was added.

**Effect of the 1968 amendment.** The amendment changed the time for filing bills for introduction from 4:00 p.m. to 12:00 noon.

**Effect of the 1972 amendment.** The amendment rewrote the rule, the principal change being to remove the "fiscal note" provisions from this rule and place them in a new rule, 95a.

### **Bill Carryover**

92a. Any bill or joint resolution pending in the House at the time of *sine die* adjournment of the First Regular

Session of a Legislature, or extended First Regular Session thereof, which has not been rejected, laid on the table or postponed indefinitely by the House, shall carry over in its original form to the Second Regular Session only at the request of the sponsor ~~or cosponsors~~ of the bill or resolution, such request to be made to the Clerk of the House not later than ~~ten~~ thirty days prior to the commencement of the session.

After receiving notice from the first-named sponsor of his or her intent to carry over the bill, the Clerk of the House shall notify all cosponsors that the bill will be carried over. All cosponsors shall have ten days after the date of notice to notify the Clerk of the House that their names should be removed from the bill to be carried over.

Any such bill or joint resolution shall retain its original number and shall be deemed to be reintroduced on the first day of the Second Regular Session and shall, except as otherwise directed by the Speaker, be treated as referred to the committee or committees to which it was originally referred.

In the case of any House bill or joint resolution which has been passed or adopted by the House, such bill or resolution shall likewise be deemed to be reintroduced and referred, except as otherwise directed by the Speaker, to the committee or committees to which it was originally referred.

This rule shall not apply to any bill or joint resolution solely sponsored by a former member, to supplemental appropriation or budget bills, to bills which promulgate legislative rules, to bills which expire or continue state agencies pursuant to the West Virginia Sunset Law, to bills of a local nature, or to any bill or joint resolution introduced during any extraordinary session. (HR 2, Reg. Sess., 1988; HR 12, Reg. Sess., 1996; HR1, Reg. Sess., 2017)

**Effect of the 1988 amendment.** Allowed House bills or joint resolutions pending at the time of *sine die* adjournment of the 1<sup>st</sup> Regular Session to carryover to the 2<sup>nd</sup> Regular Session.

**Effect of the 1996 amendment.** Allowed bill or joint resolution to be carried over at the request of the first-named sponsor. Allows cosponsors to have ten days after date of notice to notify Clerk to have their name removed.

**Effect of the 2017 amendment.** Changed the rule to require that the sponsor must request that a bill or joint resolution be carried over, and that such request must be made thirty days prior to session instead of ten.

### **Bills to Be Presented in Duplicate**

93. All bills for introduction shall be presented in duplicate, bearing the name of the first-named sponsor and the name or names of all sponsors by whom they are to be introduced. The original copy shall constitute the official bill for use of committees and for the permanent files of the House, and one copy shall be for the Clerk's office files. (HR3, 1<sup>st</sup> Ex. Sess., 1968; HR12, Reg. Sess., 1996; HR29, Reg. Sess., 2011)

**Effect of the 1968 amendment.** The amendment rewrote the rule, the principal change being to require a bill for introduction to be presented in quadruplicate instead of triplicate.

**Effect of the 1996 amendment.** Provides for placing the name of the first-named sponsor and the name or names of all cosponsors on all bills to be introduced.

**Effect of the 2011 amendment.** The principal change was to require a bill for introduction to be presented in duplicate instead of quadruplicate.

### **Joint Sponsors of Bill**

94. A bill may be introduced bearing the names of not more than eleven members as joint sponsors of the bill. (HR40, Reg. Sess., 1937; HR18, Reg. Sess., 1992; HR15, Reg. Sess., 2005)

**Note:** This rule was originally adopted as Rule 94a. In 1992, the number was increased to seven and in 2005, it was raised to eleven.

### **Introduction of Bills by Request**

94a. A bill may be introduced by request. All bills introduced by request shall bear the words "by request," following the designation of the name or names of the bill sponsor or sponsors. (HR13, Reg. Sess., 1988)

**Effect of the 1988 amendment.** Allowed for the introduction of bills by request.

### **Removal or Addition of Name as Sponsor of a Bill or Resolution**

94b. Any Delegate whose name appears as a cosponsor of a bill or resolution may have his or her name removed as a sponsor of the bill or resolution by submitting a written request to the House Clerk not later than the day the bill or resolution is reported from its final committee: *Provided*, That the removal shall only be permitted if the member is not the last remaining sponsor of the bill or resolution.

Any Delegate wishing to be added as a cosponsor of a bill or resolution shall be added by the Clerk if written request is made to the Clerk not later than the day the bill or resolution is reported from its final committee if the lead sponsor of the bill or resolution agrees in writing to the addition and if the bill has less than the maximum number of sponsors allowed by these rules.

Nothing herein requires reprinting by the Clerk of paper copies of the bill to reflect the addition or removal of sponsors. Any such changes shall appear in electronic form only until reprinting of the bill is required by these rules. (HR8, Reg. Sess., 2015)

**Effect of the 2015 amendment.** This rule was created to change the process for adding or removing a member as a sponsor of a bill or resolution.

### **Reference to Committees**

95. Bills introduced by any member, on motion for leave, or by any standing committee, shall be read by their titles and referred to the appropriate committee without printing, and all such bills shall be treated in committee as resolutions of inquiry. If the committee report a bill different from one so introduced, either by amendment or substitution, such bill shall be received and treated in the House as the original bill, and the committee report and Journal of the House shall show that the bill was either amended or substituted in committee: *Provided*, That in no instance shall a House or Senate bill be referred to the Committee on Rules. (HR2, Reg. Sess., 1975)

**Effect of the 1975 amendment.** No bill shall be referred to the Committee on Rules.

**Fiscal Notes**

95a. Prior to consideration, by the House or by any committee thereof, of any bill which either increases or decreases the revenue or fiscal liability of the State or any county, municipality or other subdivision of the State or in any manner changes or modifies any existing tax or rate of taxation, such bill shall have attached thereto a fiscal note, which "fiscal note" shall conform to the requirements as to form and content prescribed by the "Fiscal Note Manual," prepared and adopted by the Committee on Rules to govern preparation of fiscal notes to bills introduced in the House of Delegates.

In the case of a bill which either increases or decreases the revenue or fiscal liability of the State or any county, municipality or other subdivision of the State, nothing herein shall prohibit consideration of such a bill if, in the opinion of the chairman of the committee to which the bill has been referred, or in the opinion of the Speaker, a reasonable time has elapsed since a fiscal note was requested and no fiscal note or an incomplete fiscal note has been furnished.

It shall be the responsibility of the legislator introducing a bill to obtain such note when required. Such note shall be attached to the bill when filed for introduction, if at all possible, and shall accompany any bill requiring such note when the same is reported from committee.

A legislator introducing a bill requiring an increase in the revenue or fiscal liability of the State or any county, municipality or other subdivision of the State should have attached thereto the legislator's specific plan, idea, method or manner for generating the revenue needed or required by the proposed bill.

The jackets of all measures with fiscal notes attached or requiring such notes shall have the words "Fiscal Note" or the initials "FN" clearly stamped or endorsed thereon.

Rule 95a, as amended herein, shall not take effect until January 15, 1989.

No Act shall be void or voidable for noncompliance with this rule. (HR7, Reg. Sess., 1979; HR14, Reg. Sess., 1988)

**Note:** A fiscal note rule was adopted in 1963 as a part of Rule 92, but was suspended from session to session until it went into effect at the 1969 Regular Session.

**Effect of the 1979 amendment.** Effective January 15, 1980, fiscal notes are required of all political subdivisions. The amendment also allowed a bill to be considered, if in the opinion of the chairman of a committee or the Speaker a reasonable time has elapsed since a fiscal note was requested.

**Effect of the 1988 amendment.** Provides for legislator introducing bill to attach plan, method or manner for generating necessary revenue.

### **Correctional System Fiscal Impact Note**

95b. Prior to consideration, by the House or by any committee thereof, of any bill which proposes to create new criminal conduct punishable by incarceration, or either increases or decreases any criminal penalty involving a term of incarceration, the Division of Corrections, in conjunction with any applicable State agency, shall provide a correctional system fiscal impact note outlining the projected fiscal impact on the State's correctional system of the legislative proposal. The note shall include projected increases or decreases in persons incarcerated, the fiscal impact the proposal likely will have on existing availability of correctional facilities and facility space; whether the proposal will likely decrease or increase inmate populations and, in the case of increased inmate populations, whether additional costs will necessarily be incurred for expanded and increased correctional or jail facilities, equipment and personnel and, if so, the projected cost therefor.

In the case of a bill which either increases or decreases the revenue or fiscal liability of the State or any county, municipality or other subdivision of the State, nothing herein shall prohibit consideration of such a bill if, in the opinion of the chairman of the committee to which the bill has been referred, or in the opinion of the Speaker, a reasonable time has elapsed since a fiscal note was requested and no fiscal note or an incomplete fiscal note has been furnished.

No act shall be void or voidable for noncompliance with this rule.

Rule 95b, as herein set forth, shall take effect January 1, 2007. (Com. Sub. for HR31, Reg. Sess., 2005)

**Effect of the 2005 amendment.** Added the last three paragraphs to the rule.

### **Economic Impact Statement**

95c. Upon the introduction of any legislation which has a potential impact on the State's economy, the Speaker may request from any institution under the authority of the West Virginia Higher Education Policy Commission, including but not limited to any state college or university, West Virginia University, or Marshall University, a review of the proposed legislation for purposes of preparing an Economic Impact Statement. The Economic Impact Statement may address the probable effect of any proposed legislation on the economy of the State of West Virginia including, but not limited to, the effect of the legislation on employment, job creation or reduction, and compensation. The Statement shall include the names of those persons who participated in the drafting of the Statement, including the time spent preparing the Statement. The institution shall also make available a lead author of the Statement or other qualified representative of the institution to discuss the Statement with any committee of the House in which the legislation was referred. The Speaker may also request from any institution that produced a statement, a follow-up study two and five years following enactment of the legislation to analyze the economic impacts of the legislation. It shall be the responsibility of the Speaker to obtain any requested Economic Impact Statement, which shall be based on generally accepted methodology. The Rules Committee may, but is not required to, make by resolution recommendations as to the form and additional contents of the Economic Impact Statement.

The phrase "Economic Impact Statement" or the initials "ES" must be clearly stamped or endorsed on the jackets of all bills that have statements attached to them. The failure to comply with any provision of this Rule shall not prohibit the consideration or passage of any proposed legislation. (HR1, Reg. Sess., 2015)

**Effect of the 2015 amendment.** Created rule relating to Economic Impact Statement.

### **What Bills to Contain**

96. Bills proposing laws or changes in laws shall consist of a title, beginning with the words “A BILL to” and contain a brief statement of the object of the proposed measure, and if it amends or changes a law, a reference to the law proposed to be changed. The bill proper shall begin with the enacting clause, Be it enacted by the Legislature of West Virginia,” and state at large the measure proposed. [Const., Art. VI, §30.]

### **Bill Not to Embrace More Than One Object**

97. No bill shall embrace more than one object, and that shall be stated in the title, and no law shall be revived or amended by reference to its title only; but the law revived, or the section amended, shall be inserted at large in the new act. [Const., Art. VI, §30.]

### **Reporting Bills from Committee**

98. When a bill is reported from committee with the recommendation that it do pass, it shall be placed on the calendar for the succeeding day and come up on first reading unless the House by action otherwise directs. If on the calendar when referred, it shall be replaced on the reading from which it was taken.

If a bill be reported favorably with amendments, the report and Journal shall so show, and when the bill reaches second reading the committee amendments shall be acted upon before other amendments are offered, except amendments to the committee amendments.

If a committee to which a bill has been referred reports that the same ought not to pass, the Speaker shall immediately propound the question, “Shall the bill be rejected?” If this question is decided in the negative, the bill shall be disposed of in the same manner as if reported favorably.

### **Printing of Bills**

99. ~~All bills favorably reported from committee and such other bills as the House may order shall be printed~~



~~promptly~~. (HR2, Reg. Sess., 1967; Rescinded by HR1, January 11, 2017.

**Effect of the 1967 amendment.** The amendment changes the stage at which bills are to be printed from when advanced to second reading to when reported from committee.

**Effect of the 2017 amendment.** The rule was completely abolished and Rule 104 rewritten to reflect current technology and practices.

### **Recommitment of Bills**

100. A bill may be recommitted at any time before it passes. Should such recommitment take place after its engrossment, and an amendment be reported, the bill shall be placed on second reading when reported back.

### **Reading Bills**

101. Before any bill is read by the Clerk, he shall state to the House whether it is on first, second or third reading.

### **Bills to Have Three Readings**

102. No bill shall become a law until it has been fully and distinctly read on three different days, unless in case of urgency, by a vote of four fifths of the members present, taken by yeas and nays on each bill, this rule be dispensed with. Upon any bill there may be a motion to dispense with the constitutional rule, in order that the bill may be read twice or three times on the same day, and upon the first or second reading of any bill there may be a motion to dispense with the constitutional rule in order that the bill may, upon such reading, be read by its title: *Provided*, That in all cases there shall be three readings on each bill, and that an engrossed bill shall be fully and distinctly read. [Const., Art. VI, §29]

### **Bills - First Reading**

103. The first reading of a bill shall be for information; and if opposition be made to it, the question shall be, "Shall the bill be rejected?" If no opposition be made, or if the question to reject be lost, it shall be regarded as ordered to its second reading, unless the House otherwise specially directs. On the first reading of a bill, it may at any stage of the reading be rejected on motion.

### **Bills - Printing and Availability to Members**

~~104. No bill shall be put upon its second reading until the same shall have been printed, or otherwise mechanically reproduced, and shall have been made available to the members of the House in the House Document Room, no later than 6:00 P.M. or the hour of adjournment, whichever be later, on the day next preceding the day upon which it is to be read a second time.~~

~~Upon receipt of the printed or reproduced bill, the Clerk shall, forthwith, place copies of said bill on the desks of each member and, if possible, in the bill books; however, the failure of the Clerk to do so shall not be cause for delaying action on the bill.~~

~~Bills, resolutions and other documents in electronic format and available to the members on the Chamber Automation System shall be in compliance with the provisions of this rule.~~

Electronic versions of all bills shall be made available promptly on the Chamber Automation System once introduced and printed version of all bills will be made available when requested from the Legislative Print Shop. (HR31, Reg. Sess., 1971; HR4, Reg. Sess., 2002; HR7, Reg. Sess., 2005; HR 1, Reg. Sess., 2017)

**Effect of the 1971 amendment.** The amendment rewrote the rule. The last paragraph was added.

**Effect of the 2002 amendment.** The last paragraph was added as a result of the installation of the Chamber Automation System.

**Effect of the 2005 amendment.** Provides that the House may consider bills, resolutions and other documents in case of failure of the Chamber Automation System or failure of the Clerk to provide reproduced copies of the measures to be considered.

**Effect of the 2017 amendment.** Updated the rule to reflect current printing practices.

### **Amending and Engrossing Bills**

105. On the second reading of a bill on the demand of any two members, it shall be read section by section for amendment, and when the amendments as may be moved are disposed of, the question, unless the House otherwise order,

shall be, if a House bill, "Shall the bill be engrossed and ordered to the third reading?" If a House bill shall be ordered to its engrossment and third reading, and amendments have been made thereto, the type from which the bill was originally printed shall be changed to conform with the amendments. The bill shall then be reprinted and shall be the engrossed bill, and shall be designated as such. If no amendments are made the bill as originally printed may be ordered to its third reading and shall become the engrossed bill, and shall be designated as such. All House bills ordered to their engrossment and third reading shall be jacketed and engrossed with their number, title, by whom introduced, and if the bill is finally passed, the date of its passage and the signature of the Clerk. If a House bill is passed by the Senate and returned to the House without amendment, or if amended and the amendment or amendments be agreed to, it shall then be turned over to the Joint Committee on Enrolled Bills. In the case of a Senate bill on second reading, if the same be amended by the House and passed as amended, the amendment or amendments shall be noted in full on slips of paper in typewriting and attached to the bill at the proper place by the Clerk before the bill is returned to the Senate, and all the amendments shall also appear in the House Journal.

### **Time Bills to Go into Effect**

106. In the passage of a bill by the House, a motion may be made that it take effect from its passage, or at some time other than ninety days after its passage; and if said motion be adopted by a vote of two thirds of all the members elected to the House, taken by yeas and nays, the Clerk shall communicate that fact to the Senate along with the bill. [Const., Art. VI, §30]

### **Senate Bills**

107. Senate bills passed by the Senate and reported to the House shall be referred to the appropriate committee unless the House otherwise directs. After this they shall be treated in the same manner as House bills.

## **RESOLUTIONS**

### **Resolutions**

108. Resolutions shall be of three classes, as follows:

(1) *Joint Resolutions*: All proposed amendments to the State Constitution shall take the form of a joint resolution, which shall be subject to the rules which govern the proceedings on bills, except that it shall be read on three several days, and, to be adopted, must on its third reading be agreed to by a two-thirds vote of the members elected to the House. When a proposed amendment to the Constitution is under consideration, the vote of a majority of the members present shall be sufficient to decide an amendment thereto or any collateral or incidental questions thereto short of the final question.

(2) *Concurrent Resolutions*: Concurrent resolutions shall be used for the purpose of expressing the sentiments of the Legislature, for authorizing expenditures incidental to the sessions and business of the Legislature, for agreeing upon adjournments beyond the constitutional limitation, for creating special joint committees, for raising a joint assembly and other inferior and incidental purposes of legislation, and such other purposes as the Legislature may deem proper. The adoption of such resolutions must be concurred in by both houses.

(3) *House Resolutions*: These simple resolutions shall be used for expressing the will or order of the House on matters in which the concurrence of the Senate is not necessary. A House resolution shall be proper to express the sentiments of the body, to authorize expenditures from its contingent fund, for agreeing upon any question, and for all incidental purposes pertaining to the organization and work of the House. (HR2, Reg. Sess., 1967)

**Effect of the 1967 amendment.** The amendment inserted the word "State" preceding the word "Constitution" in line one of subdivision (1).

**Note:** Joint resolutions are used only for amendments to the State Constitution and to ratify amendments to the Federal Constitution. Such resolutions do not have to be submitted to the Governor for his approval.

**Policy of the House as to Concurrent and House Resolutions; Defining Purpose and Scope of Such Resolutions; ~~Preintroduction~~ Review ~~by~~ ~~Committee on Rules~~**

108a. It is hereby declared to be the policy of the House of Delegates that concurrent and house resolutions be limited to the general purposes set forth in subdivisions

(2) and (3) of Rule 108 and shall be restricted to expressions of sentiments and actions having a bearing upon matters incident to legislative business and the functioning of the legislative process insofar as possible.

Such resolutions shall not embrace congratulatory expressions to individuals, organizations, associations or other entities having no relation to the Legislature or public affairs generally, athletic events, scholastic contests, or any other matter not related to the scope and areas of legislative business: *Provided*, That this rule shall not bar the introduction of resolutions memorializing deceased members of the Legislature and public officials or commending or congratulating public officials on actions in connection with governmental affairs.

Any concurrent or house resolution shall be submitted to the Clerk for determination of compliance with this rule. (HR3, Reg. Sess., 1974; HR1, Reg. Sess., 2015)

**Effect of the 1974 amendment.** This section was added by HR 3, Reg. Sess., 1974. Resolutions shall not embrace congratulatory expressions to individuals, organization, etc., having no relation to the Legislature. All resolutions must have preintroduction review by the Committee on Rules.

**Effect of the 2015 amendment.** Required concurrent or House resolutions to be submitted to the Clerk instead of the Committee on Rules for determination of compliance with this rule.

### **Introduction of Resolutions**

109. All resolutions to be introduced in the House shall be filed with the Clerk not later than two hours prior to the convening of the session at which they are to be introduced. They shall be presented in ~~quadruplicate~~ duplicate and copies shall be for the same purpose as that of bills. When the proper order of business is reached, the Clerk shall proceed in the same manner as if they were introduced from the floor. This rule does not deny a member the right to introduce a resolution from the floor in case of urgency. The different classes of resolutions shall be numbered by the Clerk and entered in full in the Journal. (HR3, 1<sup>st</sup> Ex. Sess., 1968; HR1, Reg. Sess., 2017)

**Effect of the 1968 amendment.** The word "triplicate" was changed to "quadruplicate."

**Effect of the 2017 amendment.** The word “quadruplicate” was changed to “duplicate.”

### **Action on Resolutions**

110. Upon introduction, all resolutions shall be read by their titles, referred to the appropriate committee, and be inserted in full in the Journal. Resolutions other than joint resolutions, proposing amendments to the State Constitution, reported from committee shall lie over one day and come up under the ninth order of business the following legislative day.

Joint resolutions proposing amendments to the State Constitution shall be treated as bills and proceedings thereon shall be in accordance with section two, article fourteen of the State Constitution.

Resolutions adopted by the Senate and reported to the House shall be subject to the same rule as that governing resolutions introduced in the House.

## **PETITIONS**

### **Petitions**

111. All petitions, remonstrances, memorials and other papers addressed to the House shall be filed by the member with the Clerk prior to the convening of the House. When in the regular order of business the time is reached for presenting petitions or any such papers, the Clerk shall read a list of those on file, giving the member’s name presenting same and a brief ~~resume~~ summary of the contents thereof, and the same shall be referred to the committee of the member’s selection unless otherwise ordered by the House. Each member, upon filing any such petition, remonstrance or other paper, shall endorse thereon his name, and if not so endorsed it shall not be received. The Journal shall show the name of the member presenting such papers, a brief resume of the contents thereof, and the disposition made of same. (HR1, Reg. Sess., 2017)

**Effect of the 2017 amendment.** Technical cleanup.

## AMENDMENTS

### Forms For

112. ~~The Clerk shall furnish to members sheets with a proper heading printed in blank upon which amendments shall be written, and all amendments offered shall be on such blanks and bear the name of the member offering the same.~~ Amendments are to be submitted to the Clerk in writing and a duplicate copy is to be filed electronically for viewing in the Chamber Automation System. (HR1, Reg. Sess., 2017)

**Effect of the 2017 amendment.** The rule was rewritten to reflect current technology.

### Must Be Germane

113. No amendment shall be in order that is not germane to the matter under consideration; and the Speaker, when the question is raised, shall rule as to the admissibility of the proposed amendment.

### Time for Offering

114. Amendments may be offered to any bill or joint resolution and acted upon on their second reading and before they are ordered to their engrossment and third reading. No bill shall be amended on third reading, except by unanimous consent of the members present. Amendments to resolutions other than joint resolutions shall be in order at any time the same are being considered. Committee amendments shall be subject to amendment and shall be disposed of before any other amendments are in order.

### Reading and Stating

115. Amendments shall be read by the Clerk and stated by the Speaker before being acted upon.

### By Striking Out Enacting Clause

116. A motion to amend by striking out the enacting clause of a bill shall have precedence over another motion to amend, and, if carried, the bill or resolution is rejected.

**Amendment to an Amendment**

117. A motion to amend a pending amendment may be received, but until it is disposed of no other motion to amend will be in order. But pending such amendment, a motion to amend in the nature of a substitute, and a motion to amend that substitute, may be received, but shall not be voted upon until the original matter is perfected.

**Amendment to Have Precedence Over Substitute**

118. If a substitute for a bill or resolution be offered, a motion to amend the original bill or resolution shall have precedence.

**Motion to Amend to Have Precedence Over One to Strike Out**

119. If a motion be made to strike out part of a bill or resolution, a motion to amend the part proposed to be stricken out shall have precedence.

**Filling Blanks**

120. In filling blanks, the largest sum and longest time proposed shall be first put, and the question shall be put on names in the order they were nominated.

**No Amendment by Way of Rider**

121. No amendment by way of rider shall be received to any bill after engrossment.

**Agreeing to Senate Amendments**

122. When a House bill or House joint resolution shall be amended by the Senate, the question on agreeing to the bill or resolution as amended shall be again voted on by yeas and nays, and the result entered on the Journal, and in such a case the affirmative vote of a majority of the members elected to the House shall be necessary. [Const., Art. VI, §31]

**Amendment by Section**

123. If a bill is being considered section by section, only amendments to the section under consideration shall



be in order. After all sections have been considered separately, the whole bill shall be open for amendment except that an amendment seeking to strike out matter previously inserted and containing substantially no new proposition shall not be in order.

### **Amending Titles**

124. After the passage of a bill or joint resolution, amendments to its title may be offered when the title is read for approval.

### **Amendments to Senate Bills**

125. Any Senate bill or resolution may be amended in the same manner as a House bill or resolution. If a Senate bill or resolution is amended, the same shall be noted by the Clerk on the jacket containing same before it is reported to the Senate.

After the reading of a Senate amendment to a House bill or resolution, the question shall be, "Will the House concur in the Senate Amendment?" But it shall be in order to move that the House concur in the Senate amendment with an amendment; or that the House refuse to concur and ask the Senate to recede.

If the Senate shall refuse to concur in a House amendment to a Senate bill or resolution, the following motions shall be in order and shall be privileged in the order named: First, That the House recede; Second, That the House insist and ask for a committee of conference; Third, That the House adhere.

### **Amendments to Be Printed in Journal**

126. All amendments proposed, unless withdrawn, shall be printed in the Journal.

### **Speaking on Amendments**

127. On an amendment being moved, a member who has spoken to the main question may speak again to the amendment.

**JOURNAL****Clerk to Keep**

128. The Clerk of the House, under the direction of the Speaker, shall keep a full and correct Journal of the proceedings.

**Approval and Correction**

129. When the Journal has been read to the end that any mistake made in the entry may be corrected, if no objection is made, it shall stand approved; but if objection be made, the first question of the House shall be to dispose of the same, and when such objections are disposed of and the Journal corrected, as the House may order, it shall stand as approved.

**Printing Official Copies**

130. After the printed Journal has been approved and fully marked for correction, the type from which it was printed shall be changed in accordance therewith. From the type so corrected shall be printed the number of copies required by law for the regular bound volumes of the Journal, which shall be properly indexed. In addition thereto six copies shall be printed on 6x9 heavy weight bond paper, with a certificate at the end thereof, certifying that the same is the Official Journal of the House and the same shall be signed by the Speaker and Clerk. Such printed Journal shall be the official record of the House. They shall be bound in flexible binding, and bear the imprint on the back, "Official Journal of the House of Delegates of West Virginia," with designation of regular or special session, as the case may be, and the year. After being signed by the proper officers, two of these copies shall be retained in the office of the Clerk, and one copy shall be lodged in the office of the Governor, one with the Secretary of State, one with the Department of Archives and History, and one with the Clerk of the Senate.

**Journal to Be Printed Daily**

131. It shall be the duty of the Clerk to furnish a copy of each day's proceedings of the Journal to the printer, ~~to be printed and distributed without delay~~ Legislative Print Shop. An electronic version of the Journal is to be posted

on the Chamber Automation System and printed copies are to be available on request prior to the start of the next session. (HR 1, Reg. Sess., 2017)

**Effect of the 2017 amendment.** The rule was rewritten to reflect current technology and practice.

### **Form and Content of Journal**

132. The Journal shall be kept and published in minute form so as to show a running account of all proceedings and actions taken. Every written motion, unless it be withdrawn on the same day submitted and before action has been taken thereon, and such other material and matters required by these rules and the joint rules of the Senate and House shall be printed in the Journal. No remarks of members, speeches, newspaper editorials and articles, or other material shall be printed in the daily Journal, except explanations of votes as provided by these rules and such portions of remarks as may be necessary for the record in instances where a member may be called to order for words spoken in debate.

The Clerk shall keep and publish an Appendix to the bound and official Journals of each session of the House. There shall be included in the Appendix all remarks of members and other material ordered printed by the House.

An address or remarks by a member made on the floor of the House may be printed in the Appendix with the consent of the House on the request of the member making such address or remarks or by request of another member, if the member making such address or remarks consents to said request.

### **Inserting Remarks in Journal**

132a. (HCR 15, Regular Session 1959; rescinded by HR 2, Regular Session 1961.)

**Note:** A typographical error in the Journal shows the repealed rule as 122a instead of 132a.

## **CHANGE OR SUSPENSION OF RULES**

### **Rescinding or Amending Rules**

133. All propositions to amend or rescind any standing rule or order of the House shall be by resolution and be at

once referred, without debate, to the Committee on Rules, and shall be reported therefrom within five legislative days thereafter. Any such resolution may be adopted by a majority vote, a quorum being present. (HR4, Reg. Sess., 1974)

**Effect of the 1974 amendment.** The rule was rewritten with the principal change being that a standing rule or order after being referred to the Committee on Rules shall be reported therefrom within five legislative days.

**Note:** The power to make its rules of procedure is given the House under Sec. 24, Art. 6 of the Constitution.

### **Suspension of Rules**

134. These rules shall not be suspended, except by a vote of at least two thirds of the members present. Unless there be a unanimous consent for the suspension of rules, the vote shall be determined by yeas and nays.

**Note:** The motion to suspend the rules is usually preceded by a member requesting unanimous consent of the House to do a particular thing. If no one objects, the House is deemed to assent, and what is desired is allowed accordingly. If objection is made, then the member may move that the rules be suspended for the specific purpose or object he has in view. A motion to lay on the table may not be applied to a motion to suspend the rules. (Hind's Precedents, Sec. 5405.)

### **Manual and Rules**

135. On any question of order or parliamentary practice where the rules of the House or the joint rules of the House and Senate are silent or inexplicit, Jefferson's Manual and the Digest of the Rules and Practices of the House of Representatives of the United States Congress shall be considered as authority.

**Note:** Jefferson's Manual was prepared by Thomas Jefferson for his own guidance as President of the United States Senate in the years he was Vice President, from 1797 to 1801. The House of Representatives, in 1837, by rule which still exists, provided that the provisions of the Manual should "govern the House in all cases to which they are applicable and in which they are not inconsistent with the standing rules and orders of the House." The Manual is regarded by English parliamentarians as the best statement of what the law of Parliament was at the time Jefferson wrote it. (House Manual and Digest), 70<sup>th</sup> Congress, 1<sup>st</sup> Sess., Sec. 278.

**MISCELLANEOUS RULES****Persons Admitted to the Floor – Members’ Gallery**

136. No person except members of the Congress of the United States, members of the State Senate, former members of the West Virginia Legislature, the Clerk of the Senate, duly accredited representatives of the press, radio and television, and legislative employees engaged in the proper discharge of their duties shall be admitted within the House Chamber while the House is in session. No introductions shall be made while the House is in session. At the convening of the House, the Sergeant-at-Arms shall see that all persons not entitled to the privilege of the floor under this rule retire from the Chamber.

The west or center balcony of the House Chamber shall be designated “Members’ Gallery” and reserved for guests of members of the House, and admission thereto shall be by pass in such form as may be approved by the Committee on Rules and signed by member issuing the same to a guest. (HR2, Reg. Sess., 1961; HR2, Reg. Sess., 1967)

**Effect of the 1961 amendment.** The rule was completely rewritten. Various persons who were formerly admitted to the House Chamber while the House was in session were eliminated from the rule, including ex-Governors, judges, former officers of the House and Senate, members of other state Legislatures, heads of state departments, elective state officers, the Governor’s secretary; prohibited introductions while the House is in session; and designated the west gallery as the “Members’ Gallery” and provided manner for admission of guests thereto.

**Effect of the 1967 amendment.** The word “employees” was substituted for “attaches.”

**Smoking and Use of Tobacco Products Prohibited**

136a. Smoking and the use of tobacco products are prohibited in the House chamber and House galleries during sessions and in House committee rooms during committee meetings or public hearings. (HR19, Reg. Sess., 1990; HR6, Reg. Sess., 2000)

**Effect of the 1990 amendment.** Prohibited use of tobacco in House chamber and galleries during sessions and in committee rooms during meetings or public hearings.

**Effect of 2000 amendment.** Prohibited smoking in the vestibule of the House Chamber.

### **Attire of Persons Admitted to Floor**

136b. No member of the House or any person who has privileges of the floor, except pages, individuals authorized to be present for special ceremonies, television camera operators, media photographers, sound technicians and maintenance personnel, shall be admitted to the floor of the House while the House is in session unless properly attired. Minimum standards of dress shall consist of the wearing of a coat and tie and dress pants by males and the wearing of a suitable dress or an appropriate blouse and skirt or pants suit by females. Jeans or shorts shall not constitute proper attire. (HR1, Reg. Sess., 2017)

**Effect of the 2017 amendment.** Specifies that jeans or shorts do not constitute proper attire.

### **Lobbying in the House Chamber**

137. No person engaged in lobbying, including persons entitled to the privilege of the floor under Rule 136 when engaged in lobbying activities, shall be permitted upon the floor of the House or in the foyer thereto at any time during a session of the Legislature. If any person not a member while within the Chamber when the House is in session attempts in any manner whatsoever to influence the vote or opinion of any member upon any subject of legislative consideration, he shall be removed from the Chamber and be debarred therefrom during the remainder of the session. Any employee who shall, at any time, engage in such activity shall be subject to immediate dismissal. (HR2, Reg. Sess., 1961; HR2, Reg. Sess., 1963; HR2, Reg. Sess., 1967)

**Effect of the 1961 amendment.** The rule was rewritten. The last sentence relative to dismissal of House employees for engaging in lobbying was a new provision.

**Effect of the 1963 amendment.** This amendment made the rule applicable to persons entitled to the floor under Rule 136 such as former members.

**Effect of the 1967 amendment.** The word “employee” was substituted for the word “attache”.

### Registration of Lobbyist

137a. Rescinded by H. R. 19, February 6, 1978.

**Effect of the 1978 amendment.** The rule was rescinded and a joint rule was added to cover both houses.

**Note:** Joint Rule 28 was created by SCR1, Reg. Sess., 1978, and later rescinded by SCR2, 2<sup>nd</sup> Ex. Sess., 1990. Lobbyists currently register with the West Virginia Ethics Commission.)

### Use of Electronic Communication Devices Prohibited

137a. Unless authorized by the speaker, no person may use a cell phone ~~or other electronic communication device~~ to make or receive a call on the House floor during a session. A cell phone or other electronic device may be used in the vestibule of the House Chamber or other locations designated by the Speaker. Members are prohibited from communicating by any means using a computer to electronically communicate with another ~~any~~ person not on the House floor ~~during session for the purpose of receiving information relating to, other than other members of the Legislature or legislative staff, regarding the passage or defeat of any pending legislative matter, while such matter is being debated or considered for passage.~~ (HR6, Reg. Sess., 2005; HR1, Reg. Sess., 2017)

**Effect of the 2005 amendment.** The rule was added to prohibit the use of cell phones or other electronic communications devices on the floor during a session of the House.

**Effect of the 2017 amendment.** Updates the rule by making technical changes regarding electronic devices.

### News Correspondents and Reporters

138. (a) Any person accorded the privilege of the press gallery or press table must be a news correspondent or reporter for a newspaper, a radio or television station, or of a recognized press association, who is not engaged in any department of state government, or in any other business; and no more than one representative of each shall be admitted to the press table or press gallery at one time.

(b) All applications for admission to the press gallery or press table must be made to the Speaker. Such

applications shall state the name and location of the newspaper, news association, radio or television station, and be signed by the applicant. The Speaker may request the news representatives to establish a committee on accreditation of applicants, and he shall consider recommendations made by such committee.

(c) The Speaker shall verify statements made in such application, and if the application is approved by him, he shall issue a correspondent's card, signed by him.

(d) The correspondents shall not visit the members in their seats during the session of the House, and shall abide by such rules and regulations as may be adopted by the Rules Committee of the House.

(e) The card issued by the Speaker must be presented when required by any Sergeant-at-Arms. It shall not be transferable. The transfer or loan of such card to anyone shall be followed by its cancellation and the withdrawal of all its privileges from the correspondent so offending.

(f) The gallery or press tables allotted to news correspondents shall be for their exclusive use, and persons not holding correspondents' cards shall not be entitled to admission thereto.

### **Lounging Prohibited in the Hall of the House**

139. It shall be the duty of the Sergeant-at-Arms to prevent all persons not connected with the Legislature from assembling in the halls at any time when the House is not in session for the purpose of lounging or loafing. For the purpose of enforcing this rule, the Sergeant-at-Arms or his assistants shall be in attendance at all times, and the persistent neglect or disregard of this rule shall be cause for dismissal by the Speaker, or removal.

### **Peddling Prohibited**

140. No person shall be permitted to hawk, peddle or offer for sale any article of traffic at any time within the hall of the House; and it shall be the duty of the Sergeant-at-Arms to strictly enforce this rule.



**Regulating Use of Halls**

141. The Speaker shall have power to regulate the use of the halls and stairways of the part of the Capitol building used by the House for refreshments and like purposes when the Legislature is in session.

**Oaths**

142. The Speaker or Clerk shall have authority to administer any oaths required by the business of the House.

**Janitors**

143. The janitors appointed for or assigned to the House shall, under direction of the Speaker, have care of the House Chamber, committee rooms and halls of the House and keep the same in a neat and proper condition at all times.

At the request of Delegate Cowles, and by unanimous consent, reference of the resolution (H. R. 1) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

Mr. Speaker (Mr. Armstead) offered the following resolution, which was read by the Clerk as follows:

**H. R. 2** – “Authorizing the publication of a Legislative Manual and authorizing payment of travel and other expenses of the House.”

*Resolved by the House of Delegates:*

I. That the Clerk of the House of Delegates is hereby authorized to compile and have printed a Legislative Manual containing the rules of the Senate and of the House of Delegates and such matter and material as he may deem to be useful and convenient to the members of the Legislature. The Clerk of the House of Delegates shall cooperate with the Clerk of the Senate in compiling said manual and include therein such material with reference to the Senate as said Clerk of the Senate may prepare so as to obviate the necessity of the Senate publishing a manual.

II. That in accordance with article two-a, chapter four of the code, the Clerk of the House of Delegates is hereby authorized to draw his requisitions upon the Auditor for travel expenses of members of the House of Delegates for such number of miles traveled as shall be certified to him by the various members, for payment of per diem and mileage of elected officers and such members of the House as authorized by the Speaker, and for other authorized expenses during the 83<sup>rd</sup> Legislature.

At the request of Delegate Cowles, and by unanimous consent, reference of the resolution (H. R. 2) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

Mr. Speaker (Mr. Armstead) offered the following resolution, which was read by the Clerk as follows:

**H. R. 3** – “Authorizing printing and distribution of Acts of the Legislature and Journals of the House of Delegates.”

*Resolved by the House of Delegates:*

That under authority of section thirteen, article one, chapter four of the Code of West Virginia, the Clerk of the House of Delegates is hereby authorized to have printed not to exceed 500 copies of the Acts of the 2017 regular session of the Legislature, bound in buckram, and to include therein the Acts of any extraordinary session which may not have been printed.

The Clerk of the House shall provide copies of said Acts for distribution as provided by section six, article eight, chapter fifty-one of the code insofar as such distribution is practicable.

The Clerk of the House of Delegates is also authorized to publish not to exceed 250 copies of the Journal of the House of Delegates for the first regular session of the 83<sup>rd</sup> Legislature and to include therein the unpublished Journals of any extraordinary sessions. In addition, there shall be printed twelve official copies of any Journal published, properly bound and designated. A copy of the Journal and five copies of said Acts shall be furnished to each member of the Legislature, upon request of each such member. The Clerk shall retain sufficient copies of the buckram

bound Acts to supply legislative offices and the remaining copies shall be retained by the Clerk, for sale by his department.

For the work required in indexing, printing and distributing said Acts and in the publication of said Journal of the House of Delegates and for completing other work of the session, the Speaker is hereby authorized to appoint such persons as he may deem necessary to perform technical, clerical, stenographic, custodial and other services required by the House of Delegates.

The Speaker shall certify a list of persons entitled to compensation under authority of this resolution to the Clerk of the House of Delegates, and the Clerk shall draw his requisition in favor of such persons at per diems or at monthly salaries, which shall be paid from the Per Diem of Officers and Employees Fund or the Contingent Fund of the House of Delegates.

At the request of Delegate Cowles, and by unanimous consent, reference of the resolution (H. R. 3) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

Mr. Speaker (Mr. Armstead) offered the following resolution, which was read by the Clerk as follows:

**H. R. 4** – “Authorizing the appointment of employees for this, the First Regular Session of the Eighty-third Legislature, two thousand seventeen.”

*Resolved by the House of Delegates:*

That the Speaker of the House of Delegates be, and he is hereby, authorized to appoint employees to perform technical, clerical, stenographic, custodial and other services for this session of the Legislature to receive the per diems and salaries as herein provided, as follows:

(1) For per diem employees, the following rates:

Fourteen Legislative Assistants at \$65.00 - \$105.00

Three Committee Clerks at \$75.00 - \$140.00

Five Committee Assistant Clerks at \$65.00 - \$120.00

Four Messengers at \$65.00 - \$110.00

Six Attorneys at \$200.00 - \$380.00

One Doorkeeper at \$155.00

Six Assistant Doorkeepers at \$85.00

One Sergeant-at-Arms at \$155.00

Two Assistant Sergeants-at-Arms at \$85.00

One Head Page at \$100.00

One Assistant Page at \$80.00

Two Maintenance Assistants at \$65.00

One Clerk Assistant at \$155.00

Two Office Assistants to the Clerk's Office at \$85.00 - \$95.00

One Administrative Assistant to the Clerk's Office at \$158.00

One Policy Analyst to the Majority Office at \$90.00

One Policy Analyst to the Committee on Education at \$231.00

(2) For salaried full-time employees, the following employees at the following rates, in addition to and exclusive of any experience increment or pay in lieu of an experience increment as may be payable under Section 2, Article 5, Chapter 5 of the Code of West Virginia of 1931, as amended:

One Chief Clerk at seven thousand four hundred sixteen dollars and sixty-seven cents per month;

One Assistant Clerk/Parliamentarian at five thousand dollars per month;

One Bill Status Clerk at three thousand three hundred ninety-three dollars and twenty-two cents per month;

One Journal Clerk at three thousand three hundred thirty-four dollars and thirty-three cents per month;

One Documents Clerk at three thousand five hundred eighty-three dollars and sixty-seven cents per month;

One Administrative Assistant to the Clerk's Office at three thousand one hundred eleven dollars and seventy-five cents per month;

One Fiscal Officer at three thousand five hundred eighty-three dollars and thirty-three cents per month;

One Assistant Fiscal Officer at two thousand nine hundred eighty-six dollars and sixty-seven cents per month;

One Purchasing Agent at three thousand four hundred seventy-eight dollars and forty-two cents per month;

One Mail Clerk at two thousand five hundred sixty-nine dollars and seventeen cents per month;

One Communications Director to the House at four thousand eight hundred thirty-three dollars and thirty-three cents per month;

One Policy Analyst to the Speaker at four thousand one hundred sixty-six dollars and sixty-seven cents per month;

One Policy Analyst to the Majority Whip Office at three thousand three hundred thirty-three dollars and thirty-four cents per month;

One Counsel/Chief of Staff to the Speaker at nine thousand five hundred eighty-three dollars and thirty-three cents per month;

One Assistant to the Speaker at six thousand six hundred sixty-six dollars and sixty-seven cents per month;

One Director of Supplies at three thousand five hundred forty-one dollars and sixty-seven cents per month;

One Maintenance Staff at two thousand ninety-two dollars and thirty-seven cents per month;

One Maintenance Staff at three thousand seventy-six dollars and fifteen cents per month;

One Maintenance Staff at two thousand two dollars and ninety-two cents per month;

One Chief Counsel to the Committee on the Judiciary at seven thousand six hundred sixty-six dollars and sixty-seven cents per month;

One Counsel to the Committee on the Judiciary at six thousand nine hundred dollars per month;

One Counsel to the Committee on the Judiciary at seven thousand two hundred ninety-one dollars and sixty-seven cents per month;

One Legislative Analyst to the Committee on the Judiciary at four thousand twenty-three dollars and fifty cents per month;

One Administrative Assistant to the Committee on the Judiciary at three thousand three hundred thirty-three dollars and thirty-three cents per month;

One Chief Counsel to the Committee on Education at six thousand seven hundred fifty dollars per month;

One Legislative Assistant to the Committee on Education at three thousand four hundred seventy-one dollars and ninety-five cents per month;

One Chief Counsel to the Committee on Finance at eight thousand five hundred seventy-five dollars per month;

One Policy Analyst to the Committee on Finance at six thousand two hundred seventy dollars per month;

One Budget Analyst to the Committee on Finance at three thousand four hundred thirty-three dollars and thirty-four cents per month;

One Budget Analyst to the Committee on Finance at three thousand four hundred thirty-three dollars and thirty-four cents per month;

One Committee Clerk to the Committee on Finance at four thousand two hundred six dollars and thirty-one cents per month;

One Chief Counsel to the Committee on Government Organization at five thousand nine hundred fifty-eight dollars and thirty-four cents per month;

One Administrative Assistant to the Committee on Government Organization at three thousand forty-one dollars and sixty-seven cents per month;

One Legislative Analyst to the Committee on Government Organization at three thousand four hundred eighty-three dollars and thirty-four cents per month;

One Chief Counsel to the Committee on Health and Human Resources at six thousand seven hundred fifty dollars per month;

One Legislative Analyst to the Committee on Health and Human Resources at three thousand seven hundred six dollars and sixty-nine cents per month;

One Administrative Assistant to the Committee on Health and Human Resources at three thousand ninety-one dollars and sixty-seven cents per month;

One Chief Counsel to the Minor Committees at seven thousand five hundred forty-one dollars and sixty-seven cents per month;

One Analyst to the Minor Committees at three thousand eighty-three dollars and thirty-three cents per month;

One Chief Counsel to the Energy Committee at six thousand dollars per month;

One Clerk to the Energy Committee at three thousand two hundred eighty-five dollars and six cents per month;

One Policy Analyst to the Minority Leader at three thousand eight hundred thirty-four dollars and thirty-four cents per month;

One Office Manager to the Minority Office at three thousand one hundred sixty-six dollars and sixty-seven cents per month;

The Speaker is authorized to appoint or assign additional or present employees and to determine the rate of compensation therefor as he may deem necessary to expedite the work of the House of Delegates; and, be it

*Further Resolved*, That, in accordance with Chapter 4, Article 2A of the code, the Clerk of the House is hereby authorized to draw his requisitions upon the Auditor for travel expenses and compensation of members of the House of Delegates; and, be it

*Further Resolved*, That all appointments made under authority of the foregoing provisions of this resolution shall be certified to the Auditor and Treasurer by the Clerk of the House, and the Clerk of the House of Delegates is hereby authorized to draw his requisitions upon the Auditor in favor of the persons so appointed and the Auditor shall honor and pay such requisitions when presented and charge same to the "per diem of officers and employees" fund or "contingent" fund of the House of Delegates. The Clerk shall draw his requisitions in favor of employees for consecutive days or months from the date of their employment at the per diem or salary herein set out until such time as their services shall cease. The Speaker may remove any employee and appoint another in his or her place, and he shall require each of said employees to perform such duties as shall be assigned him or her, and he is hereby given authority to dispense with the services of any employee or employees for any such time or number of days as their services shall not be needed during the session, and they shall not be paid for such time, nor shall other persons be appointed into their places for any such time as they may be suspended when not needed; and, be it



*Further Resolved*, That the Speaker is hereby authorized to assign employees to such positions and duties as he may deem proper to secure the most efficient and expeditious work during the Session of the Legislature; and, be it

*Further Resolved*, That no person appointed under authority of this resolution and receiving pay hereunder shall concurrently receive compensation from any other department or agency of state government and no person who availed himself or herself of early retirement under the provisions of Senate Bill 10, First Extraordinary Session, 1988, may be appointed under the provisions of this resolution. Notwithstanding designation of positions or duties herein prescribed, any employee may be assigned additional duties by the person by whom appointed, and may be assigned to such positions and duties, as may be deemed proper to serve the most efficient and expeditious work; and, be it

*Further Resolved*, That following the session, the Speaker, with approval of the Committee on Rules, is authorized until superseded by subsequent House Resolution, to remove or appoint any employee of the House, and establish such duties and compensation as is deemed appropriate for each employee; and, be it

*Further Resolved*, That any and all provisions of House Rule 9 in conflict with this resolution are hereby suspended.

At the request of Delegate Cowles, and by unanimous consent, reference of the resolution (H. R. 4) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

### **Leaves of Absence**

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

At 2:47 p.m., on motion of Delegate Cowles, the House of Delegates adjourned until 12:00 noon, Wednesday, February 8, 2017, pursuant to H. C. R. 3.



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Wednesday, February 8, 2017

**FIRST DAY**

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

Pursuant to the adjournment taken on January 11, 2017, in accordance with Section 18, Article VI of the Constitution of the State, the House of Delegates assembled in its Chamber in the Capitol Building at 12:00 noon this day, and was called to order by the Speaker.

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

**NOTE:** Delegate Caputo and Delegate Hicks were absent on January 11, 2017 but both have taken their oaths of office, Delegate Caputo on January 3, 2017 and Delegate Hicks on January 16, 2017.

The Clerk proceeded to read the Journal of Wednesday, January 11, 2017, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Resolutions Introduced**

Mr. Speaker (Mr. Armstead) offered the following resolution, which was read by its title as follows:

**H. C. R. 4** - "Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising a Joint Assembly therefor."

Whereas, His Excellency, the Governor, has advised that he will be pleased to address a Joint Assembly of the Senate and House of Delegates at the convenience of the two houses; therefore, be it

*Resolved by the Legislature of West Virginia:*

That His Excellency, the Governor, be hereby invited to address a Joint Assembly of the Legislature at 7:00 o'clock postmeridian this day; and, be it

*Further Resolved*, That the President of the Senate and the Speaker of the House of Delegates appoint three members of each of the respective houses of the Legislature as a committee to wait upon His Excellency, the Governor, and escort him into the Hall of the House of Delegates at the time herein appointed for hearing the address.

At the request of Delegate Cowles, and by unanimous consent, reference of the resolution (H. C. R. 4) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

Whereupon,

In accordance with the provisions of the resolution, the Speaker appointed as members of the committee to wait upon His Excellency, the Governor, the following:

Delegates Sobonya, Arvon and Moye.

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

Mr. Speaker (Mr. Armstead) offered the following resolution, which was read by its title as follows:

**H. R. 5** – “Amending House Rules 63 and 84a, relating to the previous question and witnesses before committees.”

*Resolved by the House of Delegates:*

That House Rule 63 be amended to read as follows:

**“Previous Question**

63. When any question is before the House, any member who has not spoken on the question, when properly recognized, may move the previous question. Any demand for the previous question must be sustained by one tenth of the members present. If sustained, the motion for the previous question shall be put by the Speaker, without debate, in the form of “Shall the question on

\_\_\_\_\_ now be put?" If the motion for the previous question is adopted by a majority vote of members present, that question shall be put to a vote without further debate: *Provided*, That if the question is passage of the bill or adoption of a resolution, the Member recognized by the Speaker pursuant to Rule 34 to explain the bill or resolution shall be provided five minutes to close debate. If the question at issue is an amendment, the Member that is the lead sponsor of the amendment shall be provided three minutes to close debate.

When a member moves the previous question, he shall specifically state in his motion whether it shall apply to the main question and the amendments or to the amendment or amendments only. If the motion applies to the main question and the amendments, separate votes shall be taken on each pending amendment and the main question without further debate, except for the Member having the right to close on the question pursuant to this Rule.

The previous question shall not be admitted in the Committee of the Whole."

And,

That House Rule 84a be amended to read as follows:

**“Witnesses Before Committees**

84a. Every committee of the House shall administer oaths to any witness-person, except current members or employees of the West Virginia Legislature, appearing before the committee at any meeting, with the exception of a public hearing, or during the deliberations of any committee. If any witness to whom an oath has been administered shall refuse to answer a question put to such witness by any member of the committee, the committee may report such refusal to the House and upon motion duly made by any member of the House, the House may cause to be issued a subpoena to compel such witness to appear before the committee to give testimony. Upon appearance pursuant to subpoena the

witness may be questioned by the chairman and any member of the committee.

The Clerk of the House, the chairman of the committee, ~~and, in the absence of the chairman,~~ the committee clerk or any member of the committee may administer the oath to the witness and may require that such oath be subscribed to by the witness.

~~No committee shall invoke this rule unless in the judgment of a majority of members appointed to the committee special circumstances so require.”~~

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the resolution (H. R. 5) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

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

**H. C. R. 5** – “Requesting the Division of Highways to name Bridge Number 46-9-0.03 (46A094) (39.33990, -80.01680), locally known as New Bridge Street Bridge, carrying County Route 9 over Three Fork Creek and CSX Railroad in Grafton, Taylor County, the ‘U. S. Navy Rear Admiral Frederick Burdett Warder Memorial Bridge’.”

Whereas, Frederick Burdett Warder was born March 19, 1904, in Grafton, Taylor County, West Virginia, the son of Hugh and Anna (Moran) Warder. Hugh Warder was a prominent attorney in Grafton and counsel for the B & O. Frederick was the first of eight children born to Anna and Hugh Warder. The Warder family was one of the first families to settle the Upper Monongahela region, in the latter 1700s. A family historic cemetery in Pruntytown has many early graves, early name spelled “Wardour”); and

Whereas, Frederick Burdett Warder graduated from Grafton High School, Class of 1921 as Salutatorian. He graduated from the U. S. Naval Academy, Class of 1925 and married Mary Brydon of Grafton, January 1926, in New York City. He was a U. S. Naval Officer, Submarine Service and early hero in WW II commanding

the USS Seawolf (SS-197). Fred Warder Day was celebrated in Grafton, April 1942. He achieved Rear Admiral rank, 1952, Commanded Submarines of the Atlantic Fleet, 1957-1960 and received military decorations that included two Navy Crosses for action in WW II, four Legion of Merit awards, two Bronze Star Medals and he was awarded the Order of the Bronze Lion by the Netherlands during WW II. Frederick Burdett Warder retired in 1962, and resided in Ocala, Florida. Throughout his active years in the Navy, he kept the 706 Maple Avenue, Grafton as his permanent address and returned to Grafton whenever he was ashore to visit family, and some class reunions at Grafton HS, until 1984. He was named an Honorary Colonel of West Virginia. He died on February 1, 2000, in Ocala, Florida and was buried in Arlington National Cemetery with full honors, March 28, 2000. He was predeceased by his wife Mary, his daughter Mary and son Frederick Jr. His Survivors include two daughters: Grace Warder Harde and Susan Warder Savard, ten grandchildren and nine great-grandchildren; and

Whereas, Naming Bridge Number 46-9-0.03 (46A094) (39.33990, -80.01680), locally known as New Bridge Street Bridge, carrying County Route 9 over Three Fork Creek and CSX Railroad in Grafton, Taylor County, the “U. S. Navy Rear Admiral Frederick Burdett Warder Memorial Bridge” is an appropriate recognition of the contributions to his country, state, community and Taylor County; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name Bridge Number 46-9-0.03 (46A094) (39.33990, -80.01680), locally known as New Bridge Street Bridge, carrying County Route 9 over Three Fork Creek and CSX Railroad in Grafton, Taylor County, the “U. S. Navy Rear Admiral Frederick Burdett Warder 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 Rear Admiral Frederick Burdett Warder Memorial Bridge”; and, be it

*Further Resolved*, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation.

Mr. Speaker (Mr. Armstead) offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 6** – “Requesting the Division of Highways to name a portion of County Route 3/5, known as Wills Creek Road, in Kanawha County, beginning at latitude 38.472118, longitude -81.399248 and ending at latitude 38.501480, longitude -81.413276, the ‘U.S. Army SPC 4 Thurman “Duwayne” Young Memorial Road’.”

Whereas, Specialist Thurman “Duwayne” Young was born on April 23, 1949, in Elkview, West Virginia, a son of Carrie Marie Chaplan of Uniontown, Ohio, and the late Benjamin Thurman Young; and

Whereas, Specialist Young graduated from Herbert Hoover High School before entering the Army in 1969. He went to Vietnam serving as an Armored Personnel Carrier Operator and Infantry and was honorably discharged in 1971. Upon returning from serving his country, Specialist Young married Linda Szeles, and they spent twenty-nine loving years together. They were the parents of three sons, Jeffery, James and Roger, and five daughters, Carol, Lisa Anne, Claire V., Jeannie M., and Christine (deceased); and

Whereas, On August 17, 2011, at the age of sixty-two, Specialist Young lost his hard fought battle with cancer caused by exposure to Agent Orange; and

Whereas, Naming this road is an appropriate recognition of Specialist Young’s contributions to his country, state and community; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name a portion of County Route 3/5, known as Wills Creek Road in Kanawha County, beginning at latitude 38.472118, longitude -81.399248 and



ending at latitude 38.501480, longitude -81.413276, the “U.S. Army SPC 4 Thurman ‘Duwayne’ Young Memorial Road”; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs identifying the road as the “U.S. Army SPC 4 Thurman ‘Duwayne’ Young Memorial Road”; and, be it

*Further Resolved*, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation.

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

**By Delegate Rodighiero:**

**H. J. R. 1** – “Proposing an amendment to the Constitution of the State of West Virginia, amending section four, article I thereof and section ten, article VI thereof, relating to representatives to Congress, the arrangement of Congressional, Senatorial and Delegate Districts after census by creating a Citizens’ Redistricting Commission; designating the terms of office and duties of commissioners; providing that Citizens’ Redistricting Commission must submit redistricting plans to each house; providing that each house may reject its plan by a two-thirds vote of the members elected; numbering and designating the proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on the Judiciary.

**By Delegate Bates:**

**H. J. R. 2** - “Proposing an amendment to the Constitution of the State of West Virginia, amending section three, article VI thereof, relating to imposing term limits for senators and delegates; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on the Judiciary.

**By Delegate G. Foster:**

**H. J. R. 3** – “Proposing an amendment to the Constitution of the State of West Virginia, amending article X thereof, by adding thereto a new section, designated section one-d, relating to

exempting from ad valorem taxation personal property in the form of manufacturing inventory and manufacturing equipment; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Finance then the Judiciary.

**By Delegates Sponaugle, Fluharty, Hornbuckle, Marcum and Pushkin:**

**H. J. R. 4** – “Proposing an amendment to the Constitution of the State of West Virginia amending section 1b, article X thereof, relating to exempting honorably discharged veterans of the Armed Forces of the United States from ad valorem property taxation on the first \$30,000 of assessed value of a primary residence; numbering and designating the proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Finance then the Judiciary.

**By Delegate Caputo:**

**H. J. R. 5** – “Proposing an amendment to the Constitution of the State of West Virginia, amending section 1b, article X thereof, relating to homestead exemption increase; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Finance then the Judiciary.

**By Delegates Bates and Pushkin:**

**H. J. R. 6** – “Proposing an amendment to the Constitution of the State of West Virginia, amending, article IV thereof by adding thereto a new section, designated section thirteen, relating to the arrangement of congressional, senatorial and delegate districts after census by creating a State Apportionment Commission; designating for appointment, terms of office, duties of and eligibility for commissioners; establishing process for commission to develop plans; providing that State Apportionment Commission must submit redistricting plans to each house; providing that each house may reject its plan by a two-thirds vote of the members elected; numbering and designating the proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on the Judiciary.

**By Delegates Overington, Espinosa, Upson, Frich and Phillips:**

**H. J. R. 7** – “Proposing an amendment to the Constitution of the State of West Virginia, amending section one-b, article X thereof, relating to homestead exemption increase; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Finance then the Judiciary.

And,

**By Delegates Ferro, Pethel, Hamilton and Caputo:**

**H. J. R. 8** – “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 Political Subdivisions then the Judiciary.

### **Motions**

On motion of Delegate Cowles, the applicable provisions of House Rule 136 were suspended for the day to permit invited guests privileges of the floor.

### **Bills Introduced**

Bills were introduced, pursuant to House Rule 92, and severally referred as follows:

**By Delegates Shott, Mr. Speaker (Mr. Armstead), Hanshaw, Sobonya, Atkinson, Hill, Fleischauer, Pushkin, Lovejoy and Canestraro:**

**H. B. 2006** - “A Bill to amend and reenact §6C-1-6 of the Code of West Virginia, 1931, as amended, relating to increasing the penalties for violating the Whistle-Blower Law; increasing the civil fine; removing the authority of the court to suspend a person from public service; authorizing discipline by the person’s employer

upon a finding of violation by the court; and authorizing termination from employment as a potential discipline”; to the Committee on the Judiciary.

**By Delegates Gearheart, Cooper, McGeehan, Hamrick and Westfall:**

**H. B. 2007** - “A Bill to amend and reenact §17-1-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §17-16A-6a, all relating to eliminating courtesy patrol programs operated by the Division of Highways and the Parkways Authority”; to the Committee on Roads and Transportation then Finance.

**By Delegates Gearheart and Hamrick:**

**H. B. 2008** - “A Bill to amend and reenact §17A-6-2a of the Code of West Virginia, 1931, as amended, relating generally to the Dealer Recovery Fund; specifying that the Dealer Recovery Fund Control Board has discretionary jurisdiction to hear claims; and providing the types of claims for damages that may be awarded from the Dealer Recovery Fund”; to the Committee on Roads and Transportation then Finance.

**By Delegates Gearheart and Cooper:**

**H. B. 2009** - “A Bill to amend and reenact §21-11-3 of the Code of West Virginia, 1931, as amended, relating to changes to the definition of electrical contractor”; to the Committee on Industry and Labor then Government Organization.

**By Delegates Folk and McGeehan:**

**H. B. 2010** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-3tt, relating to requiring a county to obtain express authorization from the Legislature in the form of a concurrent resolution before submitting an application for an MS-4 permit to the United States Environmental Protection Agency and providing that a county may not be required to comply with terms of an MS-4 permit unless the state or federal government pays for the cost of compliance”; to the Committee on Political Subdivisions then the Judiciary.

**By Delegate Phillips:**

**H. B. 2011** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-30-1,

relating to prohibiting state agencies and departments from acting outside their statutory scopes of authority”; to the Committee on the Judiciary.

**By Delegate Rodighiero:**

**H. B. 2012** - “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to the reduction of state income taxes for certain state and federal retirees by increasing the exemption on retirement income in calculating the federal gross income for state personal income tax purposes”; to the Committee on Pensions and Retirement then Finance.

**By Delegate Rodighiero:**

**H. B. 2013** - “A Bill to repeal §61-3-11 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §61-2-31; and to amend and reenact §61-3-12 of said code, all relating to replacing the present crime of burglary with the crime of home invasion; providing criminal offenses of home invasion in the first, second, third and fourth degrees; and prescribing penalties”; to the Committee on the Judiciary.

**By Delegate Rodighiero:**

**H. B. 2014** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-6c, relating to allowing parents or the school to serve sweets during the holidays if the school receives parental or guardian consent”; to the Committee on Education.

**By Delegate Rodighiero:**

**H. B. 2015** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-6-13, relating to establishing seniority rights for public employees; defining when seniority begins; setting standards for accumulation of seniority; requiring notice of job postings; requiring registers or certified lists of eligible applicants; allowing senior employees the first right of refusal for extra duty, overtime and promotions; and determining seniority in case of absence”; to the Committee on Education then Finance.

**By Delegate Rodighiero:**

**H. B. 2016** - “A Bill to amend and reenact §5-16-2 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Public Employees Insurance Act; and providing state health care services for all active and inactive duty military personnel”; to the Committee on Banking and Insurance then Finance.

**By Delegate Rodighiero:**

**H. B. 2017** - “A Bill to amend and reenact §21-5C-3 of the Code of West Virginia, 1931, as amended, relating to minimum wage and maximum hour standards for employers”; to the Committee on Industry and Labor then Finance.

**By Delegate Rodighiero:**

**H. B. 2019** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-4-22, relating to salary increase for school personnel”; to the Committee on Education then Finance.

**By Delegate Rodighiero:**

**H. B. 2020** - “A Bill to amend and reenact §5-16-5 of the Code of West Virginia, 1931, as amended, relating to freezing employee premiums at the current level until July 1, 2020”; to the Committee on Banking and Insurance then Finance.

**By Delegate Sponaugle:**

**H. B. 2021** - “A Bill to amend and reenact §61-5-17 of the Code of West Virginia, 1931, as amended, relating to penalties incurred from obstructing, fleeing from and making false statements to law-enforcement, probation and parole officers and interfering with emergency communications; and amending the penalties for several of the violations to make it clear that the convicted person may be fined and confined”; to the Committee on the Judiciary.

**By Delegate Rodighiero:**

**H. B. 2022** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-1-9f, relating to public health; requiring all public accessible restrooms to provide hand sanitizers either in or at the exit from the restroom

portion of the public facility; and providing for rule-making authority”; to the Committee on Health and Human Resources then Finance.

**By Delegate Rodighiero:**

**H. B. 2023** - “A Bill to amend and reenact §31-20-10 of the Code of West Virginia, 1931, as amended, relating to changing the way that the costs of incarcerating inmates in regional jails is collected so that these are shared by the county, state and municipality where the alleged criminal act occurs; making the cost of incarceration for less than twenty-four hours one-half the per diem charge for a full day; and, providing a funding source for regional jail central office employees and operations”; to the Committee on Political Subdivisions then Finance.

**By Delegate Rodighiero:**

**H. B. 2024** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-2-31, relating to crimes against the person; creating a criminal felony offense of aggravated assault or battery of a child or a person who is mentally incapacitated; and providing penalties”; to the Committee on the Judiciary.

**By Delegate Rodighiero:**

**H. B. 2025** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10-22i; and to amend said code by adding thereto a new section, designated §18-7A-26w, all relating to providing one-time supplements to all annuitants when they reach the age of seventy”; to the Committee on Pensions and Retirement then Finance.

**By Delegate Rodighiero:**

**H. B. 2026** - “A Bill to amend and reenact §17D-2A-4 of the Code of West Virginia, 1931, as amended, relating to motor vehicle insurance; and providing a maximum repair cost for insured owners of motor vehicles if a collision with a deer caused the damage”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegate Gearheart:**

**H. B. 2027** - “A Bill to amend and reenact §15-2-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17-16A-10 and §17-16A-18 of said code, all relating to

providing for the transfer of ownership, operation and maintenance of certain assets of the West Virginia Parkways Authority to the Division of Highways; reimbursement to the West Virginia State Police for performance of police duties on the West Virginia Turnpike after the transfer; requiring that the parkways authority bring the West Virginia Turnpike into compliance with Division of Highways standards by June 30, 2019; requiring assessments of the turnpike by the Division of Highways to identify certain deficiencies; requiring the division to report its findings upon the assessments to the Joint Committee on Government and Finance and the Governor; requiring the division to certify certain findings upon the assessments to the Joint Committee on Government and Finance and the Governor; requiring certain bonded indebtedness of the Parkways Authority to be satisfied by June 30, 2019; prohibiting new bonds from being issued; directing the Governor to issue a proclamation upon finding that certain bonded indebtedness obligations are satisfied and certain other conditions are met and directing the transfer of certain assets and employees of the Parkways Authority be transferred to the Division of Highways; providing for employees of the Parkways Authority whose positions are eliminated as result of the transfer; requiring certain moneys be used for operation and maintenance of, and for the provision of police services by the West Virginia State Police on the West Virginia Turnpike; cessation of tolls and removal of toll collection facilities; providing an exception; establishing the ‘Turnpike Transition Fund’; funding sources and administration of the fund; providing that all obligations and responsibilities of the parkways authority for the West Virginia Turnpike cease and remaining assets be transferred to Division of Highways on or before June 30, 2020; and authorizing rule-making”; to the Committee on Roads and Transportation then Finance.

**By Delegate Folk:**

**H. B. 2028** - “A Bill to amend and reenact §14-2-2 of the Code of West Virginia, 1931, as amended, relating to the venue for suits and other actions against the state; allowing a pro se plaintiff or petitioner to file a claim or petition against the state, a state officer, or state agency in the circuit court of a county in which the plaintiff



or petitioner resides or in which a claim arose”; to the Committee on the Judiciary.

**By Delegate Gearheart:**

**H. B. 2029** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-14a, relating to permitting counties to adopt certain ordinances relating to dogs and cats; including legislative findings; granting county commissions authority to adopt ordinances to provide for the proper restraint of dogs and the spaying and neutering of dogs and cats; including permissible ordinance provisions; authorizing penalties for violations; providing authority of humane officers; giving authority to county commissions to adopt an ordinance upon approval by referendum and specifying applicability of ordinances to municipalities”; to the Committee on Political Subdivisions then the Judiciary.

**By Delegate Folk:**

**H. B. 2030** - “A Bill to repeal §14-2-2 of the Code of West Virginia, 1931, as amended, relating to eliminating the requirement that proceedings against the State, a state agency or state officer be brought and prosecuted in the circuit court of Kanawha County”; to the Committee on the Judiciary.

**By Delegate Folk:**

**H. B. 2031** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-1-3, eliminating requirements that state provide for professional training and development of teachers; redirecting those funds to the Public Employees Insurance Agency; and providing that professional development in public schools shall be at discretion of county school boards”; to the Committee on Education then Finance.

**By Delegate Cowles:**

**H. B. 2032** - “A Bill to amend and reenact §7-14-13 and §7-14-15 of the Code of West Virginia, 1931, as amended, all relating to prohibiting a chief deputy sheriff from engaging in certain political activities; prohibiting the solicitation of funds within a sheriff’s office; prohibiting using his or her official authority for

political purposes; and prohibiting him or her from coercing anyone to contribute anything of value for political purposes”; to the Committee on the Judiciary.

**By Delegates Hamrick, Howell, Gearheart, Phillips and Folk:**

**H. B. 2033** - “A Bill to amend and reenact §20-2-28 of the Code of West Virginia, 1931, as amended, relating to permitting the resident lineal descendants of landowners to hunt, trap or fish on that resident landowner’s property without a license”; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegate McGeehan:**

**H. B. 2034** - “A Bill to amend and reenact §7-21-3 of the Code of West Virginia, 1931, as amended, relating to county budget stabilization funds; requiring that a county itemize and publish all activity related to budget stabilization funds in the county’s annual financial statements”; to the Committee on Political Subdivisions then Finance.

**By Delegate Shott:**

**H. B. 2035** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-3-10f, relating generally to purchasing; defining terms; prohibiting the award and renewal of contracts worth over \$2 million to vendors owned, in whole or in part, by state officials or by family members of state officials; requiring an affidavit of compliance with this section to accompany bids, contract proposals and contracts with the state; and providing for Ethics Commission review and approval of exceptions to this prohibition”; to the Committee on Government Organization then the Judiciary.

**By Delegate Shott:**

**H. B. 2036** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-28-1, §11-28-2, §11-28-3, §11-28-4, §11-28-5, §11-28-6, §11-28-7 and §11-28-8, all relating to allowing counties and municipalities to levy a sales tax on food and beverages sold at restaurants; providing for county and municipality options; limiting the total tax to three percent; limiting a municipal tax to two percent; setting

forth the procedures for counties or municipalities to use to impose the tax; requiring publication; setting forth how the collected tax may be used; setting forth apportionment of the tax between local jurisdictions; setting forth exemptions from the tax; defining terms; and providing criminal penalties”; to the Committee on Political Subdivisions then Finance.

**By Delegate Shott:**

**H. B. 2037** - “A Bill to amend and reenact §49-4-711 of the Code of West Virginia, 1931, as amended, relating to juvenile proceedings; and requiring the Supreme Court of Appeals and the county board of education to each pay one half of the costs for hiring a school-based juvenile probation officer under specified circumstances”; to the Committee on the Judiciary then Finance.

**By Delegate Rodighiero:**

**H. B. 2038** - “A Bill to amend and reenact §31-20-10 of the Code of West Virginia, 1931, as amended, relating to relieving the burden imposed on counties of incarcerating inmates in regional jails by changing the way the cost of incarcerating inmates in regional jails is collected so that it is shared by the county, state and municipality wherein the alleged criminal act occurred; and making the cost of incarcerating a person for less than twenty-four hours, one-half the amount charged for incarcerating an inmate for a full day”; to the Committee on the Judiciary then Finance.

**By Delegate Rodighiero:**

**H. B. 2039** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13Q-5a, relating to establishing a tax credit for new businesses that locate in the state; setting forth how the credit is determined; establishing the conditions that must be met to qualify for the credit; and defining terms”; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

**By Delegate Ferro:**

**H. B. 2040** - “A Bill to amend and reenact §36B-1-103, §36B-1-104, §36B-1-108, §36B-1-201, §36B-1-203 and §36B-1-204 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto three new sections, designated §36B-1-115,

§36B-1-116 and §36B-1-208; to amend and reenact §36B-2-109, §36B-2-112, §36B-2-116, §36B-2-117 and §36B-2-119 of said code; to amend said code by adding thereto two new sections, designated §36B-2-123 and §36B-2-124; to amend and reenact §36B-3-102, §36B-3-103, §36B-3-105, §36B-3-106, §36B-3-108, §36B-3-110, §36B-3-112, §36B-3-116 and §36B-3-118 of said code; to amend said code by adding thereto five new sections, designated §36B-3-120, §36B-3-121, §36B-3-122, §36B-3-123 and §36B-3-124; and to amend and reenact §36B-4-103, §36B-4-109, §36B-4-112, §36B-4-116 and §36B-4-117 of said code, all relating to updating the Uniform Common Interest Ownership Act; and providing for applicability of the chapter”; to the Committee on the Judiciary.

**By Delegate Rowe:**

**H. B. 2041** - “A Bill to amend and reenact §17-16A-29 of the Code of West Virginia, 1931, as amended, relating to providing a discount program for certain workers and students who purchase West Virginia EZ Pass transponders”; to the Committee on Roads and Transportation then Finance.

**By Delegate Caputo:**

**H. B. 2042** - “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §20-7-1 of said code, all relating to pension benefits exempt from state income taxation; and including Division of Natural Resources police in the class of law-enforcement officers exempted”; to the Committee on Pensions and Retirement then Finance.

**By Delegate Caputo:**

**H. B. 2043** - “A Bill to amend and reenact §17C-14-15 of the Code of West Virginia, 1931, as amended, relating to increasing driver’s license penalties for using wireless communication devices while operating a vehicle”; to the Committee on Roads and Transportation then the Judiciary.

**By Delegate Moye:**

**H. B. 2044** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-1-13,

relating to the Senior Farmers' Market Nutrition Program; making legislative findings and intent; creating the Senior Farmers' Market Nutrition Program Fund; and requesting additional funds to be added to the fund"; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegate Caputo:**

**H. B. 2045** - "A Bill to amend and reenact §33-2-21 of the Code of West Virginia, 1931, as amended, relating to granting the Insurance Commissioner the authority to regulate and penalize self-insured employers; providing for monetary penalties; and permitting noncompliant self-insured employers to become compliant without penalty"; to the Committee on Banking and Insurance then the Judiciary.

**By Delegate Caputo:**

**H. B. 2046** - "A Bill to amend and reenact §18A-2-2 and §18A-2-6a of the Code of West Virginia, 1931, as amended, all relating to requiring county boards of education to provide released time for professional educators and service personnel when serving in a part-time elected or appointed municipal or county offices"; to the Committee on Education then Finance.

**By Delegate Caputo:**

**H. B. 2047** - "A Bill to amend and reenact §20-7-1a and §20-7-1c of the Code of West Virginia, 1931, as amended, all relating to providing an increase in compensation for conservation officers"; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegate Caputo:**

**H. B. 2048** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §8-15B-1, §8-15B-2, §8-15B-3, §8-15B-4 and §8-15B-5, all relating to meeting and conference rights for members of fire departments employed by political subdivisions; providing for the right of self-organization; allowing designation of an exclusive representative agent; imposing a duty to meet and confer with employees; allowing deduction of employee organization dues and assessments; providing for compulsory arbitration of disputes;

listing prohibited acts; allowing hearing before Civil Service Commission; providing judicial review; specifying powers and duties of the Civil Service Commission; and allowing injunctive relief”; to the Committee on Political Subdivisions then the Judiciary.

**By Delegate Caputo:**

**H. B. 2049** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60-2-23, relating to providing career development; and establishing annual salaries for Alcohol Beverage Control inspectors, enforcement agents and supervisors”; to the Committee on Government Organization then Finance.

**By Delegate Caputo:**

**H. B. 2050** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-6-29, relating to allowing state employees to take paid leave to attend parent-teacher conferences for their children”; to the Committee on Government Organization then Finance.

**By Delegate Rodighiero:**

**H. B. 2051** - “A Bill to amend and reenact §5-16-7 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Public Employees Insurance Act; and authorizing insurance to married workers without children at reduced rates”; to the Committee on Banking and Insurance then Finance.

**By Delegate Rodighiero:**

**H. B. 2052** - “A Bill to amend and reenact §20-2-2 of the Code of West Virginia, 1931, as amended, relating to increasing criminal penalties for the illegal killing, taking, or possessing of certain wildlife”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegate Rodighiero:**

**H. B. 2053** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-2F-8a, relating to requiring facilities providing abortions to obtain parental notification or consent in writing by the parent or by a notarized

parental notification or consent form; and providing penalties”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Rodighiero:**

**H. B. 2054** - “A Bill to amend and reenact §20-7-22 of the Code of West Virginia, 1931, as amended, relating to rules governing the operation of motorboats on lakes; authorizing the use of motors exceeding nine horsepower; and providing the conditions that must be met”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegate Rodighiero:**

**H. B. 2055** - “A Bill to amend and reenact §5-16-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §5-16-27, all relating to including volunteer firefighters within the Public Employees Insurance Act and requiring the county commissions to pay either three-fourths or the full amount of premiums”; to the Committee on Banking and Insurance then Finance.

**By Delegate Caputo:**

**H. B. 2056** - “A Bill to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Secondary School Activities Commission; and requiring rules relating to interscholastic athletic football events include the requirement that neck braces be worn by all football players”; to the Committee on Education then Finance.

**By Delegate Caputo:**

**H. B. 2057** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10-22i; and to amend said code by adding thereto a new section, designated §18-7A-26w, all relating to increasing benefits of retired state personnel and retired teachers by five percent a year for the next three consecutive years”; to the Committee on Pensions and Retirement then Finance.

**By Delegate Caputo:**

**H. B. 2058** - “A Bill to amend and reenact §33-20-5 of the Code of West Virginia, 1931, as amended, relating to insurance

generally; and prohibiting the use of a credit score in casualty insurance rate filings”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegate Caputo:**

**H. B. 2059** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-5-20, relating to providing a ten percent discount to West Virginia residents for lodging, camping and other recreational activities at state parks and forests”; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegate Shott:**

**H. B. 2060** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-7-15a, relating to enhanced penalties for use of a firearm during commission of a felony; providing for enhanced penalties for use of a firearm during commission of a felony; and providing exceptions to such enhanced penalties”; to the Committee on the Judiciary.

**By Delegate Upson:**

**H. B. 2061** - “A Bill to amend and reenact §17C-16-2 and §17C-16-4 of the Code of West Virginia, 1931, as amended, all relating to inspection of vehicles and providing that defects in windshields and windows that do not obscure vision are not unsafe conditions preventing a vehicle from passing state inspection”; to the Committee on Roads and Transportation then the Judiciary.

**By Delegate Rowan:**

**H. B. 2062** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-20-11, relating to providing for the ‘Deaf Children’s Bill of Rights Act’; directing the public schools of this state to take certain initiatives in support of superior educational prospects and opportunities for deaf children; requiring appropriate screening and assessment of deaf children; requiring early intervention in detecting and addressing deaf children’s needs; requiring schools to inform parents and guardians of policies related to placement considerations and providing them opportunities to participate in



programs designed to assist their children; requiring schools to strive to provide deaf adult role models for deaf children; requiring schools to provide opportunities for deaf children to meet and associate with their school peers; requiring schools to provide qualified individuals to assist deaf children to develop communication skills; requiring schools to include individualized plans to assist each deaf child; requiring schools to provide the best suited placement for deaf children; requiring schools to provide free and appropriate education across a full spectrum of educational programs for deaf children; requiring the State Board of Education to work with county boards of education to ensure appropriate technical assistance is provided to deaf students; providing schools, where possible, have deaf adults directly involved in determining appropriate program content designed to educate deaf children; requiring all governing school authorities to comply with the requirements of the new section as well as with all applicable state and federal laws; and providing this section does not create any new causes of action”; to the Committee on Education then Finance.

**By Delegates Hamilton and Rowan:**

**H. B. 2063** - “A Bill to amend and reenact §17B-2-12 of the Code of West Virginia, 1931, as amended, relating to extending the expiration of driver’s licenses for active military members’ spouses”; to the Committee on Roads and Transportation then the Judiciary.

**By Delegate Fast:**

**H. B. 2064** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-6-7, relating to defining the term ‘minor boundary adjustment’”; to the Committee on Political Subdivisions then Government Organization.

**By Delegate Fast:**

**H. B. 2065** - “A Bill to amend and reenact §3-1-31 of the Code of West Virginia, 1931, as amended, relating to requiring all local special elections to be held on the days and hours of general, primary or state-wide elections”; to the Committee on the Judiciary.

**By Delegate Cooper:**

**H. B. 2066** - “A Bill to amend and reenact §20-1-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §20-2-45, all relating to providing a fee discount for certain nonresident hunting, fishing and trapping licenses for native nonresidents of the state; definitions; limitation upon the fee amounts; providing for emergency rule and legislative rules”; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegate McGeehan:**

**H. B. 2067** - “A Bill to repeal §29-22A-10d, §29-22A-10e, §29-22A-10f of the Code of West Virginia, 1931, as amended; to repeal §29-22C-27a of said code; to repeal §29-25-22b of said code; and to amend and reenact §29-22-18d of said code, all relating to the transfer of certain revenues derived from lottery activities generally, restoring distribution to the West Virginia Infrastructure Fund to 2013 rates and decreasing the funds available for grants therefrom; restoring the amount that may be transferred to the Racetrack Modernization Fund to 2013 rates; eliminating certain statutory distributions to the State Excess Lottery Revenue Fund; restoring statutory distributions to capital reinvestment, purse funds and development funds to 2013 rates; and eliminating the statutory authorization for distributions to be paid on a pro rata basis”; to the Committee on Finance.

**By Delegate Rohrbach:**

**H. B. 2068** - “A Bill to amend and reenact §16-29G-1 and §16-29G-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto four new sections, designated §16-29G-1a, §16-29G-2a, §16-29G-2b and §16-29G-2c, all relating to operating and maintaining a fully interoperable statewide network to facilitate public and private use of health care information in the state through the West Virginia Health Information Network or through an alternative method determined by the board of directors of the West Virginia Health Information Network and the West Virginia Health Care Authority, and approved by the Joint Committee on Government and Finance; and, authorizing the West Virginia Health Care Authority and the

board of directors of the West Virginia Health Information Network to execute agreements, transfer assets and take other actions appropriate to implement an approved alternative method of operating and maintaining the network”; to the Committee on Health and Human Resources then Finance.

**By Delegate Rodighiero:**

**H. B. 2069** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-5-7; to amend said code by adding thereto a new section, designated §5-10-22l; and to amend said code by adding thereto a new section, designated §18-7A-26w, all relating to providing cost-of-living adjustments for certain current and former public employees generally; providing a \$1,000 cost- of -living adjustment to be paid in full by June 30, 2017; providing for selection of payment date by State Auditor; requiring payment of the cost-of-living adjustments upon authorization; providing for transfer and expenditure of funding appropriated to State Budget Office to spending units and county boards of education for payment of the cost-of-living adjustments; defining terms; providing for \$1,000 cost-of-living adjustment to certain retirees of the Public Employees Retirement System and the state Teachers Retirement System by June 30, 2017; and providing for the pro rata distribution of the cost-of-living adjustment to certain beneficiaries”; to the Committee on Pensions and Retirement then Finance.

**By Delegate Rodighiero:**

**H. B. 2070** - “A Bill to amend and reenact §16-1-6 of the Code of West Virginia, 1931, as amended, relating to prohibiting the establishment of methadone treatment programs and clinics in this state, and excepting programs and clinics operated by comprehensive community mental health centers”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegates Bates, Ellington and Fleischauer:**

**H. B. 2071** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article designated §16-52-1, §16-52-2, §16-52-3 and §16-52-4; and to amend and reenact §60A-2-204 of said code, all relating to authorizing the medical use of

pharmaceutical cannabis to treat certain medical conditions for which no other satisfactory alternative treatment option exists”; to the Committee on Prevention and Treatment of Substance Abuse then Health and Human Resources then the Judiciary.

**By Delegate Rodighiero:**

**H. B. 2072** - “A Bill to amend the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §5-16B-6f, relating to qualifying children of state employees, receiving income of \$25,000 per year or less, for the West Virginia Children’s Health Insurance Program”; to the Committee on Banking and Insurance then Finance.

**By Delegate Rodighiero:**

**H. B. 2073** - “A Bill to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating to courses of instruction in all schools located within this state; and making available elective courses on the history of the Old and New Testaments of the Bible”; to the Committee on Education then the Judiciary.

**By Delegate Caputo:**

**H. B. 2074** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-6-9a, relating to establishing seniority rights for public employees; defining when seniority begins; setting standards for accumulation of seniority; requiring notice of job postings; requiring registers or certified lists of eligible applicants; allowing senior employees the first right of refusal for additional duty, overtime and promotions; and determining seniority in case of absence”; to the Committee on Government Organization then Finance.

**By Delegates Hanshaw and Fleischauer:**

**H. B. 2075** - “A Bill to amend and reenact §18B-5-4 of the Code of West Virginia, 1931, as amended, relating to higher education advance allowance accounts; authorizing the Auditor to require supporting documentation along with an accounting of an advance allowance account; permitting the Auditor to suspend an additional advance allowance request in certain situations; and

authorizing rule-making”; to the Committee on Education then Finance.

**By Delegate Caputo:**

**H. B. 2076** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22C-13-1, relating to establishing the Legislative Oversight Commission on Energy Workers’ Safety; directing the commission to study workers’ safety; and establishing reporting requirements for boards and agencies that regulate and otherwise oversee workers’ safety”; to the Committee on Energy then the Judiciary.

**By Delegate Rohrbach:**

**H. B. 2077** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding there to a new article, designated §5-30-1, §5-30-2, §5-30-3, §5-30-4 and §5-30-5, all relating to state recognition of Native American tribes; defining terms; designating certain tribes as recognized by the state; establishing criteria for state recognition of additional tribes; authorizing unique trademarks for certain arts and crafts; prohibiting gambling; and providing penalty for unauthorized use of trademark”; to the Committee on Government Organization then the Judiciary.

**By Delegate Hamrick:**

**H. B. 2078** - “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 Delegate Folk:**

**H. B. 2079** - “A Bill to amend and reenact §18B-1B-1 of the Code of West Virginia, 1931, as amended, relating to abolishing the West Virginia Higher Education Policy Commission; transferring all powers and duties of the commission relating to internal governance of institutions of higher education to the board of Governors of the institutions; transferring all powers and duties of the commission to secure, provide, or administer financial support for educational or research purposes to the Cabinet Secretary for the Department of Education and the Arts; providing

for the transfer and disposition of assets, property and records of the commission; and authorizing legislative and emergency rulemaking”; to the Committee on Education then Finance.

**By Delegate Caputo:**

**H. B. 2080** - “A Bill to amend and reenact §5-5-2 of the Code of West Virginia, 1931, as amended, relating to increasing the amount of annual and incremental salary increases for eligible employees from \$60 to \$100; changing eligibility from three years of service to one”; to the Committee on Government Organization then Finance.

**By Delegate Rodighiero:**

**H. B. 2081** - “A Bill to amend and reenact §16-1-6 of the Code of West Virginia, 1931, as amended, relating to prohibiting the establishment of new methadone treatment programs and clinics in this state except for programs and clinics operated as comprehensive community mental health centers by the Division of Health or local nonprofit organizations; requiring all private and community mental health center methadone treatment programs to monitor each patient, pharmacy registry each month”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegate Rodighiero:**

**H. B. 2082** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2P-1, relating to public health; and prohibiting state funding of abortions”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Rodighiero:**

**H. B. 2083** - “A Bill to amend and reenact §60A-10-12 of the Code of West Virginia, 1931, as amended, relating to the Uniform Controlled Substances Act; the Methamphetamine Laboratory Eradication Act; and increasing the felony criminal penalties for exposing children to methamphetamine manufacturing”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegate Rodighiero:**

**H. B. 2084** - “A Bill to amend and reenact §11-3-2 of the Code of West Virginia, 1931, as amended, relating to requiring the assessor of each county to, within three months of a deed filing in the county clerk(s) office of each county, prepare a new property tax ticket and cause the tax ticket to be mailed from the county sheriff’s office”; to the Committee on Political Subdivisions then Finance.

**By Delegate Rodighiero:**

**H. B. 2085** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-43-1, §16-43-2 and §16-43-3, all relating to ensuring patient safety; defining terms; creating an ‘acuity-based patient classification system’; directing hospitals to establish an acuity standard; establishing minimum direct-care registered nurse to patient ratios; providing additional conditions for licensing; prohibiting assignment of unlicensed personnel to perform licensed nurse functions; requiring a full-time registered nurse executive leader; providing for quality assurance; requiring appropriate orientation and competence in clinical area of assignment with documentation thereof to be maintained in personnel files; and exempting critical access hospitals”; to the Committee on Health and Human Resources then Government Organization.

**By Delegate Rodighiero:**

**H. B. 2086** - “A Bill to amend and reenact §31-20-31 of the Code of West Virginia, 1931, as amended, relating to allowing the Executive Director of the West Virginia Regional Jail and Correctional Facility Authority to establish a work program only for qualified inmates sentenced to a regional jail facility and not waiting transfer to a state correctional facility; and specifying minimum requirements for the program”; to the Committee on the Judiciary then Finance.

**By Delegates Fleischauer and Pushkin:**

**H. B. 2087** - “A Bill to amend and reenact §22-3-22a of the Code of West Virginia, 1931, as amended, relating to prohibiting blasting within six hundred twenty-five feet of an occupied dwelling”; to the Committee on Energy then the Judiciary.

**By Delegate Cowles:**

**H. B. 2088** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-2-12a, relating to establishing a bill of rights for children in foster care”; to the Committee on the Judiciary.

**By Delegate Cowles:**

**H. B. 2089** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-2-127, relating to establishing a bill of rights for foster parents”; to the Committee on the Judiciary.

**By Delegate Cowles:**

**H. B. 2090** - “A Bill to amend and reenact §7-2-2 of the Code of West Virginia, 1931, as amended, relating to increasing the minimum number of magisterial districts in a county from three to four”; to the Committee on Political Subdivisions then the Judiciary.

**By Delegates Kessinger and Folk:**

**H. B. 2091** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-3-10f, relating to the disclosure of interested parties to a government contract; defining terms; prohibiting contracting with a state agency unless business entity submits disclosure of interested parties; requiring submission of supplemental disclosure within thirty days of completion or termination of the contract; providing exceptions to the disclosure requirement for certain contracts; requiring the Ethics Commission create disclosure form; specifying contents to be included in the disclosure form; requiring state agencies to submit completed forms to the Ethics Commission; requiring the Ethics Commission to make disclosures publicly available; and requiring the Ethics Commission to post disclosures on the commission website when technologically able”; to the Committee on the Judiciary.

**By Delegates Overington, Frich, Folk and Sobonya:**

**H. B. 2092** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-4-414, relating to use of a firearm during, in relation to, or in



furtherance of a violation of the Uniform Controlled Substances Act; creating the felony offense of use or possession of a firearm; providing penalties; clarifying that the offense is separate and distinct from other offenses; denying eligibility for sentencing alternatives; and clarifying the term ‘convicted’”; to the Committee on the Judiciary.

**By Delegates McGeehan and Wagner:**

**H. B. 2093** - “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to personal income tax; exempting personal income earned by individuals working as teachers at primary and secondary schools from personal income tax”; to the Committee on Education then Finance.

**By Delegates McGeehan and Folk:**

**H. B. 2094** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-25, relating to allowing a taxpayer a personal income tax credit for each dependent that participated in home educational instruction for the most recent academic year”; to the Committee on Education then Finance.

**By Delegates McGeehan and Folk:**

**H. B. 2095** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-2-11a, relating to the rule-making authority of local boards of health; establishing a procedure by which a local governing body may review and vote upon the adoption, amendment or revocation of existing local board of health rules and requiring that the governing body adopt all proposed local board of health rules by a majority vote before any new rule may be enforced”; to the Committee on Health and Human Resources then Government Organization.

**By Delegates Hamrick and Folk:**

**H. B. 2096** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-16-30; and to amend said code by adding thereto a new section, designated §60-4-24, all relating to exempting commercial airlines

from obtaining licenses to serve liquor, beer or wine on flights”; to the Committee on Industry and Labor then the Judiciary.

**By Delegates Ellington, Nelson, Hamrick and Cooper:**

**H. B. 2097** - “A Bill to amend and reenact §18B-10-1 of the Code of West Virginia, 1931, as amended, relating to permitting the governing body to charge tuition on certain credit hours”; to the Committee on Education then Finance.

**By Delegates Folk, Frich and Sobonya:**

**H. B. 2098** - “A Bill to amend and reenact §17C-5-4 of the Code of West Virginia, 1931, as amended, relating to requiring the issuance of a search warrant before a driver of a motor vehicle can be made to submit to a secondary blood test to determine the concentration of alcohol or controlled substance in his or her blood”; to the Committee on Roads and Transportation then the Judiciary.

**By Delegate McGeehan:**

**H. B. 2099** - “A Bill to amend and reenact §17C-4-1 of the Code of West Virginia, 1931, as amended, relating to crashes involving death or personal injuries; creating crime of knowingly leaving scene of a crash resulting in serious bodily injury; establishing presumption of knowledge based upon crash conditions; and providing criminal penalties”; to the Committee on the Judiciary.

**By Delegates Pushkin, Folk, Blair and Fast:**

**H. B. 2100** - “A Bill to amend and reenact §61-7-4 of the Code of West Virginia, 1931, as amended, relating to recognizing those in active military service as residents for the purpose of obtaining concealed carry permits while stationed at a West Virginia military installation”; to the Committee on Veterans’ Affairs and Homeland Security then the Judiciary.

**By Delegates Pushkin and Eldridge:**

**H. B. 2101** - “A Bill to amend and reenact §49-2-913 of the Code of West Virginia, 1931, as amended; to amend and reenact said article by adding thereto a new section, designated §49-2-914; and to amend §49-5-106 of said code, all relating to the

juvenile justice reform oversight committee and averted costs reinvestment; creating a juvenile justice account and providing its purpose, funding and disbursements; requiring new data to be collected and compiled to allow calculation of juvenile recidivism and the outcome of programs and making this information available to the public”; to the Committee on the Judiciary then Finance.

**By Delegates McGeehan and Sponaugle:**

**H. B. 2102** - “A Bill to amend and reenact §3-1-8 of the Code of West Virginia, 1931, and to amend and reenact §3-2-5 of said code; all relating to the criteria for political party status; allowing a group of affiliated voters to become a recognized political party if the group’s candidate receives one percent of the votes in an election for any one of six statewide offices, including that of Governor, Secretary of State, Treasurer, Auditor, Attorney General or Commissioner of Agriculture; allowing a group of affiliated voters to become a recognized political party if five thousand or more individuals have identified as members of the group on their current voter registration forms; and requiring voting registration forms to provide a space for individuals who do not select a political party affiliation to write the name of a group of affiliated voters to which they belong”; to the Committee on the Judiciary.

**By Delegates Eldridge and Hicks:**

**H. B. 2103** - “A Bill to amend and reenact §21-11-3 of the Code of West Virginia, 1931, as amended, relating to making changes to the definition of contractor for purposes of the West Virginia Contractor Licensing Act”; to the Committee on Industry and Labor then Government Organization.

**By Delegates Eldridge and Hicks:**

**H. B. 2104** - “A Bill to amend and reenact §18-2-5 of the Code of West Virginia, 1931, as amended, relating to the State Board of Education; and providing that the board require that public schools provide facilities for students of all faiths and religions to have a place of fellowship, prayer and worship”; to the Committee on Education then Finance.

**By Delegates Eldridge and Hicks:**

**H. B. 2105** - “A Bill to amend the Code of West Virginia, 1931, as amended, adding thereto a new section, designated §29-22-31, relating to the establishment of the State Parks Benefit Game; and the establishment of the State Parks Lottery Fund”; to the Committee on the Judiciary then Finance.

**By Delegates Pushkin, Upson and Fleischauer:**

**H. B. 2106** - “A Bill to amend and reenact §15-2C-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §15-2C-2a; and to amend and reenact §15-2C-3, §15-2C-4 and §15-2C-8 of said code, all relating to creating a domestic violence registry; providing a purpose; directing the Criminal Identification Bureau of the West Virginia State Police to establish and maintain the registry; providing for confidential inquiry of persons on the registry; establishing criteria for placement on and releasing information from the registry; requiring prosecuting attorneys to provide certain information; and defining terms”; to the Committee on the Judiciary.

**By Delegates Pushkin, Sponaugle, Fluharty, Hornbuckle, Fleischauer and McGeehan:**

**H. B. 2107** - “A Bill to amend and reenact §61-11-26 of the Code of West Virginia, 1931, as amended, relating to the creation of the West Virginia Second Chance for Employment Act; defining terms; expanding eligibility for criminal expungement to persons convicted of certain nonviolent felonies; defining ‘nonviolent felony’; providing exclusions to eligibility; establishing timing for filing a petition for expungement; creating petition requirements and court procedure for evaluating preliminary and final orders of expungement for nonviolent felonies; providing for preliminary orders of expungement; requiring a ten-year period under a preliminary order of expungement for a felony before one may obtain a final order of expungement; clarifying disclosure requirements with respect to the information sealed pursuant to an order of expungement, including exemptions; providing standard for inspection of sealed records; and making technical changes”; to the Committee on Industry and Labor then the Judiciary.

**By Delegates Rodighiero, Hicks and Eldridge:**

**H. B. 2108** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-13b, relating to requiring school bus aides, who are trained in preventing bullying and providing a safe environment for students while being transported on a school bus, to be present on school buses”; to the Committee on Education then Finance.

**By Delegates Rohrbach and Hornbuckle:**

**H. B. 2109** - “A Bill to amend and reenact §31-18E-9 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Land Reuse Agency Authorization Act; including a municipal land bank as an agency that may acquire property; providing that a municipal land bank may have the right of first refusal to buy certain tax delinquent property, within municipal limits, for taxes owed and any related fees before the tax delinquent property is placed for public auction at tax sales”; to the Committee on Political Subdivisions then the Judiciary.

**By Delegates Rodighiero, Hicks and Eldridge:**

**H. B. 2110** - “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to personal income tax; increasing the amount of retirement income to be excluded from the gross income of individuals receiving retirement benefits under the West Virginia Public Employees Retirement System and the West Virginia State Teachers Retirement System; and providing an effective date”; to the Committee on Pensions and Retirement then Finance.

**By Delegate Miley:**

**H. B. 2111** - “A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating to exempting certified professional estimator services from consumer sales and service tax; and defining a term”; to the Committee on Industry and Labor then Finance.

**By Delegates McGeehan and Pushkin:**

**H. B. 2112** - “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to exempting all monetary benefits derived from military retirement from

personal income tax obligations”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

**By Delegates Ellington, Summers and Rohrbach:**

**H. B. 2113** - “A Bill amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-25, relating to changes to the Medicaid program; and providing that the Secretary of the Department of Health and Human Resources may not change the state plan, without legislative approval, if the change results in a gain or loss of \$250,000 to the state”; to the Committee on Health and Human Resources then Finance.

**By Delegates Overington, Gearheart, Frich, Howell and Sobonya:**

**H. B. 2114** - “A Bill to amend the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §3-11A-1, §3-11A-2, §3-11A-3 and §3-11A-4, all relating to 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; defining terms; setting forth delegate duties and responsibilities; and providing a felony criminal penalty for violation of a delegate(s) oath”; to the Committee on the Judiciary.

**By Delegates Rowan and Sobonya:**

**H. B. 2115** - “A Bill to amend and reenact §15-12-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §62-11D-3 of said code, all relating to sex offenders; prohibiting sexual offenders from residing within one thousand feet of a school or childcare facility; requiring persons, as a condition of probation, parole or supervised release, convicted of sexual crimes against a minor be subject to global positional system monitoring for life; and providing for a felony penalty”; to the Committee on the Judiciary then Finance.

**By Delegates Howell, Frich and Hamilton:**

**H. B. 2116** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §2-4-1, §2-4-2 and §2-4-3, all relating to establishing a policy for formal

recognition of Indian tribes”; to the Committee on Government Organization then the Judiciary.

**By Delegates Overington, Rohrbach, Upson, Frich and G. Foster:**

**H. B. 2117** - “A Bill to amend and reenact §18C-7-6 of the Code of West Virginia, 1931, as amended, relating to removing the requirement that home schooled students have to acquire a general equivalency degree (GED) in order to be eligible to receive a PROMISE scholarship”; to the Committee on Education then Finance.

**By Delegates Folk, McGeehan and Kelly:**

**H. B. 2118** - “A Bill to amend and reenact §18B-2B-3 of the Code of West Virginia, 1931, as amended, relating to abolishing the West Virginia Council for Community and Technical College Education; transferring all powers and duties of the council pertaining to institutions of higher education to the board of governors of the institutions and providing for the transfer and disposition of assets, property and records of the council”; to the Committee on Education then Finance.

**By Delegates Ellington and Summers:**

**H. B. 2119** - “A Bill to repeal §33-16G-1, §33-16G-2, §33-16G-3, §33-16G-4, §33-16G-5, §33-16G-6, §33-16G-7, §33-16G-8, and §33-16G-9 of the Code of West Virginia, 1931, as amended; all relating to repealing the West Virginia Health Benefit Exchange Act”; to the Committee on Health and Human Resources then Finance.

**By Delegates Ellington and Summers:**

**H. B. 2120** - “A Bill to amend and reenact §9-2-6 of the Code of West Virginia, 1931, as amended, relating to exempting certain contracts from the bidding process”; to the Committee on Banking and Insurance then Health and Human Resources.

**By Delegates Fleischauer, Pushkin, Hicks and Fluharty:**

**H. B. 2121** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article designated §16-52-1, §16-52-2, §16-52-3, §16-52-4, §16-52-5, §16-52-6, §16-52-7, §16-

52-8 and §16-52-9, all relating to creating the West Virginia Residential Furniture and Children's Products Flame Retardants Act administered and enforced under the authority of the Commissioner of the Bureau for Public Health; prohibiting the use of certain flame-retardant chemicals in certain products; legislative findings; definitions; rule-making authority; when replacement chemicals may be used; exemptions to requirements; requiring report to Joint Committee on Government and Finance; requiring certificate of compliance; injunctive relief for violations; and providing civil penalties for violations"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Byrd and Fleischauer:**

**H. B. 2122** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-23a, relating to providing a tax credit for first time home buyers; establishing eligibility criteria; and setting a maximum credit"; to the Committee on Finance.

**By Delegates Rowan, Mr. Speaker (Mr. Armstead), Cowles, Hamilton, Espinosa, O'Neal, Anderson and Nelson:**

**H. B. 2123** - "A Bill to amend and reenact §18-9D-2, §18-9D-3, §18-9D-4c and §18-9D-16 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18-9D-22, all relating to making the West Virginia Schools for the Deaf and Blind eligible to participate in any and all funding administered or distributed by the West Virginia School Building Authority"; to the Committee on Education then Finance.

**By Delegates Overington, Shott, Hicks and Nelson:**

**H. B. 2124** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §1-2-2c, relating to election of members of the House of Delegates in districts having more than one delegate; and providing that the delegates be elected from numbered divisions"; to the Committee on the Judiciary.



**By Delegate Hamilton:**

**H. B. 2125** - “A Bill to amend and reenact §5-10-18 of the Code of West Virginia, 1931, as amended, relating to providing an eleven month window to permit members of the public employees retirement system to purchase credited service that had been previously forfeited”; to the Committee on Pensions and Retirement then Finance.

**By Delegate Westfall:**

**H. B. 2126** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-4-22, relating generally to guaranteed asset protection waivers; providing short title, scope and legislative intent of section; defining certain terms; specifying requirements for offering guaranteed asset protection waivers; requiring contractual liability or other insurance policies; providing for disclosures and cancellation; exempting commercial transactions; providing for enforcement of section and severability; excluding waivers from consumers sales and service tax; specifying effective date of section; providing for section to apply to guaranteed asset protection waivers issued on and after specified date; and authorizing the Insurance Commissioner to impose a civil money penalty for all violations of section”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegates Sponaugle and Fluharty:**

**H. B. 2127** - “A Bill to amend and reenact §11-21-16 of the Code of West Virginia, 1931, as amended, relating to personal income taxes; and making the personal exemptions for purposes of West Virginia’s personal income tax the same as allowed for federal income tax purposes”; to the Committee on Finance.

**By Delegates Fleischauer and Folk:**

**H. B. 2128** - “A Bill to amend and reenact §61-3-51 of the Code of West Virginia, 1931, as amended, relating to requiring persons who are in the business of purchasing precious metals and precious gems to photograph those purchases and to transmit the photographs to law-enforcement authorities; and lessening the criminal penalty from a felony to a misdemeanor”; to the

Committee on Small Business, Entrepreneurship and Economic Development then the Judiciary.

**By Delegates Fleischauer, Sobonya, Statler and Overington:**

**H. B. 2129** - “A Bill to amend and reenact §60-7-10 of the Code of West Virginia, 1931, as amended, relating to the powers and authority of state and local law enforcement to enforce underage drinking laws at private clubs; clarifying that the grant of authority to the Alcohol Beverage Control Commissioner and his or her agents to enter and inspect the premises of a private club does not limit or restrict the authority of local law enforcement to enter any public area on or adjacent to any private club or from taking other appropriate police action or investigation to enforce the underage drinking laws of this state”; to the Committee on the Judiciary.

**By Delegates Fluharty and Pushkin:**

**H. B. 2130** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §4-2A-5a, relating to drug testing of legislators”; to the Committee on the Judiciary then Finance.

**By Delegates Folk and McGeehan:**

**H. B. 2131** - “A Bill to amend and reenact §22C-9-7 of the Code of West Virginia, 1931, as amended, relating to unitization of interests in drilling units connected to deep oil or gas wells, prohibiting the state from requiring persons with oil or gas rights connected to deep oil or gas wells to involuntarily integrate their interests in a drilling unit and to require a surface owner’s consent for operations or disturbances to the surface of the land in a drilling unit connected to deep oil or gas wells”; to the Committee on Energy then the Judiciary.

**By Delegates Folk, McGeehan and Sobonya:**

**H. B. 2132** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-25, relating to limiting able-bodied adults without dependents receipt of SNAP benefits to three months in a thirty-six month period, except in months in which the recipient is working, or is

participating in a work, educational, or volunteer program for at least twenty hours per week; the Department of Health and Human Resources shall not request a waiver to provide SNAP benefits to able-bodied adults without dependents”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Shott and Hamrick:**

**H. B. 2133** - “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 Hamilton and Westfall:**

**H. B. 2134** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §23-2-19; and to amend said code by adding thereto a new section, designated §33-1-23, all relating generally to workers’ compensation; providing that unenforceable waivers may not be offered by employers; providing that policies that offer no coverage are against public policy; and establishing misdemeanor penalties”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegates Kelly, Cooper, McGeehan and Sobonya:**

**H. B. 2135** - “A Bill to amend and reenact §17C-15-44 of the Code of West Virginia, 1931, as amended, relating to permitting persons who are twenty-one years of age or older to operate or be a passenger on a motorcycle without a helmet if they have held a license valid for the operation of a motorcycle for a minimum of two years”; to the Committee on Roads and Transportation then the Judiciary.

**By Delegates Hamrick, G. Foster, Rowan and Westfall:**

**H. B. 2136** - “A Bill to repeal §20-2-19a of the Code of West Virginia, 1931, as amended; and to amend and reenact §20-2-5, §20-2-42g and §20-2-42h of said code, all relating to hunting or

trapping on private lands; removing restrictions for hunting or trapping on private lands on Sundays; and clarifying that hunting on private land at any time requires the written consent of the landowner”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Hamrick, Statler, Rowan and Frich:**

**H. B. 2137** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-10-34; relating to making it a misdemeanor for a person to impersonate a veteran; and creating criminal penalties”; to the Committee on Veterans’ Affairs and Homeland Security then the Judiciary.

**By Delegates McGeehan and Folk:**

**H. B. 2138** - “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 Delegate Fast:**

**H. B. 2139** - “A Bill to amend and reenact §24A-1-3 of the Code of West Virginia, 1931, as amended, relating to commercial motor carriers generally; providing an exemption from regulation by the Public Service Commission for motor vehicles used exclusively in the transportation of roll-off solid waste containers; and requiring the commission to propose rules for legislative approval to implement the amended provisions of this section”; to the Committee on Roads and Transportation then the Judiciary.

**By Delegates Fast and Frich:**

**H. B. 2140** - “A Bill to amend and reenact §61-8D-1 and §61-8D-4 of the Code of West Virginia, 1931, as amended, all relating to modifying the definitions of child abuse and neglect to exclude accidents”; to the Committee on the Judiciary.

**By Delegates Cooper and Ambler:**

**H. B. 2141** - “A Bill to amend and reenact §24A-7-7 of the Code of West Virginia, 1931, as amended, relating to expanding the authority of motor carrier inspectors; and requiring compliance by commercial vehicle drivers”; to the Committee on the Judiciary.

**By Delegates Cooper, Ambler and Rowan:**

**H. B. 2142** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-4-2d, relating to providing a salary increase for special education teachers”; to the Committee on Education then Finance.

**By Delegates Ferro, Fluharty and Hornbuckle:**

**H. B. 2143** - “A Bill to amend and reenact §5-1-20 of the Code of West Virginia, 1931, as amended, relating to requiring reports to the Governor from state agencies to be made available electronically via the Internet”; to the Committee on Government Organization.

**By Delegate Fast:**

**H. B. 2144** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-1B-11, relating to relocation or closure of state higher education institutions; establishing legislative findings; requiring an economic and educational accessibility impact study and plan be provided by a state institution of higher education to the Higher Education Policy Commission prior to closure or transfer of the physical presence in an existing location; requiring the commission to review, provide feedback and suggested changes to the institution desiring to close or transfer a physical presence; requiring the commission to make a recommendation to the Legislative Oversight Commission on education accountability (LOCEA); requiring the LOCEA to consider and take action within six months of submission; authorizing amendment of the recommended plan; authorizing transfer or closure pursuant to an approved LOCEA plan”; to the Committee on Education then the Judiciary.

**By Delegate Fast:**

**H. B. 2145** - “A Bill to repeal §21-3-19 of the Code of West Virginia, 1931, as amended, relating to employer discrimination for use of tobacco products”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Fast:**

**H. B. 2146** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §46A-6-109a, relating to allowing a home improvement transaction to be performed under an oral contract”; to the Committee on the Judiciary.

**By Delegates Cooper and Ambler:**

**H. B. 2147** - “A Bill to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended, relating to permitting county boards of education to accumulate instructional days and use them when needed in a later instructional term when inclement weather and emergencies prevent the otherwise full instructional term from being completed”; to the Committee on Education.

**By Delegates Byrd, Pushkin and Fleischauer:**

**H. B. 2148** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12j, relating to providing taxpayers repaying their own student loans a modification reducing federal adjusted gross in the amount of the interest paid, for personal income tax purposes”; to the Committee on Education then Finance.

**By Delegate Caputo:**

**H. B. 2149** - “A Bill to amend and reenact §15-2-3 and §15-2-5 of the Code of West Virginia, 1931, as amended, all relating to maintaining a minimum of eight hundred state troopers by July 1, 2018; and increasing the salary increase received at the end of two years of service with the West Virginia State Police from \$500 to \$580”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

**By Delegates McGeehan, Kelly and Folk:**

**H. B. 2150** - “A Bill to amend and reenact §20-2-5 of the Code of West Virginia, 1931, as amended, relating to the hunting of coyotes; permitting year-round hunting of coyotes using artificial light or night vision technology and permitting hunting of coyotes at any hour”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Cooper, Ambler, Moye, Kelly, Wagner and Rowan:**

**H. B. 2151** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2E-3, relating to student assessment in grades K-12, prohibiting the use of the Smarter Balanced Assessment and requiring schools to assess student progress by alternate methods”; to the Committee on Education.

**By Delegates Ambler, Cooper, Upson, Rowan and Eldridge:**

**H. B. 2152** - “A Bill to repeal §20-2-19a of the Code of West Virginia, 1931, as amended; and to amend and reenact §20-2-5, §20-2-42g and §20-2-42h of said code, all relating to hunting or trapping on private lands; removing restrictions for hunting or

trapping on private lands on Sundays; and clarifying that hunting on private land at any time requires written consent of landowner”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Rowe, Sobonya, Pushkin and Rohrbach:**

**H. B. 2153** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §49-9-101, §49-9-102 and §49-9-103, all relating to designation of social workers in the Department of Health and Human Services to promote better student school attendance and performance, and the health and well-being of students at home; duties described”; to the Committee on Education then Finance.

**By Delegates Moye, Rohrbach and Frich:**

**H. B. 2154** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-3-7, relating to sanctions for recipients of benefits from the Temporary Assistance for Needy Families Program through temporary suspensions of benefits when they are convicted of misdemeanor theft offenses of shoplifting and petit larceny; providing definitions; establishing administrative review of decisions to deny benefits; providing a mechanism for dependent children to receive benefits if a parent is deemed ineligible; authorizing rulemaking; providing criminal penalties; and allowing for exceptions”; to the Committee on the Judiciary.

**By Delegates Caputo, Hamilton, Hornbuckle and Fluharty:**

**H. B. 2155** - “A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended, relating to career progression of members of the State Police; increasing the longevity pay for members of the State Police; providing for certain increases in pay if certain educational attainment is met by members of the State Police; and adjusting the timing of certain salary changes”; to the Committee on Government Organization then Finance.

**By Delegates Hamilton, Frich and Folk:**

**H. B. 2156** - “A Bill to amend and reenact §5-10-52 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Public Employees Retirement Act; and the manner of



calculating benefits for certain members of the Legislature”; to the Committee on Pensions and Retirement then Finance.

**By Delegates Sponaugle, Phillips, Hamilton, Rowan and McGeehan:**

**H. B. 2157** - “A Bill to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended, relating to school calendar; and changing mandatory instructional days from one hundred eighty days to minutes based upon minimum amount of hours of instruction offered to students provided by state board rules”; to the Committee on Education.

**By Delegates Sponaugle, Eldridge, Caputo, Fluharty, Pushkin and Hicks:**

**H. B. 2158** - “A Bill to amend and reenact §22-21-17 of the Code of West Virginia, 1931, as amended; and to amend and reenact §22C-9-7 of said code, all relating to prohibiting drilling units from being established without consent of all owners; prohibiting coal bed methane units from being established without consents from all owners; and prohibiting deep oil or gas well units from being established without consents from all owners”; to the Committee on Energy then the Judiciary.

**By Delegates Fleischauer, Caputo and Hornbuckle:**

**H. B. 2159** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-3E-1, §21-3E-2, §21-3E-3, §21-3E-4, §21-3E-5, §21-3E-6, §21-3E-7, §21-3E-8 and §21-3E-9, all relating to labor; providing for healthy workplaces by providing remedies for hostile work environments; defining terms; providing an affirmative defense for employers; banning retaliation in certain circumstances; providing an employer duty to respond to third-party acts of malice; restricting applicability to employment practices not covered by existing state laws on human rights or wrongful discharge; and providing certain time limitations for commencing action”; to the Committee on Industry and Labor then the Judiciary.

**By Delegates Eldridge and Hicks:**

**H. B. 2160** - “A Bill to amend and reenact §23-2-1b of the Code of West Virginia, 1931, as amended, relating to workers’

compensation; employers and employees subject to coverage; and providing that paid county or municipal fire departments and duly incorporated volunteer fire departments pay reduced premiums when not actively engaged in firefighting”; to the Committee on Banking and Insurance then Finance.

**By Delegates Statler and Rohrbach:**

**H. B. 2161** - “A Bill to amend and reenact §5A-3-10 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §12-3-10h, all relating to purchasing requirements for the Division of Highways; permitting the Division of Highways to make purchases of up to \$100,000 without engaging in competitive bidding and prohibiting the Division of Highways from requiring purchasing card users in district offices to secure bids for purchases under a certain amount”; to the Committee on Government Organization then Finance.

**By Delegates McGeehan and Folk:**

**H. B. 2162** - “A Bill to amend and reenact §11-3-9 of the Code of West Virginia, 1931, as amended, relating to personal property tax; exempting motor vehicles from personal property tax”; to the Committee on Roads and Transportation then Finance.

**By Delegates McGeehan and Folk:**

**H. B. 2163** - “A Bill to amend and reenact §11-21-3 of the Code of West Virginia, 1931, as amended, relating to abolishing the Personal Income Tax”; to the Committee on Finance.

**By Delegates Statler, Gearheart and G. Foster:**

**H. B. 2164** - “A Bill to amend and reenact §6B-2B-2 of the Code of West Virginia, 1931, as amended, relating to use of public funds to display a public official’s name or likeness and prohibiting such display on public road signs”; to the Committee on Roads and Transportation then the Judiciary.

**By Delegates Statler, Rohrbach, Sobonya, Summers, Ellington, Frich and Fleischauer:**

**H. B. 2165** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-3-

11c, and to amend said code by adding thereto a new section, designated §30-14-8a, all relating to out of state physicians and surgeons traveling with sports teams within this state; authorizing a physician or surgeon who is licensed to practice medicine or osteopathic medicine in another state to provide medical care to sports team members under certain circumstances”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Caputo and Rowan:**

**H. B. 2166** - “A Bill to amend and reenact §18-5-20 of the Code of West Virginia, 1931, as amended, relating to county boards of education; school libraries; requiring each school to have a certified library media specialist; and requiring the board to develop professional standards and the salary for the certified library media specialist”; to the Committee on Education then Finance.

**By Delegate Storch:**

**H. B. 2167** - “A Bill to amend and reenact §15-3B-3 of the Code of West Virginia, 1931, as amended, relating to creating a Silver Alert program for senior citizens; defining a term; and providing an establishment date”; to the Committee on Senior Citizen Issues.

**By Delegates McGeehan, Hamrick and Folk:**

**H. B. 2168** - “A Bill to amend and reenact §7-1-14 of the Code of West Virginia, 1931, as amended; and to amend and reenact §8-12-5 of said code, all relating to prohibiting counties and municipalities from adopting ordinances or regulations that base restrictions on the breed of a dog”; to the Committee on Political Subdivisions then the Judiciary.

**By Delegates Fleischauer and Pushkin:**

**H. B. 2169** - “A Bill to amend and reenact §7-5-22 of the Code of West Virginia, 1931, as amended, relating to clarifying that the county or regional solid waste authority that may impose and collect an additional solid waste assessment fee is the county or region where the waste originates”; to the Committee on Political Subdivisions then Finance.

**By Delegates Fleischauer and Pushkin:**

**H. B. 2170** - “A Bill to amend and reenact §22-6A-8, §22-6A-10 and §22-6A-12 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §22-6A-12a; and amend and reenact §22-6B-3, §22-6B-5 and §22-6B-7 of said code, all relating generally to horizontal well control standards; changing an elective obligation to a mandatory one; requiring notice in certain instances be sent to the occupants of residential property; prohibiting the limit of disturbance of a well site to be closer than fifteen hundred feet of an occupied dwelling; providing that a notice include certain information; establishing standards relating to air, noise, light and dust; permitting landowners be compensated for any decrease in the values of the land for its highest and best use; requiring the notice of a claim be also provided to an occupant of residential structure on the property; and establishing a statute of limitations for claims being filed”; to the Committee on Energy then the Judiciary.

**By Delegate Eldridge:**

**H. B. 2171** - “A Bill to amend and reenact §21-11-6 of the Code of West Virginia, 1931, as amended, relating to permitting contractors to perform work on a construction project without having a contractor’s license when the total cost of that project is less than \$5,000”; to the Committee on Industry and Labor then the Judiciary.

**By Delegates Rodighiero, Hicks, Marcum and Eldridge:**

**H. B. 2172** - “A Bill to amend and reenact §18-5D-2, §18-5D-3 and §18-5D-4 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia Feed to Achieve Act; and providing that school nutrition plans include take home meals for low income students or any student who requests take home meals”; to the Committee on Education then Finance.

**By Delegates Rodighiero and Hicks:**

**H. B. 2173** - “A Bill to amend and reenact §5-10-15 of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-6-10 of said code, all relating to providing benefits for those who have served in the military service; providing service credits for purposes of public employment retirement for service in

any branch of the military including the West Virginia National Guard and Reserve; and awarding additional testing credit points in civil service examinations for members of the National Guard and Reserve who are applying for state employment”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

**By Delegates Rodighiero and Hicks:**

**H. B. 2174** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-5-2a; to amend said code by adding thereto a new section, designated §5-10-22l; to amend said code by adding thereto a new section, designated §18-7A-26w; and to amend said code by adding thereto two new sections, designated §18A-4-2c and §18A-4-8j, all relating to granting all public employees, all teachers, all service employees, all public employee retirees, all teacher retirees and all service employee retirees a \$1,000 per year permanent pay increase”; to the Committee on Education then Finance.

**By Delegates Rodighiero and Hicks:**

**H. B. 2175** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-25, relating to requiring recipients of Supplemental Nutrition Assistance Program be issued a photo identification card; establishing criminal penalties for misuse; and granting rule-making authority”; to the Committee on the Judiciary then Finance.

**By Delegates Rodighiero and Hicks:**

**H. B. 2176** - “A Bill to amend and reenact §33-6B-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §33-20-3 and §33-20-5 of said code, all relating to prohibiting the number of inquiries reflected in a credit report, credit score report or CLUE report from adversely affecting an application for insurance; to limiting the use of a credit score to banking institution credit scoring for casualty insurance rate filings; and prohibiting reliance on information which is false or potentially false; limiting the use of a credit score in casualty insurance rate filings”; to the Committee on Banking and Insurance then Finance.

**By Delegates Rodighiero and Marcum:**

**H. B. 2177** – “A Bill to amend and reenact §20-2-28 of the Code of West Virginia, 1931, as amended, relating to exempting all veterans of the Armed Forces or any Reserve component thereof from having to obtain a hunting, trapping or fishing”; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegate Rodighiero:**

**H. B. 2178** - “A Bill to amend and reenact §11A-1-3 of the Code of West Virginia, 1931, as amended, relating to quarterly payment of real and personal property taxes; and requiring new tax tickets to be mailed after property is transferred”; to the Committee on Finance.

**By Delegates Rodighiero, Hornbuckle and Eldridge:**

**H. B. 2179** - “A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to the authority of the Commissioner of Motor Vehicles to issue a special registration plate for persons who are residents of this state and who have a family member diagnosed with autism spectrum disorder who operates a motor vehicle in this state”; to the Committee on Roads and Transportation then Finance.

**By Delegates Rodighiero and Marcum:**

**H. B. 2180** - “A Bill to amend of the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17A-3-14a, relating to authorizing the issuance of special ‘In God We Trust’ motor vehicle registration plates”; to the Committee on Roads and Transportation then the Judiciary.

**By Delegate Caputo:**

**H. B. 2181** - “A Bill to amend and reenact §50-1-9a of the Code of West Virginia, 1931, as amended, relating to creating an additional magistrate court deputy clerk position for Marion County”; to the Committee on Political Subdivisions then the Judiciary.

**By Delegate McGeehan:**

**H. B. 2182** - “A Bill to amend and reenact §11-21-12d of the Code of West Virginia, 1931, as amended, relating to continuing

personal income tax adjustment to gross income of certain retirees receiving pensions from defined pension plans that terminated and are being paid a reduced maximum benefit guarantee”; to the Committee on Pensions and Retirement then Finance.

**By Delegates Hamilton and Frich:**

**H. B. 2183** - “A Bill to amend and reenact §24-1-3 of the Code of West Virginia, 1931, as amended, relating to appointment of Public Service Commissioners”; to the Committee on Government Organization then the Judiciary.

**By Delegate Sponaugle:**

**H. B. 2184** - “A Bill to amend and reenact §18-7A-13a of the Code of West Virginia, 1931, as amended, relating to permitting teachers under the State Teachers Retirement System to teach college level courses without loss of retirement annuity or benefits”; to the Committee on Pensions and Retirement then Finance.

**By Delegate Caputo:**

**H. B. 2185** - “A Bill to amend and reenact §17C-6-3 of the Code of West Virginia, 1931, as amended, relating to allowing local authorities the authority to lower the speed limit on streets and highways where school buses travel; and providing that no lowering of a speed limit is effective until approved by the Commissioner of Highways”; to the Committee on Roads and Transportation then the Judiciary.

**By Delegates Fleischauer, Shott, Hamilton and Sobonya:**

**H. B. 2186** - “A Bill to repeal §61-2-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §15-9A-2 of said code; to amend said code by adding thereto a new article, designated §61-14-1, §61-14-2, §61-14-3, §61-14-4, §61-14-5, §61-14-6, §61-14-7, §61-14-8 and §61-14-9; and to amend and reenact §62-1D-8 of said code, all relating generally to human trafficking; designating the Division of Justice and Community Services to be the State Administrative Agency responsible for criminal justice and juvenile justice systems for the planning and development of state programs and grants relating to human trafficking; eliminating existing criminal offense and penalties for

human trafficking; creating felony offenses and penalties for trafficking an individual; defining terms; creating felony offenses and penalties for using an individual in forced labor; creating felony offenses and penalties for using an individual in debt bondage; creating felony offenses and penalties for compelling an adult through coercion to engage in commercial sexual activity; creating a felony offense for maintaining or making available a minor for the purpose of engaging in commercial sexual activity; clarifying that consent of minor and misbelief as to age are not defenses to prosecution for sexual servitude offense; creating a felony offense of patronizing an individual to engage in commercial sexual activity; clarifying that each victim shall be considered a separate offense; limiting ability for parole in circumstances where the court makes a finding of aggravated circumstances; defining aggravated circumstances; providing for restitution to victims and the enforcement of a judgment order for restitution; directing unclaimed restitution to be paid to the Crime Victims Compensation Fund; providing for disgorgement of profits and debarment from state and local government contracts; making victims eligible for compensation under the Crime Victims Compensation Fund; providing for criminal immunity for offense of prostitution if individual was a minor at time of offense and was a victim at time of offense; providing for expungement of prostitution conviction for victims of trafficking; and authorizing law enforcement to use wiretaps to conduct investigations”; to the Committee on the Judiciary.

**By Delegate Rohrbach:**

**H. B. 2187** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-5Z-1, §16-5Z-2, §16-5Z-3, §16-5Z-4, §16-5Z-5 and §16-5Z-6, all relating to establishing an advisory council on rare diseases; creating the advisory council and its composition; setting terms of members; defining words and phrases; defining the duties and the powers of the advisory council; setting out particular duties of the Secretary of the Department of Health and Human Resources; and establishing a special revenue account”; to the Committee on Health and Human Resources then Finance.



**By Delegates Rowe, Pushkin, Sobonya, Fleischauer and Hornbuckle:**

**H. B. 2188** - “A Bill to amend and reenact §18-21-2 of the Code of West Virginia, 1931, as amended, relating to extending the length of time for the special Community-Based Pilot Demonstration Project to Improve Outcomes for At-Risk Youth”; to the Committee on the Judiciary.

**By Delegate Moye:**

**H. B. 2189** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-5-19a, relating to exempting disabled veterans from campground rental fees from the day after Labor Day until four days prior to Memorial Day; and providing rule-making authority”; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegates Ferro, Hornbuckle and Fluharty:**

**H. B. 2190** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §39A-4-1, §39A-4-2, §39A-4 3, §39A-4-4, §39A-4-5, §39A-4-6 and §39A-4-7, all relating to creating the Uniform Real Property Electronic Recording Act; providing short title; defining terms; clarifying validity of electronic documents and electronic signatures; providing for recording of electronic documents; requiring any county clerk implementing the provisions of the act to comply with established standards; authorizing county clerks to receive, index, store, archive and transmit electronic documents; authorizing county clerks to allow public access, search and retrieval of electronic documents; allowing county clerks to convert paper documents accepted for recording into electronic documents; authorizing county clerks to collect electronically any tax or fee relating to electronic recording of real property documents they are authorized by law to collect; authorizing county clerks to agree with other jurisdictions on procedures or processes necessary for electronic recording of documents; creating the Real Property Electronic Recording Standards Council to develop the standards necessary to electronically record real property documents; authorizing a legislative rule; providing for a report and recommendations to the Legislature; providing that members of the

Real Property Electronic Recording Standards Council pay their own expenses; setting forth areas for consideration when adopting or changing standards; providing for uniformity of application and construction of the act; and providing that this act modifies, limits and supersedes certain parts of the federal Electronic Signatures in Global and National Commerce Act”; to the Committee on the Judiciary.

**By Delegates Ferro, Hornbuckle, Fleischauer, Sponaugle and Fluharty:**

**H. B. 2191** - “A Bill to amend and reenact §18B-10-7 of the Code of West Virginia, 1931, as amended, relating to educational benefits for dependents of deceased or disabled veterans; and requiring state institutions of higher education to waive tuition and fees for children and spouses of National Guard members and members of a Reserve component of the Armed Forces of the United States or persons on federal or state active military duty who are residents of this state and who have suffered a hundred percent total and permanent service-connected disability”; to the Committee on Education then Finance.

**By Delegate Ferro:**

**H. B. 2192** - “A Bill to amend and reenact §55-7B-2 of the Code of West Virginia, 1931, as amended, relating to adding pharmacy to the definition of (health care provider) as used in the Medical Professional Liability Act”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Folk:**

**H. B. 2193** - “A Bill to amend and reenact §11-13A-5b of the Code of West Virginia, 1931, as amended, relating to the West Virginia Future Fund; and prohibiting deposits into the fund in years when certain state retirement systems are not funded to ninety percent or more of their actuarial accrued liabilities”; to the Committee on Finance.

**By Delegates Gearheart, Ambler, Cooper and Hamrick:**

**H. B. 2194** - “A Bill to amend of the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-3-9c, relating to reduction of personnel employed by the West

Virginia Department of Education; legislative findings; establishing a maximum ratio of the number of employees of the department to the number of students enrolled in the state after June 30, 2017; and requiring the state superintendent to establish a policy to attain the ratio”; to the Committee on Education then Finance.

**By Delegates Rohrbach, Cooper, Rowan, Hornbuckle, Ambler and Hicks:**

**H. B. 2195** - “A Bill to amend and reenact §18-2-7b of the Code of West Virginia, 1931, as amended, relating to requiring comprehensive drug awareness and prevention program in all public schools; requiring county boards to implement no later than 2017-2018 school year; specifying purposes of program; requiring county boards to coordinate delivery of instruction to meet program purposes with educators, drug rehabilitation specialists and law-enforcement agencies; and requiring instruction relating to interactions with law-enforcement officers”; to the Committee on Prevention and Treatment of Substance Abuse then Education.

**By Delegates Ellington, Gearheart and Overington:**

**H. B. 2196** - “A Bill to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating to the secondary schools athletic commission; and participation by home schooled students in extracurricular activities”; to the Committee on Education.

**By Delegate Caputo:**

**H. B. 2197** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-11-1, §47-11-2, §47-11-3, §47-11-4, §47-11-5, §47-11-6, §47-11-7, §47-11-8 and §47-11-9, all relating to requiring retail establishments offering gasoline or other motor fuel to provide refueling assistance and refueling access to persons with a disability; establishing requirements and exceptions; giving Secretary of the Department of Transportation responsibility for implementation and enforcement; giving secretary rule-making authority; and providing civil penalties”; to the Committee on Roads and Transportation then the Judiciary.

**By Delegates McGeehan and Folk:**

**H. B. 2198** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-3-13, relating to redirecting certain funds of the West Virginia Department of Education; requiring the department to transfer an amount equal to one half of the department’s 2017 budget for administrative costs into a special account for the purpose of increasing teacher salaries”; to the Committee on Education then Finance.

**By Delegate Kessinger:**

**H. B. 2199** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-1-5, relating to creating a digital learning pilot project; establishing a purpose; establishing goals; establishing objectives; establishing key components of the pilot project; establishing qualifications; and establishing a deadline”; to the Committee on Education then Finance.

**By Delegate Kessinger:**

**H. B. 2200** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-6-13; and to amend and reenact §18-2-1 of said code, all relating to requiring that four members of the State Board of Education be elected on a nonpartisan basis; decreasing the term lengths to four years; and establishing an election procedure”; to the Committee on Education then the Judiciary.

**By Delegate McGeehan:**

**H. B. 2201** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-15-9p, relating to creating the Save the Hospitals Act; exempting nonprofit hospitals that provide a certain amount of uncompensated care from sales tax and requiring West Virginia Hospital Finance Authority to promulgate rules to effectuate this section”; to the Committee on Health and Human Resources then Finance.

**By Delegate Fast:**

**H. B. 2202** - “A Bill to amend and reenact §5-11-10 of the Code of West Virginia, 1931, as amended, relating to requiring the

Human Rights Commission, when investigating a complaint of discrimination, to specifically include an examination of the intent of the person or entity alleged to have committed the unlawful discriminatory practice”; to the Committee on the Judiciary.

**By Delegates Ellington, Cooper, Shott and Folk:**

**H. B. 2203** - “A Bill to amend and reenact §11-14C-5 of the Code of West Virginia, 1931, as amended, relating to reducing the motor fuel excise tax”; to the Committee on Roads and Transportation then Finance.

**By Delegate Gearheart:**

**H. B. 2204** - “A Bill to amend and reenact §29-22B-702 of the Code of West Virginia, 1931, as amended, relating to removing limitations on advertising and promotional activities by limited video lottery retailers”; to the Committee on the Judiciary.

**By Delegates Gearheart, Cooper and Ambler:**

**H. B. 2205** – “A Bill to amend and reenact §11-14C-2 and §11-14C-9 of the Code of West Virginia, 1931, as amended, all relating to exempting heating oil for residential use from the Motor Fuel Excise Tax”; to the Committee on the Judiciary then Finance.

**By Delegate Gearheart:**

**H. B. 2206** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §62-11G-1, §62-11G-2, §62-11G-3, §62-11G-4, §62-11G-5, §62-11G-6 and §62-11G-7, all relating to creating a pilot work/incarceration prison; providing a short title; specifying offenders who are eligible to participate; establishing one work/incarceration prison; authorizing the Division of Corrections to propose rules for the operation and reporting of the work/incarceration prison; allowing a reduction in the sentence of an offender sentenced to the work/incarceration prison; providing that a serious violation of the rules result in an additional sentence; specifying a suggested appropriation; allowing the admittance of offenders from other counties; and requiring the evaluation of the work/incarceration prison”; to the Committee on the Judiciary then Finance.

**By Delegates Hamilton and Sobonya:**

**H. B. 2207** - “A Bill to repeal §47-19-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §47-19-1, §47-19-3, §47-19-4 and §47-19-5 of said code; and to amend and reenact §60A-4-403a of said code, all relating to licenses to sell paraphernalia for use with controlled substances; terminating the Tax Commissioner’s authority to issue business licenses to sell paraphernalia for use with controlled substances; revoking licenses previously issued by the Tax Commissioner; clarifying the definition of drug paraphernalia; requiring the continued retention of transaction records after the revocation of licensed authority; rule-making authority; effective date; criminal offense elements; and criminal penalties”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegates Fleischauer, Hamrick, Statler and Folk:**

**H. B. 2208** - “A Bill to amend and reenact §8A-3-3 of the Code of West Virginia, 1931, as amended, relating to authorizing counties and municipalities to establish a joint airport hazard comprehensive plan for the purpose of satisfying requirements of federal aviation law, protecting the public safety or preventing hazardous conditions”; to the Committee on Political Subdivisions then Government Organization.

**By Delegates Phillips, Folk, Eldridge and Sobonya:**

**H. B. 2209** - “A Bill to amend and reenact §8-12-5a of the Code of West Virginia, 1931, as amended, relating to the authority of municipalities to regulate the purchasing, possessing, transferring, owning, carrying, transporting, selling and storing of knives”; to the Committee on Political Subdivisions then the Judiciary.

**By Delegates Ambler, Cooper, Wagner, Upson, Rowan and Moyer:**

**H. B. 2210** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-4-1b, relating to increasing pay to teachers and service personnel by two percent the first year, two percent the second and one percent in the third year”; to the Committee on Education then Finance.

**By Delegates Kelly, Cooper, Wagner, Hamrick and Rohrbach:**

**H. B. 2211** - “A Bill to amend and reenact §18A-4-2 of the Code of West Virginia, 1931, as amended, relating to increasing salaries for teachers through fiscal year 2020”; to the Committee on Education then Finance.

**By Delegates Howell and Hamilton:**

**H. B. 2212** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-28-1, relating to regulation of firearms, firearms accessories and ammunition”; to the Committee on the Judiciary.

**By Delegate Gearheart:**

**H. B. 2213** – “A Bill to amend and reenact §18-8-4 of the Code of West Virginia, 1931, as amended, relating to compulsory school attendance; and providing that five unexcused occasions on which a student is tardy for school may equal one unexcused absence”; to the Committee on Education then the Judiciary.

**By Delegates McGeehan and Folk:**

**H. B. 2214** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-1A-1, §18-1A-2, §18-1A-3, §18-1A-4 and §18-1A-5, all relating to academic content standards in public schools; discontinuing and prohibiting the use of Common Core academic content standards; adopting alternative academic content standards; discontinuing the use of Common Core based assessments; establishing a committee and process for developing alternate statewide assessments of student progress; prohibiting the state board or any public school from sharing student data without parental consent; and prohibiting acceptance of federal funding if such funding is conditioned upon sharing student data without parental consent”; to the Committee on Education then Finance.

**By Delegate Howell:**

**H. B. 2215** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17B-2-16, relating to issuing identification documents to homeless individuals residing at homeless shelters within this state at no cost; stating legislative intent; defining terms; establishing eligibility requirements for homeless individuals to receive identifying

documents at no cost; creating a process by which a homeless individual may apply for certain identifying documents to be provided at no cost; requiring the division to issue certain identifying documents to eligible homeless individuals at no cost; and requiring the commissioner to develop forms”; to the Committee on the Judiciary then Finance.

**By Delegates Phillips, Hamrick and Sobonya:**

**H. B. 2216** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-30-1, relating to making individuals responsible for the costs relating to the filing of excessive false complaints with state agencies and departments”; to the Committee on the Judiciary.

**By Delegates Moye, Hamilton and Marcum:**

**H. B. 2217** - “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to increasing the maximum personal income tax exemption for persons over the age of sixty-five and for persons who are totally disabled”; to the Committee on Senior Citizen Issues then Finance.

At 12:22 p.m., on motion of Delegate Cowles, the House of Delegates recessed until 6:45 p.m.

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**Evening Session**

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The Speaker called the House to order.

**Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:



**H. C. R. 4**, Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising Joint Assembly therefor.

### **Joint Assembly**

The Sergeant-at-Arms announced the members of the Board of Public Works, who were escorted to the places reserved for them.

The Sergeant-at-Arms announced Chief Justice Loughry and Justices of the Supreme Court of Appeals, who entered the Hall of the House of Delegates.

The Sergeant-at-Arms announced the Honorable Evan Jenkins, the Congressman from the Third Congressional District, who entered the Hall of the House of Delegates.

The Sergeant-at-Arms announced the Honorable David A. Faber, Senior Judge of the Southern Court of West Virginia, who entered the Hall of the House of Delegates.

The Sergeant-at-Arms announced the Honorable Mitch B. Carmichael, President, and Members of the Senate, who entered the Hall of the House of Delegates. The President took the place reserved for him to the right of the Speaker.

The Sergeant-at-Arms announced the special committee to wait upon His Excellency, the Governor, and escort him into the Chamber.

Delegate Sobonya then announced that, pursuant to the invitation of the Legislature, His Excellency, the Governor, was present for the purpose of addressing the Joint Assembly of the Legislature.

The Committee escorted His Excellency, the Governor, to the Well of the House. (Applause, the Members and guests rising in ovation)

The Speaker then presented the Honorable Jim Justice, who addressed the assembly as follows:

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### Address by the Governor

\* \* \* \* \*

GOVERNOR JUSTICE. Unless y'all are all wanting to be here all night, you got to quit this clapping so much. That's all there is to it.

Thank you so, so much. Speaker Armstead, President Carmichael, members of the Board of Public Works, Justices of the Supreme Court of Appeals, Senate Minority Leader Prezioso.

How about that? And I got that the first time. Roman said I did pretty good with that.

House Minority Leader Miley, and all our great Legislators. Tonight is a really important night, you know, I want before we get into the meat and potatoes of what I have to say, I want to recognize a couple of people. These four people came with our great Speaker Armstead. These four people are principals that suffered through a 1,000-year flood. You know, I firsthand know what the flood was all about, and it was beyond belief terrible.

I don't know where they are, but if they can stand: Mike Kelly, the Principal of Herbert Hoover; Missy Lovejoy, the Principal of Elkview Middle; Cindy Cummings, the Principal of Bridge Elementary; and Vanessa Brown, the principal of Clendenin Elementary.

Your courage goes way, way, way beyond being unnoticed. You know, it took wisdom and strength and courage to someway, somehow, battle back. We got a long way to go. But that's what we do.

There's another group here it's called KVC Health Systems. And there is a CEO that's a national CEO. His name is Jason Hooper. And let me tell you what they're doing. They're hoping to bring a college basically for foster kids to Montgomery. A place that really needs us, needs our jobs, needs hope. The great Gordon Gee of WVU have been terribly instrumental in this. Wherever you are, Jason and your team, please stand as well.

Now, stay with me. Isn't this place reverent. Hallowed ground. Tonight I'm going to do the best in my ability to deliver a speech that I think is phenomenally important. There is no question there's been speech after speech delivered here. I am telling you, I can't possibly imagine that there is a time as dire and a time as important as tonight.

Now, let me tell you. There is no question we've been fiftieth forevermore. We're better than that. Now, like it or not like it, we're dying fiftieth. This is the most difficult and the biggest depression that we could ever possibly imagine. The biggest of the biggest.

Now, let me tell you this. On a little bit of light humor. But there is a fellow, his name is Ricky Mokol. He's a comedian. He said as a child he was hyper, and his dad gave him a shovel. And he used to love to dig. And he would dig and dig and dig and dig and dig and dig to the point in time where he couldn't get out of the hole. And then he said, "What's the use? There's no point in digging anymore, is there?"

Well, he says it to be funny. Because then he turned, and he said he and his dad had a password at that point in time. And when he would get to where there was no way he could get out of the that hole, he would go, "Help! Help!" And his dad would come and get him.

Well, trust me. We got to quit digging.

We are such in the hole that we got to quit digging. We got to quit working against one another. We've got to some way hold hands with each other and run across the finish line together. We've got to have new ideas, and I'll get to those in just a few minutes.

The other thing is just this. You've honored me beyond belief. You elected me as your Governor, a person that had never been a politician, in the wake of me running as a Democrat, at a time when Donald Trump won our state by 17,000 million percent.

Now, there had to be a reason. And the reason is just this simple. And if I make some people mad, I just make

them mad. But the people knew that it didn't matter to me. It didn't matter to me if you were a Democrat or Republican, an Independent, all that mattered to me was one thing, and that was that you are West Virginians. And I'm a West Virginian. And I just want goodness for our State. I've said it over and over and over.

Now, there will be somebody that will be on some witch hunt to try to beat on me about something.

But I want again to announce to the world in every way.

I, nor my family, want anything from this other than goodness for you and our State.

Now, let me tell you, you've trusted me with your vote. I absolutely need you now to trust me with your voice. Now, you don't see any teleprompters here. You know, a lot of news media said, you know, he's folksy. I didn't know that I knew how to spell that.

But there are sure no teleprompters. But you see, my definition of that would be plain talk. And that's what I think West Virginians want to hear.

Now, the truth is, it's time for gigantic decisions. The past four years, no matter how hard we've tried, we've lived off Rainy Day. And we've lived off the low-hanging fruit that we could cut away. We have.

We've cut probably \$600 million of waste. And we've cut the Rainy Day Fund into half.

Now, this year, right now, you're going to have to cut the Rainy Day Fund 123 million more dollars.

No way around it. Right now. What are you going to have? 500 million. What are you going to do? What you going to do? You're faced with a \$500 million hole in the bucket. And the next year is a \$700 million hole in the bucket. If you cut Rainy Day more, the rate holders, the people that create our rates for our bonds are going to torpedo us.

We've got issues. We've got real problems. So I want to tell you this. I don't mean this in any bad way, because I'm the one that signed up to run for Governor. But we've got an 18 carat dog's mess, don't we? We do. I didn't create the dog's mess. I have inherited the dog's mess. And I am telling you, you have to have real direction and real ideas and real cooperation together to be able to get out of this.

Now, there is two ways. Two ways you can get there. And you got to forgive me, I'm not nervous, but I just sweat a lot. A lot. And I got a bad knee, and man does it hurt.

But there's two ways you can get out of it — or a combination of ways. The first way is to just cut more. Cut more. Well, let me tell you just this. Just think about this just for a second. Are you willing — are you willing to eliminate all of our state parks? Are you willing to eliminate all of your colleges and universities other than Marshall and WVU? Shut them down? Are you really willing to close our tracks, to not have dogs, and to not have horses? Are you really truly willing to gut your seniors? Are you willing to turn our backs on our vets?

I can't get there. I can't get you there.

Because you know why? Because at the end of what I've just said, you're halfway home. What then are you going to do? What is West Virginia going to become? A nuclear waste site? Is it going to become the place where our nation sends all of its prisoners all of the time? Are we not better than that?

Now, let me give you just this scenario. Here's an analogy. You got a factory. We're the factory. You've got a factory. The factory has got a \$100 million in the bank. The factory is \$200 million upside down. Think about it. How we going to fix it?

Here is what we can do. Take the hundred million away from the factory just like that. We got a hundred million dollars upside down. Then I tell you what's let's do next. Let's cut 25 percent of the people off. And then I tell you what else let's do. Let's cut the wages of

everybody else there by 20 percent. And you're still not there.

So I tell you what let's do, let's sell 75 percent of the equipment out of the factory. And then, we in here will go home and say, "We did it. We balanced the budget." And you know what will happen? The sun will come up tomorrow, and we'll say, "Holy horse, whatever, the factory is dead. The factory is gone." So, that's where you are.

Now, I'm a business guy. And I know this stuff. Now, let me just do this. Let me just tell you this. I truly believe that any cuts that are out there that somebody can bring me that's not going to just stifle us as a patient, I'm for. I am delivering to you \$30 million worth of cuts. It won't hardly move the needle. I am telling you our decisions are not tough decisions. They're catastrophic decisions.

Now, I really want you to pay close attention, because I truly, from the bottom of my heart, hate tax increases. Hate them. I really do. But I want to show you the most painless way that I think you can get out of this mess.

Now I'm going to come around here and write. Here's what you gotta do. You gotta cut all that we can possibly cut. I've got to have everybody in this state pay a half of a penny in additional sales tax.

There is no way around it.

I've got to have you pay instead of \$30 in DMV fees, I've got to have you pay \$50.

The other thing is this, in trying to be fair, in trying to just be fair, the people are here.

Here is your people. Here's your people. Here's your businesses. I've got to have our businesses — there's lots of different ways to look at this — pay two two-tenths of one percent in a tax that would be equivalent to a B&O tax. It is a tax that Ohio charges 25 percent — or 25 hundredths. We would charge 20.

And the other last thing I will talk to you about is I've got to have ten cents a gallon on gasoline. Now, I am telling

you, If you don't do this, you're dead. You're dead beyond belief.

Now, let me go back over here and come back — well, before I go, I'm going to stay with you a second. On these two right here, this one and this one, I want to sunset them. Three years. I think if you do what I am trying to propose to you to do, you can get rid of this, and you can get rid of this in three years.

Now, this deals with your roads. And this does too. Now, let me tell you this. I said a minute ago, I am adamantly against raising your taxes. We have got to find a way to not completely kill the patient.

Now, look what happens. Three years, this goes away. Three years, this goes away. I'll tell you about this in just one second.

I want to tell you one last thing. My goal, Jim Justice's goal as your Governor, is to do one thing, and that is to be the eighth state in this country with no income tax. None.

Now, that's my goal. I hate like crazy to deliver to you what you have to do. That's my goal.

Now, remember, I said what I said about a half a penny. What would you rather do? Would you rather have your school plummeted even more? Your seniors just forgotten? Your vets forgotten? Your parks closed? Fairmont State shut down? On and on and on. Or would you be willing as a peoples to say: "I'm willing to pay a half penny more. And I'm willing as a business to step up and pay two-cents of one percent."

Because I love West Virginia. And we're going somewhere. Now, listen here. If you pay — if you pay ten cents more for gasoline, and a little bit more on your DMV fees, that's going to turn into this. Here's what it's going to do. It will turn into \$2.8 billion.

Now, just stay with me. I have four wonderful people back here. And I want you to understand wholeheartedly what your ten cents and almost nothing in DMV fees that haven't been raised in 40 years, — think

about it. Almost nothing, I am asking you to do, to turn into that. And then let me show you what we can do.

Y'all bring this on down.

Now, with us tonight is Kevin Coll, Andy Estep, Brooke Rumbaugh, and Cody Webb. Brooke and Cody are students studying engineering at Marshall and WVU. And Andy and Kevin already work with us in Highways. If you'll do this, You see those jobs? You see 'em? We can let every single road job that is on the books for one to three, and three to five years, tomorrow. We can let them all tomorrow. Think what this would do. Just imagine what it will do. I'll tell you what it will do. It will create 48,000 jobs in our State, 48,000 jobs. It will complete the network that we have got to do. It will make your tourism explode in this state. Honest to Pete. This is the 800-pound gorilla in the room. Not me.

Now, there's two other things I want to do. And I'm going to sit because I'm sweating too much.

I want to bid every one of these road jobs specifically labor intensive. And you know what I want to do from that? I want it to be our training ground. I want it to be our apprenticeship program. I want it to be something that will absolutely put our displaced miners that find a job here, or our young people that learn how to do something here. That's an opportunity.

Now, let me tell you what else I want to do. For all the successful bidders, I want to charge them five percent construction severance, whatever tax that may be, whatever you want to call it, to the successful bidder only. And my bet is, people, like me in business, will sharpen your pencils like crazy and it won't cost us five percent. It may cost us one. And then you know what I want to do? I want to pool that money.

That money right there is \$2.4 billion. If I could let every job tomorrow, it would amount to \$120 million of a five percent pool that I would have. And then you know what I want to do with it? I want to fix the drug problem. If we don't fix the drug problem in this state, it will cannibalize you.



We have to have stiffer laws. There's no question whatsoever, a drug pusher that rolls in here — you guys can roll — a drug pusher that rolls in here from Detroit and selling drugs, he ought to know that this is not going to be a fun program if we catch him. We absolutely have to have a pathway to get our people that are hooked on these terrible drugs back into the community of the workforce. We have to do something with all the prescription drugs. No question whatsoever about that. But we have to have treatment facilities too.

I would propose today if we do this, and those dollars flow, I would propose immediately building a facility in Charleston, one in the eastern panhandle, and I know the veterans are waiting on the dollars to come from the fireworks tax and everything to build their facility in Beckley. And I would like to skim off some of this money to help them be able to get that facility built.

Let me go to education. Guys, I'm a coach. I'm in the school all the time. We've proven how to be dead last. If you had gone around me and had these round table discussions and listened — just listened.

You see, that's what I did. And I just listened. You got a bunch of really, really sad unhappy campers. So I think we need gigantic education reform.

Here's what I would do. I would submit a bill, and I will immediately, to eliminate any of the unnecessary bureaucracies that we have. We have got to return education back as much as we possibly can to a local level. I have put in my budget a two percent raise for all classroom teachers, and I am ashamed — I'm ashamed that we can't do more.

Now, as far as testing, we are testing our kids totally to death. For what? I mean, here's the bottom line.

Think about it. If we were knocking it out of the park — you see, I'm all results oriented. If we were knocking it out of the park, you could argue with me we're doing the right thing. But for crying out loud, we're dead last. It doesn't take a rocket scientist to figure this out. We got to be doing something wrong.

That's all there is to it. As far as the testing goes, I am going to propose we throw Smarter Balance in the trash can and we go to ACT testing.

Let me show you this. Think about A through F for our schools. We do it on a bell curve.

Think about this. Who in the world comes up with this stuff? These get an A. These get an F. All the big meat and potatoes get a C. And we call out to the world and say: "Come to West Virginia. Our schools are mostly all C's."

I don't get it. That's got to go. A through F is gone.

Now, there is a beautiful lady here somewhere. Her name is Toni Poling. She's our Teacher of the Year. If she would stand. She teaches at Fairmont Senior.

Now, also, wherever they are, the beautiful lady Leah Curry, who is the West Virginia President of Toyota; and the gentleman, Jim Fawcett of Highmark is here somewhere, that made all that possible as well. Thank you.

Let me tell you. I said throughout the campaign, I said, education can be a revenue producer for us, and everybody looks at me: How in the world?

There's no way. There's no way.

Everybody wants to go where your kids are going to be educated the best. Businesses want to go where your kids are going to be educated the best. We've got good teachers. We've got low crime. We've got good people. For crying out loud, we handcuff them every way coming and going. We got to stop that. And listen here.

Maybe it's a twist of words on revenue producers, but if we could create an education mecca in West Virginia, honest to Pete, people would come and you couldn't beat them away. It would be a revenue producer.

Now, I have to say: Jim Justice is no fan of consolidation. Again, I'll just tell you this. And I'll ask you: Are we this bad? Are we this desperate? You know, tell you what we could do. We could close every school in

the state to save us some money, except we could have one. And we could have just one somewhere close to Charleston. And we'll bus every kid four hours, no more than four hours one way.

We're not that bad. We just have to have ideas. And we've got to have hope. Now, I truly mean this. One of the flood ravaged towns that I truly believe is coming back, and I can see it just like I can see it tomorrow: I hope and pray that we end up with a school in Richwood.

Now, let me tell you this. Our veterans are phenomenally important. They've given everything to us. Haven't they? Everything. Do we really take care of them? I mean, for crying out loud, we can't even maintain their cemetery. We've got to do better. We have to do better.

Now, I'll be asking the Legislature to approve the increasing of our GARVEE capacity. And this one — before you go, “Oh, no,” I want you to listen. I'll be asking the Legislature to raise our tolls on the turnpike a dollar.

Now, before you go crazy shooting at me, let me just say this. I want — I want, through your DMV fees, I want to charge everybody within our state eight bucks. Eight dollars. Then I want you to drive on the turnpike or whatever road that we would choose to toll for free. So I want you to pay eight bucks, and I want you to drive on our turnpike, wherever it may be, for free. Or whatever road we toll for free. You see, 77 percent of our money is coming from out of state. If we could raise it and make yours, West Virginians free, other than eight bucks — now you may live in the eastern panhandle and I would say to you: We need you to come and visit Princeton some point in time.

Now, if you come, for your eight bucks, we're going to give you a 50 percent discount on the tolls. Because you're going to pay nothing. And by the time you go through \$3-\$3-\$3-\$3-\$3-\$3, you're going to feel like you got a real bargain.

And I'll tell you just this, did you see all those highways? Did you see all that? Well, I will promise you there will be something that will be in your neighborhood that will be tolled as well. As we go forward there's going to have to be something in your neighborhood that will be tolled. And then the people from Princeton can come and visit you. And they can come for free too.

Now, I truly believe that we ought to tier our severance tax on coal and gas. You know, it's just this simple. And our coal companies are really hurting.

And I know a lot about this. When they're really hurting, we got to step up and help them. And at that point in time, we probably have to step up and lower the severance tax. The same way with the gas.

But I am telling you, I am not a hog. I eat too much, but I'm not a hog. If we have the bonanza that I think is in front of us with coal — especially metallurgical coals — what if? What if I were to tell you, just this? Think about this for a second. If coal — if coal is \$35, whoever is mining that is losing money. Lowering the severance tax on that to two percent, or whatever you want to do, okay, I'm good. There's got to be a sweet spot to where we're back to five.

What if it goes to \$200 a ton? What happens? Two hundred dollars. I know this. There's no way that your cost — anybody's cost — is going to be greater than \$80. At this level right here, anybody's profit is \$120 a ton.

Listen. I'm a grain of sand in the coal business that I've been in. A grain of sand. And if we mine two million tons and we make this kind of money, we make \$240 million in a year. We don't need to make that much money. At this point in time right here, this severance tax needs to be ten percent. All it would do is lower the profitability to \$110 a ton.

All I'm saying is just this: Like it, or not like it, we have had our resources extracted from West Virginia over and over and over, and at the end of the rainbow, here we stand. We're \$500 million upside down. We can't have it keep going on. We can't be a third-world country. You can't do that.

Now, tourism. Tourism is so important to our State. We can knock it out of the park, back double triple. We probably need to reorganize the entire Tourism Department. There's ways to do that. And the other thing, you just got to simply put more money in it.

We better find a way to market ourselves. I said it a million times. I said it in the inaugural speech. For crying out loud, every time you turn the TV on it says: Come to Michigan. Every time. I said in the inaugural address, I said: Who in the world wants to go to Michigan? I mean, really? You know, what if I called up tomorrow and said, I tell you what let's do, let's get a bus and let's go to Detroit.

But do we market us? We don't. We don't. We got to do that.

Now, let me tell you — and I'll be quick, because I know you're tired of listening to me. Coal has been so vital to us. It's been unbelievable. We should never forget who brought us to the dance. We should try with all our soul, with all in us, to try to help get our miners back to work.

There are other things. Natural gas just fell out of the sky on us, didn't it? We need to do everything we can to exploit that to make it even better and better and better and better. You know, there's issues within natural gas. I think it's called joint development, or lease integration, that they really want.

And I can't possibly within me see: Why not? What's wrong with that? Why not?

Now, we can help that industry. Listen to me on this. There are other things. I will be submitting with Senator Capito and Senator Manchin immediately — and I think that there's a real shot — I will be submitting whatever the form of a bill may be to some way, somehow, try to drive furniture manufacturing, flooring manufacturing, cabinetry, back right in our lap to West Virginia.

It can truly be done. We've got to do it through an environmental subsidy. That's what has to be done. You see I'm the agronomy end of our agriculture stuff. I know about trees. I know about how they eat all the carbon. And

I know how when we take a piece of wood like this to a dry kiln, the carbon is right here.

And I know when the tree falls on the ground and eventually the carbon will be released back in the sky, especially if you have a fire. And I know we only cut one third of our growth in West Virginia.

We are the perfect candidate for what President Trump wants to do in bringing manufacturing back to the United States, that today — today all of our furniture manufacturing is in Vietnam, China and Mexico. I love Vietnam, China and Mexico from a distance. I want stuff for us.

Now, I got to say this about President Trump. Many of you would wonder, but I am really good friends with the Trump family. And I truly believe that Donald Trump will do all he possibly can as our President to help West Virginians. He will. He's called me all kinds of times, and his son Eric has called all kinds of times, and now Don is probably going come and want to come and go turkey hunting with me. (APPLAUSE)

Not Donald. Because Donald is not a turkey hunter. But let me tell you. He truly — he truly, really identified with our miners. And he understands the blight. And he's a friend. If we give him a chance, he'll really try to help us.

Now, as we're winding down here, I would say there are certain things within government consolidation that we can do. There's no question. I get it. I get it. I get it. We need to watch every penny to try to save every dollar, on and on and on. I mean, I've already started this. And for crying out loud, I drive my own vehicle. We eliminated all the vehicles in my little world. You know, we're going to try to get rid of some of the state's aircraft. We're absolutely right now, we've identified 207 vehicles that we can basically get rid of. And what I want to do is line them up in front of the Capitol and have an auction and get rid of them. (APPLAUSE)

We can't forget agriculture.

Agriculture — let me tell you. Furniture manufacturing.

It can help us. It may be two years away. Agriculture can help us. It may be two years away. That's why I said a little while ago, that 800-pound gorilla is sitting right in your face right now.

When I bond that together, the gas tax and the DMV fees, I've got to go to a vote. A vote of the people. I've got to have 90 days after you approve it, to go to a vote. I am begging the people to call you and drive you crazy to get to that vote. Because we have to do that. We've got to do that and do that right now.

Now, I believe — and I will do this immediately, I will employ some person — gosh, I can't imagine being called this, a Waste Czar. But I'll have him absolutely dig into every agency known to man and try to find any excess monies that have been shoved away and hidden. And I'll have him look. And I'll have him try to find.

Now, let me just give you my philosophy of our regulatory agencies. My philosophy is just this.

You know, I've had the great gift to be able to hire so many good people. Our cabinet choices and the people we've surrounded ourselves with, we didn't care if they were Republicans or Democrats, Independents. They're real good. They're really really good. I told the people at the DMV, I told Austin Caperton — Austin said to me, he said: What do you really want to see happen? The list could be a mile long, couldn't it? A lot of people would say to Jim Justice: Jim, write a job description of what you do.

Well, I could write and write and write, couldn't I? But the bottom line is just this. The right person for the right job and they're motivated. That's what Jim Justice does. Right person, right job, and they're motivated.

I told Austin Caperton, I said, "Austin, we have people coming from everywhere with any kind of business request under the sun." A lot of times our inspectors show up, and they show up — and I hate to say this, because you're going to probably think, boy, has he really lost it now, but they show up with a t-shirt on and a pair of old jeans. They

maybe haven't shaved forever. And they got a badge in their pocket.

Now, listen, I think they ought to look like something. And the other thing — and they will look like something, or we'll have them tending to Grisly Adams.

But the other thing is just this. No matter what the request may be, I think that the first words out of their mouths should be: We're going to try with all in us to do what you want to do.

Now, did you understand what I said? What I said is just this — So many times our regulatory agencies absolutely, no matter what on earth we try to do, they're there to tell you no. They're not there to tell us no.

Now, I underline — underline, underline, underline — nobody loves the outdoors as much as me.

Nobody loves water as much as me. We're not going to break the law. We're got going to do anything to damage the environment to the very best of our abilities or our waters. But we are not going to just say no.

Now, let me end — and you're saying, thank God — let me end by just saying this. Please, not only you, all the viewers that are out there, listen to me.

This situation is beyond dire. These people are trying.

I've had the great opportunity to meet with Mitch and Tim and others, and all kinds of — Roman and the other Tim, and on and on and on. Good people. They're good.

They're good people. And they want to try to help, just like I want to try to help. But I am telling you to the best that Jim Justice could possibly tell you, you elected me to try to get us out of Ricky Mokol's hole.

That's what you elected me to do. New ideas. Aggressive ideas. Bold ideas.



We're dying. We are dying. It is so bloomin' bad, you can't possibly imagine it. Now, there's a way out. There's real prosperity in front of us. There's a way out.

I would tell you, a long, long time ago, Frankenstein, he used to walk through the streets like "boom, boom", and I always thought, if you got caught by Frankenstein, you deserve to die.

Now, I would tell you just this. If we don't do anything, and all we do is kick the can down the road, and all we do is fight, then we deserve to die.

I really believe there's a rocketship ride right at our fingertips. A ride like you cannot possibly imagine. I would say to you: Let's don't just try to figure out how to just get by. Let's cannonball right in the middle of the pool. We can do this. We absolutely can do it.

Now, I would say to the outside world: Call all your legislators. Call all your in-laws and your outlaws and your neighbors. Call them all. This is a pathway. I've given you a real pathway. And I hope that you'll seriously consider it.

Now, it was folksy. It was just plain talk. That's all I know. We have an incredible, incredible obligation and an unbelievable opportunity.

Now, I would say with all these great people, all of you, together, with this great body, you can have my heart and soul. I will work with you with every ounce of being that I have. Together, this great body and myself — and this isn't a very great body — but all of us will get there.

Now, let me tell you just this and then I'll end. My basketball teams, a lot of times they say two words coming out on the floor. And they scream them.

And do you know the other night Tom Brady led a comeback that was unbelievable, didn't he? Unbelievable. No one could have possibly imagined it. And you know what he did? He took the Super Bowl trophy — I watched him do this — he stood on that podium and he screamed, "Let's go!" After he had won.

Well, I'd say to you, let's go!

God bless you all. Thank you.

The business of the Joint assembly having been completed, the Speaker declared the Joint Assembly dissolved.

The Sergeant-at-Arms escorted the invited guests from the Chamber.

The Members of the Senate retired from the Chamber.

The Speaker then called the House to order.

### **Messages from the Executive**

State of West Virginia  
OFFICE OF THE GOVERNOR  
Charleston, WV

February 8, 2017

#### **Executive Message No. 1**

The Honorable Tim Armstead, Speaker  
West Virginia House of Delegates  
Charleston, West Virginia 25305

Dear Mr. Speaker:

I herewith submit, pursuant to the Constitution of the State of West Virginia, a budget and budget bill for the fiscal year beginning July 1, 2017.

With warmest regards,

Jim Justice,  
*Governor.*

Upon motion of Delegate Cowles, and by unanimous consent, the House returned to the Eighth Order of Business for the purpose of introducing a bill.

**Bills Introduced**

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

**H. B. 2018** - “A Bill making appropriations of public money out of the Treasury in accordance with Section 51, Article VI of the Constitution.”

Accompanying the Budget Bill was a document showing estimates of revenue, expenditures, etc., as required by Section 51, Article VI of the Constitution. The Speaker referred the bill to the Committee on Finance.

At 8:04 p.m., on motion of Delegate Cowles, the House of Delegates adjourned until 11:00 a.m., Thursday, February 9, 2017.



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Thursday, February 9, 2017

**SECOND 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 Wednesday, February 8, 2017, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Legislative Rule-Making Review Committee Report**

The following letter and report from Delegate Sobonya and Senator Maynard, cochairs of the Legislative Rule-Making Review Committee, have been filed with the Clerk:

West Virginia Legislature  
Legislative Rule-Making Review Committee

February 1, 2017

The Honorable Clark Barnes  
Clerk, West Virginia Senate  
State Capitol  
Charleston, WV 25305

The Honorable Steve Harrison  
Clerk, West Virginia House of Delegates  
State Capitol  
Charleston, WV 25305

Gentlemen:

In accordance with the provisions of W.Va. Code, §29A-3-12, we have attached copies of the proposed legislative rules which

have been submitted to and acted upon by the Legislative Rule-Making Review Committee, pursuant to the provisions of W.Va. Code, §29A-3-11, and which have not previously been submitted to the Legislature for study.

Also, attached is a report listing the proposed legislative rules considered by the Committee, and setting forth the recommendations of the Committee with respect to the proposed legislative rules. This letter also serves as a statement that a separate bill authorizing the promulgation of each proposed legislative rule has been drafted by the staff of the Legislative Rule-Making Review Committee.

In accordance with W.Va. Code, §29A-3-11, the draft bills are available for any member to introduce to the Legislature. The undersigned, as Co-Chairmen of the Legislative Rule-Making Review Committee, are requesting that Senator Maynard's name be placed on the draft bills as the sponsor in the Senate, and Delegate Sobonya's, name be placed on the draft bills as the sponsor in the House of Delegates.

Thank you for your cooperation.

Sincerely,

Mark Maynard,  
*Senate.*

Kelli Sobonya,  
*House of Delegates.*

WEST VIRGINIA LEGISLATURE  
Legislative Rule-Making Review Committee  
State Capitol  
Charleston, West Virginia 25035

February 1, 2017

West Virginia Legislature  
State Capitol  
Charleston, West Virginia

Ladies and Gentlemen:

In accordance with the provisions of West Virginia Code, §29A-3-12, as chairpersons of the Legislative Rule-Making Review Committee we submit this report of its activities. A bill, in the form approved by the Committee, authorizing each of the proposed legislative rules below as submitted, as modified, as modified and amended, or recommend rejection has been drafted by the staff of the Legislative Rule-Making Review Committee pursuant to West Virginia Code §29A-3-11.

**The Committee submits the following proposed rules to the Legislature with the recommendation that the proposed rules be authorized for promulgation by the respective agencies as submitted:**

Agriculture, Department of

Dangerous Wild Animals, 61CSR30 [H. B. 2218].

Agriculture, Department of

Livestock Care Standards, 61CSR31 [H. B. 2219].

Barbers and Cosmetologists, W.Va. Board of

Licensing Schools of Barbering, Cosmetology, Nail Technology and Aesthetics, 3CSR3 [H. B. 2220].

DEP - Air Quality Board

Alternative Emission Limitations During Startup, Shutdown and Maintenance Operations, 45CSR1 [H. B. 2221].

DEP - Air Quality Board

Ambient Air Quality Standards, 45CSR8 [H. B. 2222].

DEP - Air Quality Board

Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Admin. Updates, Temporary

Permits, General Permits, Permission to Commence Construction and Procedures for Evaluation, 45CSR13 [H. B. 2223].

DEP - Air Quality Board

Permits for Construction and Major Modification of Major Stationary Sources for the Prevention of Significant Deterioration of Air Quality, 45CSR14 [H. B. 2224].

DEP - Air Quality Board

Standards of Performance for New Stationary Sources, 45CSR16 [H. B. 2225].

DEP - Air Quality Board

Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities, 45CSR25 [H. B. 2226].

DEP - Air Quality Board

Emission Standards for Hazardous Air Pollutants, 45CSR34 [H. B. 2227].

DEP - Secretary's Office

Voluntary Remediation and Redevelopment Rule, 60CSR3 [H. B. 2228].

DEP - Water and Waste Management

Awarding of Matching Grants for Local Litter Control Programs, 33CSR41 [H. B. 2229].

Insurance Commission

Adoption of Valuation Manual, 114CSR98 [H. B. 2230].

Natural Resources, Division of

Point System for the Revocation of Hunting - Repeal, 58CSR24 [H. B. 2231].



Physical Therapy, W.Va. Board of

Fees for Physical Therapist and Physical Therapist Assistant, 16CSR4 [H. B. 2232].

**The Committee submits to the Legislature the following proposed rules which were modified by the agency in accordance with the provisions of West Virginia Code, §29A-3-14, and which were approved by the Committee with the modifications with the recommendation that the proposed rules be authorized for adoption by the respective agencies as modified:**

Agriculture, Department of

Animal Disease Control, 61CSR1 [H. B. 2233].

Agriculture, Department of

Captive Cervid, 61CSR34 [H. B. 2234].

Architects, W.Va. Board of

Registration of Architects, 2CSR1 [H. B. 2235].

Athletic Commission, W.Va. State

Administrative Rules of the WV State Athletic Commission, 177CSR1 [H. B. 2236].

Athletic Commission, W.Va. State

Regulation of Mixed Martial Arts, 177CSR2 [H. B. 2237].

Auditor, W.Va. State Auditor

Procedure for Local Levying Bodies to Apply for Permission to Extend Time to Meet as Levying Body, 155CSR8 [H. B. 2238].

Barbers and Cosmetologists, W.Va. Board of

Qualifications, Training, Examination and Certification of Instructors in Barbering and Cosmetology, 3CSR2 [H. B. 2239].

Barbers and Cosmetologists, W.Va. Board of

Operational Standards for Schools of Barbering, Cosmetology, Hair Styling, Nail Technology and Aesthetics, 3CSR4 [H. B. 2240].

Barbers and Cosmetologists, W.Va. Board of

Operation of Barber, Beauty, Nail and Aesthetic Shops/Salons, and Schools of Barbering and Beauty Culture, 3CSR5 [H. B. 2241].

Barbers and Cosmetologists, W.Va. Board of

Schedule of Fees, 3CSR6 [H. B. 2242].

Barbers and Cosmetologists, W.Va. Board of

Barber Apprenticeship, 3CSR13 [H. B. 2243].

Counseling, W.Va. Board of Examiners in

Licensed Professional Counselor Fees, 27CSR2 [H. B. 2244].

Counseling, W.Va. Board of Examiners in

Licensed Professional Counselor License Renewal and Continuing Professional Education Requirements, 27CSR3 [H. B. 2245].

Counseling, W.Va. Board of Examiners in

Marriage and Family Therapists Fees 27CSR9 [H. B. 2246].

Counseling, W.Va. Board of Examiners in

Marriage and Family Therapist License Renewal and Continuing Professional Education Requirements, 27CSR10 [H. B. 2247].

Dangerous Wild Animals, W.Va. Board of

Dangerous Wild Animals, 74CSR1 [H. B. 2248].

Dentistry, W.Va. Board of

Rule for the WV Board of Dentistry, 5CSR1 [H. B. 2249].

Ethics Commission, W.Va. State

Private Gain, 158CSR6 [H. B. 2250].

Fire Marshall, W.Va. State

Regulation of Fireworks and Related Explosive Materials,  
103CSR4 [H. B. 2251].

Governor's Committee on Crime, Delinquency and Correction

Law Enforcement Training and Certification Standards,  
149CSR2 [H. B. 2252].

Governor's Committee on Crime, Delinquency and Correction

William R. Laird IV - Second Chance Driver's License  
Program, 149CSR9 [H. B. 2253].

Health and Human Resources, WV Department of

Clinical Laboratory Technician and Technologist  
Licensure and Certification, 64CSR57 [H. B. 2254].

Health and Human Resources, WV Department of

Clandestine Drug Laboratory Remediation, 64CSR92 [H.  
B. 2255].

Health and Human Resources, WV Department of

Expedited Partner Therapy, 64CSR103 [H. B. 2256].

Health and Human Resources, WV Department of

Medication - Assisted Treatment - Opioid Treatment  
Programs, 69CSR11 [H. B. 2257].

Health and Human Resources, WV Department of

Medication - Assisted Treatment - Office - Based  
Medication Assisted Treatment, 69CSR12 [H. B. 2258].

Health Care Authority, W.Va. State

Exemption From Certificate of Need, 65CSR29 [H. B.  
2259].

Health Care Authority, W.Va. State

Rural Health Systems Grant Program, 65CSR30 [H. B.  
2260].

Health Care Authority, W.Va. State

Hospital Assistance Grant Program, 65CSR31 [H. B.  
2261].

Health Care Authority, W.Va. State

Certificate of Need Rule, 65CSR32 [H. B. 2262].

Lottery Commission, W.Va. State

Limited Video Lottery, 179CSR5 [H. B. 2263].

Medicine, WV Board of

Licensing and Disciplinary Procedures: Physicians;  
Podiatrists, 11CSR1A [H. B. 2264].

Medicine, WV Board of

Licensure, Disciplinary and Complaint Procedures,  
Continuing Education, Physician Assistants, 11CSR1B [H.  
B. 2265].

Medicine, WV Board of

Dispensing of Legend Drugs by Practitioners, 11CSR5 [H.  
B. 2266].

Miners' Health, Safety and Training, W.Va. Office of

Certification, Recertification and Training of EMT-Miners and the Certification of EMT-M Instructors, 56CSR22 [H. B. 2267].

Natural Resources, WV Division of

Revocation of Hunting and Fishing Licenses, 58CSR23 [H. B. 2268].

Natural Resources, WV Division of

Special Waterfowl Hunting, 58CSR58 [H. B. 2269].

Natural Resources, WV Division of

Commercial Sale of Wild Life, 58CSR63 [H. B. 2270].

Natural Resources, WV Division of

Miscellaneous Permits and Licenses, 58CSR64 [H. B. 2271].

Optometry, W.Va. Board of

Continuing Education, 14CSR10 [H. B. 2272].

Osteopathic Medicine, W.Va. Board of

Licensing Procedures for Osteopathic Physicians, 24CSR1 [H. B. 2273].

Osteopathic Medicine, W.Va. Board of

Osteopathic Physician Assistants, 24CSR2 [H. B. 2274].

Pharmacy, WV Board of

Licensure and Practice of Pharmacy, 15CSR1 [H. B. 2275].

Pharmacy, WV Board of

Mail-Order and Non-Resident Pharmacies, 15CSR6 [H. B. 2276].

Pharmacy, WV Board of

Controlled Substances Monitoring Program, 15CSR8 [H. B. 2277].

Public Service Commission, W.Va.

Telephone Conduit Occupancy, 150CSR37 [H. B. 2278].

Racing Commission, W.Va.

Thoroughbred Racing, 178CSR1 [H. B. 2279].

Racing Commission, W.Va.

Pari-Mutuel Wagering, 178CSR5 [H. B. 2280].

Registered Professional Nurses, W.Va. Board of Examiners for

Requirements for Registration and Licensure and Conduct Constituting Professional Misconduct, 19CSR3 [H. B. 2281].

Registered Professional Nurses, W.Va. Board of Examiners for

Limited Prescriptive Authority for Nurses in Advanced Practice, 19CSR8 [H. B. 2282].

Risk and Insurance Management, W.Va. State Board of

Mine Subsidence Insurance, 115CSR1 [H. B. 2283].

Risk and Insurance Management, W.Va. State Board of

Patient Injury Compensation Fund, 115CSR7 [H. B. 2284].

Sanitarians, W.Va. State Board of

Practice of Public Health Sanitation, 20CSR4 [H. B. 2285].

Secretary of State

Voter Registration at the Division of Motor Vehicles, 153CSR3 [H. B. 2286].

Secretary of State

Voter Registration List Maintenance by the Secretary of State, 153CSR5 [H. B. 2287].

Social Work, W.Va. Board of

Continuing Education for Social Workers and Providers, 25CSR5 [H. B. 2288].

Speech-Language Pathology and Audiology, WV Board of Examiners for

Licensure of Speech-Pathology and Audiology, 29CSR1 [H. B. 2289].

Treasurer's Office, W.Va. State

Procedures for Deposit of Monies with the State Treasurer's Office by State Agencies, 112CSR4 [H. B. 2290].

Treasurer's Office, W.Va. State

Selection of State Depositories for Disbursement Accounts through Competitive Bidding, 112CSR6 [H. B. 2291].

Treasurer's Office, W.Va. State

Selection of State Depositories for Receipt Accounts, 112CSR7 [H. B. 2292].

Treasurer's Office, W.Va. State

Procedures for Processing Payments from the State Treasury, 112CSR8 [H. B. 2293].

Treasurer's Office, W.Va. State

Procedure for Fees in Collections by Charge, Credit or Debit Card or by Electronic Payment, 112CSR12 [H. B. 2294].

Treasurer's Office, W.Va. State

Procedures for Providing Services to Political Subdivisions, 112CSR13 [H. B. 2295].

Veterinary Medicine, W.Va. Board of

Standards of Practice, 26CSR4 [H. B. 2296].

**The Committee submits the following legislative rules which were modified by the agency in accordance with the provisions of West Virginia Code, §29A-3-14, and which was approved by the Committee with the modifications and with the recommendation that the rule be authorized for adoption by the agency with amendments:**

Auditor, W.Va. State

Standards for Requisitions for Payment Issued by State Officers on the Auditor, 155CSR1 [H. B. 2297].

Barbers and Cosmetologists, W.Va. Board of

Continuing Education, 3CSR11 [H. B. 2298].

**The Committee submits the following legislative rule in accordance with the provisions of West Virginia Code, §29A-3-11, with the recommendation that the rule be rejected:**

Barbers and Cosmetologists, W.Va. Board of

Waxing Specialist, 3CSR14 [H. B. 2299].

### **Petitions**

Delegates Hamilton, Lynch and Martin presented a petition requesting assistance in getting Mount Hope Water System Association a grant to fund an upgrade of the present waterline to include allowing the installation of fire hydrants along a new waterline; which was referred to the Committee on Finance.



### **Bills Introduced**

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

**By Delegate Sobonya:**

**H. B. 2218** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to Dangerous Wild Animals”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2219** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to Livestock Care Standards”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2220** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Barbers and Cosmetologists to promulgate a legislative rule relating to Licensing Schools of Barbering, Cosmetology, Nail Technology and Aesthetics”; to the Committee on Government Organization then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2221** - “A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to Alternative Emission Limitations During Startup, Shutdown and Maintenance Operations”; to the Committee on Energy then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2222** - “A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a

legislative rule relating to Ambient Air Quality Standards”; to the Committee on Energy then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2223** - “A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Admin. Updates, Temporary Permits, General Permits, Permission to Commence Construction and Procedures for Evaluation”; to the Committee on Energy then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2224** - “A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to Permits for Construction and Major Modification of Major Stationary Sources for the Prevention of Significant Deterioration of Air Quality”; to the Committee on Energy then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2225** - “A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to Standards of Performance for New Stationary Sources”; to the Committee on Energy then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2226** - “A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities”; to the Committee on Energy then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2227** - “A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the

Department of Environmental Protection to promulgate a legislative rule relating to Emission Standards for Hazardous Air Pollutants”; to the Committee on Energy then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2228** - “A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to Voluntary Remediation and Redevelopment”; to the Committee on Energy then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2229** - “A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to Awarding of Matching Grants for Local Litter Control Programs”; to the Committee on Energy then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2230** - “A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to Adoption of a Valuation Manual”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2231** - “A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to the Point System for the Revocation of Hunting - Repeal”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2232** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Physical Therapy to promulgate a legislative rule relating to Fees for Physical Therapist and Physical Therapist Assistant”; to the Committee on Government Organization then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2233** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to Animal Disease Control”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2234** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to Captive Cervid”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2235** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Architects to promulgate a legislative rule relating to the Registration of Architects”; to the Committee on Government Organization then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2236** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Athletic Commission to promulgate a legislative rule relating to Administrative Rules of the West Virginia State Athletic Commission”; to the Committee on Government Organization then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2237** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Athletic Commission to promulgate a legislative rule relating to Regulation of Mixed Martial Arts”; to the Committee on Government Organization then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2238** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Auditor’s Office to promulgate a legislative rule relating to the

Procedure for Local Levying Bodies to Apply for Permission to Extend Time to Meet as Levying Body”; to the Committee on Political Subdivisions then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2239** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Barbers and Cosmetologists to promulgate a legislative rule relating to Qualifications, Training, Examination and Certification of Instructors in Barbering and Cosmetology”; to the Committee on Government Organization then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2240** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Barbers and Cosmetologists to promulgate a legislative rule relating to Operational Standards for Schools of Barbering, Cosmetology, Hair Styling, Nail Technology and Aesthetics”; to the Committee on Government Organization then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2241** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Barbers and Cosmetologists to promulgate a legislative rule relating to the Operation of Barber, Beauty, Nail and Aesthetic Shops/Salons and Schools of Barbering and Beauty Culture”; to the Committee on Government Organization then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2242** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Barbers and Cosmetologists to promulgate a legislative rule relating to a Schedule of Fees”; to the Committee on Government Organization then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2243** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Barbers and Cosmetologists to promulgate a legislative

rule relating to Barber Apprenticeships”; to the Committee on Government Organization then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2244** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Examiners in Counseling to promulgate a legislative rule relating to Licensed Professional Counselor Fees”; to the Committee on Government Organization then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2245** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Examiners in Counseling to promulgate a legislative rule relating to Licensed Professional Counselor License Renewal and Continuing Professional Education Requirements”; to the Committee on Government Organization then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2246** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Examiners in Counseling to promulgate a legislative rule relating to Marriage and Family Therapist Fees”; to the Committee on Government Organization then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2247** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Examiners in Counseling to promulgate a legislative rule relating to Marriage and Family Therapist License Renewal and Continuing Professional Education Requirements”; to the Committee on Government Organization then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2248** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Dangerous Wild Animal Board to promulgate a legislative rule relating to Dangerous Wild Animals”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2249** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the board of Dentistry to promulgate a legislative rule relating to the board”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2250** - “A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Ethics Commission to promulgate a legislative rule relating to Private Gain”; to the Committee on Government Organization then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2251** - “A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Fire Marshal to promulgate a legislative rule relating to the Regulation of Fireworks and Related Explosive Materials”; to the Committee on the Judiciary.

**By Delegate Sobonya:**

**H. B. 2252** - “A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Governor’s Committee on Crime, Delinquency and Correction to promulgate a legislative rule relating to Law Enforcement Training and Certification Standards”; to the Committee on the Judiciary.

**By Delegate Sobonya:**

**H. B. 2253** - “A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Governor’s Committee on Crime, Delinquency and Correction to promulgate a legislative rule relating to the William R. Laird IV - Second Chance Driver’s License Program”; to the Committee on the Judiciary.

**By Delegate Sobonya:**

**H. B. 2254** - “A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a

legislative rule relating to Clinical Laboratory Technician and Technologist Licensure and Certification”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2255** - “A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to Clandestine Drug Laboratory Remediation”; to the Committee on the Judiciary.

**By Delegate Sobonya:**

**H. B. 2256** - “A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to Expedited Partner Therapy”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2257** - “A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to Medication - Assisted Treatment - Opioid Treatment Programs”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2258** - “A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to Medication - Assisted Treatment - Office - Based Medication Assisted Treatment”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2259** - “A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Health Care Authority to promulgate a legislative rule relating to Exemption from Certificate of Need”; to the Committee on Health and Human Resources then the Judiciary.



**By Delegate Sobonya:**

**H. B. 2260** - “A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Health Care Authority to promulgate a legislative rule relating to Rural Health Systems Grant Program”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2261** - “A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Health Care Authority to promulgate a legislative rule relating to the Hospital Assistance Grant Program”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2262** - “A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Health Care Authority to promulgate a legislative rule relating to Certificate of Need”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2263** - “A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Lottery Commission to promulgate a legislative rule relating to Limited Video Lottery”; to the Committee on Finance then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2264** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Medicine to promulgate a legislative rule relating to Licensing and Disciplinary Procedures: Physicians; Podiatrists”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2265** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Medicine to promulgate a legislative rule relating to Licensure, Disciplinary and Complaint Procedures, Continuing

Education, Physician Assistants”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2266** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Medicine to promulgate a legislative rule relating to the Dispensing of Legend Drugs by Practitioners”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2267** - “A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Office of Miners’ Health, Safety and Training to promulgate a legislative rule relating to Certification, Recertification and Training of EMT-Miners and the Certification of EMT-M Instructors”; to the Committee on Energy then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2268** - “A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to Revocation of Hunting and Fishing Licenses”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2269** - “A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to Special Waterfowl Hunting”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2270** - “A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to the Commercial Sale of Wildlife”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2271** - “A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to Miscellaneous Permits and Licenses”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2272** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Optometry to promulgate a legislative rule relating to Continuing Education”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2273** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to Licensing Procedures for Osteopathic Physicians”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2274** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to Osteopathic Physician Assistants”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2275** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to the Licensure and Practice of Pharmacy”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2276** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to

Mail-Order and Non-Resident Pharmacies”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2277** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule, relating to a Controlled Substances Monitoring Program”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2278** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Public Service Commission to promulgate a legislative rule relating to Telephone Conduit Occupancy”; to the Committee on Government Organization then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2279** - “A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Racing Commission to promulgate a legislative rule relating to Thoroughbred Racing”; to the Committee on Finance then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2280** - “A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Racing Commission to promulgate a legislative rule relating to Pari-Mutuel Wagering”; to the Committee on Finance then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2281** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Examiners for Registered Professional Nurses to promulgate a legislative rule relating to Requirements for Registration and Licensure and Conduct Constituting Professional Misconduct”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2282** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Examiners for Registered Professional Nurses to promulgate a legislative rule relating to Limited Prescriptive Authority for Nurses in Advanced Practice”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2283** - “A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Risk and Insurance Management to promulgate a legislative rule relating to Mine Subsidence Insurance”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2284** - “A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Risk and Insurance Management to promulgate a legislative rule relating to the Patient Injury Compensation Fund”; to the Committee on the Judiciary.

**By Delegate Sobonya:**

**H. B. 2285** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Board of Sanitarians to promulgate a legislative rule relating to Practice of Public Health Sanitation”; to the Committee on Government Organization then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2286** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to Voter Registration at the Division of Motor Vehicles”; to the Committee on Government Organization then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2287** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to Voter

Registration List Maintenance by the Secretary of State”; to the Committee on Government Organization then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2288** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Social Work Examiners to promulgate a legislative rule relating to Continuing Education for Social Workers and Providers”; to the Committee on Government Organization then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2289** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Speech-Language Pathology and Audiology to promulgate a legislative rule relating to Licensure of Speech-Pathology and Audiology”; to the Committee on Government Organization then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2290** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Treasurer’s Office to promulgate a legislative rule relating to Procedures for Deposit of Moneys with the State Treasurer’s Office by State Agencies”; to the Committee on Finance then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2291** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Treasurer’s Office to promulgate a legislative rule relating to Selection of State Depositories for Disbursement Accounts Through Competitive Bidding”; to the Committee on Finance then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2292** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Treasurer’s Office to promulgate a legislative rule relating to

Selection of State Depositories for Receipt Accounts”); to the Committee on Finance then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2293** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Treasurer’s Office to promulgate a legislative rule relating to Procedures for Processing Payments from the State Treasury”; to the Committee on Finance then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2294** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Treasurer’s Office to promulgate a legislative rule relating to the Procedure for Fees in Collections by Charge, Credit or Debit Card or by Electronic Payment”; to the Committee on Finance then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2295** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Treasurer’s Office to promulgate a legislative rule relating to Procedures for Providing Services to Political Subdivisions”; to the Committee on Finance then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2296** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Veterinary Medicine to promulgate a legislative rule relating to Standards of Practice”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2297** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Auditor’s Office to promulgate a legislative rule relating to Standards for Requisitions for Payment Issued by State Officers on the Auditor”; to the Committee on Finance then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2298** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Barbers and Cosmetologists to promulgate a legislative rule relating to Continuing Education”; to the Committee on Government Organization then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2299** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Barbers and Cosmetologists to promulgate a legislative rule relating to Waxing Specialists”; to the Committee on Government Organization then the Judiciary.

**By Delegates Kelly, Ellington, Summers, Criss, Wagner, Ward and Atkinson:**

**H. B. 2300** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-15-4o; to amend said code by adding thereto a new section, designated §33-16-3aa; to amend said code by adding thereto a new section, designated §33-24-7p; to amend said code by adding thereto a new section, designated §33-25-8m; and to amend said code by adding thereto a new section, designated §33-25A-8o, all relating to regulating step therapy protocols in health benefit plans which provide prescription drug benefits; providing for an exception from the protocols; setting out criteria for the exception; providing for an effective date; and setting out exclusions”; to the Committee on Health and Human Resources.

**By Delegates Ellington and Summers:**

**H. B. 2301** - “A Bill to repeal §16-2J-1, §16-2J-2, §16-2J-3, §16-2J-4, §16-2J-5, §16-2J-6, §16-2J-7, §16-2J-8 and §16-2J-9 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §30-3F-1, §30-3F-2, §30-3F-3, §30-3F-4 and §30-3F-5, all relating to direct primary care; defining terms; permitting individuals to enter into agreements, for direct primary care with an individual or other legal entity authorized to provide primary care services, outside of an insurance plan or outside of the Medicaid or Medicare program and pay for the care outside of insurance plans and the Medicaid or



Medicare program; providing that insurance benefits are not forfeited by certain purchases; providing that certain products are not the offer of insurance; providing that direct primary care membership agreement is not considered insurance; providing that a direct primary care provider is not required to obtain certain credentials; prohibiting the billing of third party providers for direct primary care services; stating certain requirements for direct primary care membership agreement; providing rule-making authority by the West Virginia Board of Medicine; the West Virginia Board of Osteopathic Medicine and the West Virginia Board of Examiners for Registered Professional Nurses to effectuate the provisions of this new article; and authorizing civil penalties in the form of sanctions by the respective boards for violations that constitute unprofessional conduct”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Sponaugle:**

**H. B. 2302** - “A Bill to amend and reenact §6B-3-2 of the Code of West Virginia, 1931, as amended, relating to prohibiting chairmen of state political parties during or up to one year after the termination of their employment as chairmen of those political parties from registering as lobbyists”; to the Committee on the Judiciary.

**By Delegates Phillips, Westfall, Folk and Sobonya:**

**H. B. 2303** - “A Bill to amend and reenact §22-15A-4 of the Code of West Virginia, 1931, as amended, relating to increasing criminal penalties for littering”; to the Committee on the Judiciary.

**By Delegates Fast and Overington:**

**H. B. 2304** - “A Bill amend and reenact §11-14-2 and §11-14-11 of the Code of West Virginia, 1931, as amended, all relating to gasoline and fuel excise tax; requiring a refund of gasoline or fuel excise tax when fuel is consumed by a commercial vehicle while that vehicle is not operated upon the highways of this state”; to the Committee on Roads and Transportation then Finance.

**By Delegates Hamrick, Westfall and Statler:**

**H. B. 2305** - “A Bill to amend and reenact §17B-2-12 of the Code of West Virginia, 1931, as amended, relating to the issuance,

expiration and renewal of driver's license; providing that the license of any person who is working on behalf of West Virginia or the United States out of the United States does not expire until six months after that person returns to West Virginia; and providing that the driver's license of family members of persons in the Armed Forces of the United States do not expire until six months after separation from the service by the military member"; to the Committee on Roads and Transportation then the Judiciary.

**By Delegates Folk and McGeehan:**

**H. B. 2306** - "A Bill to amend and reenact §17C-5-4 and §17C-5-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §17C-5A-1a, §17C-5A-2, §17C-5A-2a, §17C-5A-3 and §17C-5A-3a of said code; and to amend said code by adding thereto a new section, designated §17C-5C-6, all relating to the procedures for driver's license suspension and revocation in criminal proceedings for driving under the influence of alcohol, controlled substances or drugs (D.U.I.); eliminating requirements that the Commissioner of the Division of Motor Vehicles automatically suspend an individual's driver's license after receipt of a statement from arresting officers that an individual refused a breath or blood test; requiring that an individual arrested for D.U.I. be given a written statement informing the individual of the legal consequences of taking or refusing to take a preliminary breath test and informing the individual of the right to receive a secondary blood test; requiring that, following an individual's refusal to take a preliminary breath test, an arresting officer execute a signed statement that the officer administered all required warnings; eliminating all statutory provisions authorizing or requiring the Commissioner of the Division of Motor Vehicles to take administrative action upon an individual's driver's license on the basis of D.U.I. in the absence of a conviction or a court-ordered suspension or revocation; eliminating all statutory provisions authorizing or requiring the commissioner to require an individual to complete the Motor Vehicle Test and Lock program or other safety programs; completely eliminating the Division of Motor Vehicle's administrative hearing process for suspending and revoking driver's licenses based on a D.U.I.; creating a process by which an individual may notify the commissioner if his or her driver's license has been incorrectly suspended or revoked based on mistaken identity of the

defendant in a transcript of judgment or conviction; requiring the commissioner to take corrective action if a driver's license is incorrectly suspended or revoked based on mistaken identity; completely transferring jurisdiction for suspension or revocation of a driver's license based on D.U.I. to the court with jurisdiction over the criminal proceedings; requiring a court to suspend a defendant's driver's license until acquittal or judgment if the defendant submitted to an alcohol concentration test that revealed a certain level of impairment, committed certain prior offenses, was involved in an accident causing death or bodily injury, or refused to submit to a secondary chemical test; allowing a court to suspend a defendant's license until acquittal or judgment upon a finding that the defendant would otherwise pose a risk of harm to others during the pendency of criminal proceedings; establishing the right to request and receive judicial review of driver's license suspension orders pending criminal proceedings; establishing the scope of review for judicial review of driver's license suspension orders; requiring a defendant to surrender his or her driver's license upon suspension by the court; requiring the clerk of a court to transmit a copy of an order suspending or revoking a driver's license; establishing procedures and a timeline for the Division of Motor Vehicles to transfer jurisdiction of driver's license suspension and revocation to the courts; and eliminating all statutory provisions authorizing or requiring the commissioner to prescribe the terms and conditions of driver's license reissuance following D.U.I."; to the Committee on Roads and Transportation then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2307** - "A Bill to amend and reenact §8-1-5a of the Code of West Virginia, 1931, as amended, relating to terminating the Municipal Home Rule Pilot Program and Municipal Home Rule Board; allowing municipalities throughout the state an opportunity to enact any ordinance, act, resolution, rule or regulation resulting from the Municipal Home Rule Pilot Program"; to the Committee on Government Organization then the Judiciary.

**By Delegates Shott, Cooper and Ambler:**

**H. B. 2308** - "A Bill to amend and reenact §17-16A-29 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Parkways, Economic Development and Tourism

Authority and requiring the Parkways Authority to provide free daily toll passes for veterans traveling to the Veterans Administration Hospital for treatment”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

**By Delegates McGeehan, Folk and Kelly:**

**H. B. 2309** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-1-5, relating to school curricular standards and assessments; discontinuing the use of common core standards and assessments in the state”; to the Committee on Education.

**By Delegates Folk and Hamrick:**

**H. B. 2310** - “A Bill to amend and reenact §8-29-6 of the Code of West Virginia, 1931, as amended, relating to requiring regional airport authority board members to include persons of area expertise”; to the Committee on Government Organization then the Judiciary.

**By Delegates Folk and Frich:**

**H. B. 2311** - “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 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 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 then Finance.

**By Delegates Hamrick and Statler:**

**H. B. 2312** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-1-52, relating to appointment of, conduct of and training of poll watchers; and imposing duties on Secretary of State and county clerks with regard to poll watchers”; to the Committee on the Judiciary.

**By Delegate Byrd:**

**H. B. 2313** - “A Bill to amend and reenact §18-2-39 of the Code of West Virginia, 1931, as amended, relating to the administration of the statewide summative assessment, and providing that the assessment only be administered in grades three through eight and once at the high school level”; to the Committee on Education.

**By Delegate Sponaugle:**

**H. B. 2314** - “A Bill to amend and reenact §51-2A-6 of the Code of West Virginia, 1931, as amended, relating to removing the compensation caps entirely for secretary-clerks and case coordinators in the family court system and allowing the Administrative Director of the Supreme Court of Appeals to set the salary of those employees”; to the Committee on the Judiciary then Finance.

**By Delegate Pushkin:**

**H. B. 2315** - “A Bill to amend and reenact §5-26-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §5-26-10, all relating to the Herbert Henderson Office of Minority Affairs; requiring the office to conduct hearings to report to the Select Committee on Minority Issues and creating the West Side Revive Pilot Program

for community development”; to the Committee on Government Organization then Finance.

**By Delegate Caputo:**

**H. B. 2316** - “A Bill to amend and reenact §15-2-3 of the Code of West Virginia, 1931, as amended, relating to requiring the Superintendent of the State Police to develop a plan to increase the number of troopers to a minimum of eight hundred by July 1, 2018”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

**By Delegates Eldridge and Hicks:**

**H. B. 2317** - “A Bill to amend the Code of West Virginia, 1931, as amended, adding thereto a new section, designated §29-22-31, relating to the establishment of the Retired Teachers Benefit Game; and the establishment of the State Teachers Retirement Lottery Fund”; to the Committee on Pensions and Retirement then Finance.

At 11:25 a.m., the House of Delegates adjourned until 11:00 a.m., Friday, February 10, 2017.

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Friday, February 10, 2017

### THIRD DAY

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

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

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

The Clerk proceeded to read the Journal of Thursday, February 9, 2017, being the first order of business, when the further reading thereof was dispensed with and the same approved.

#### Committee Reports

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2006**, Increasing the penalties for violating the Whistle-blower Law,

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

**Com. Sub. for H. B. 2006** – “A Bill to amend and reenact §6C-1-6 of the Code of West Virginia, 1931, as amended, relating to increasing the penalties for violating the Whistle-Blower Law; increasing the civil fine; clarifying that the civil fine is a personal liability; removing the authority of the court to suspend a person from public service; authorizing a Court’s finding of a violation to be deemed a finding of official misconduct and malfeasance in office; providing that a court finding of a violation may be relied upon as admissible evidence in any subsequent proceeding or petition to remove the person from public office; authorizing a Court’s finding of a violation to be relied upon by the public body as a basis to impose

discipline upon an employee; and clarifying that a civil action, civil penalty or a court finding under this section is not a condition or prerequisite for a public body to take disciplinary action.”

With the recommendation that the committee substitute do pass.

### **Resolutions Introduced**

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

**By Delegates Sponaugle, Hornbuckle, Pushkin and Phillips:**

**H. J. R. 9** – “Proposing an amendment to the Constitution of the State of West Virginia amending section 1b, article X thereof, relating to exempting volunteer emergency personnel from ad valorem property taxation; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on the Judiciary then Finance.

### **Bills Introduced**

Bills were introduced, pursuant to House Rule 92, and severally referred as follows:

**By Delegates Shott, Fleischauer, Hanshaw, Summers, Sobonya, C. Miller, Kessinger, Canestraro, Longstreth, Pushkin and Storch:**

**H. B. 2318** - “A Bill to repeal §61-2-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §15-9A-2 of said code; to amend and reenact §49-1-201 of said code; to amend said code by adding thereto a new article, designated §61-14-1, §61-14-2, §61-14-3, §61-14-4, §61-14-5, §61-14-6, §61-14-7, §61-14-8 and §61-14-9; and to amend and reenact §62-1D-8 of said code, all relating generally to human trafficking; designating the Division of Justice and Community Services to be the state administrative agency responsible for criminal justice and juvenile justice systems for the planning and development of state programs and grants relating to human trafficking; defining terms; repealing existing civil remedies;



criminal offense and penalties for human trafficking; creating criminal felony offenses and penalties for trafficking an individual; creating criminal felony offenses and penalties for using an individual in forced labor; creating criminal felony offenses and penalties for using an individual in debt bondage; creating criminal felony offenses and penalties for compelling an adult through coercion to engage in commercial sexual activity; creating a criminal felony offense for maintaining or making available a minor for the purpose of engaging in commercial sexual activity; clarifying that consent of minor and misbelief as to age are not defenses to prosecution for sexual servitude offense; creating a criminal felony offense of patronizing an individual to engage in commercial sexual activity; clarifying that each victim shall be considered a separate offense; limiting ability for parole in circumstances where the court makes a finding of aggravated circumstances; defining aggravated circumstances; providing for restitution to victims and the enforcement of a judgment order for restitution; directing unclaimed restitution to be paid to the Crime Victims Compensation Fund; providing for disgorgement of profits and debarment from state and local government contracts; making victims eligible for compensation under the Crime Victims Compensation Fund; specifying the notification procedure to be followed by a law-enforcement officer upon encountering a child who appears to be a victim of an offense under this article; providing for immunity for offense of prostitution for minors; defining a minor victim of sex trafficking as an abused child and establishing a child's eligibility for services therefor; providing for expungement of prostitution conviction for victims of trafficking; and authorizing the use of wiretaps to conduct investigations"; to the Committee on the Judiciary.

**By Delegates Upson, Mr. Speaker (Mr. Armstead), Hamilton and Rohrbach:**

**H. B. 2319** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-8-15, relating to candidates or candidate committees for legislative office disclosing contributions received while the Legislature is in session; requiring timely disclosure of certain contributions from persons while the Legislature is in session; clarifying that the legislative session includes interim and special session; requiring timely disclosure of fund-raising events, including contributions,

of candidates or candidate committees for legislative office while the Legislature is in session; defining terms; imposing the same reporting requirements upon former candidates or candidate committees for legislative office who are still in office; requiring the Secretary of State to create a form for disclosure; requiring the Secretary of State to publish information on the Secretary of State's website; authorizing the Secretary of State to establish a means for electronic filing and disclosure in the alternative; and authorizing the Secretary of State to promulgate legislative and emergency rules"; to the Committee on the Judiciary.

**By Delegates Howell, Upson, Maynard, Statler, Walters, McGeehan, C. Miller, Sypolt, Westfall, Hamrick and Higginbotham:**

**H. B. 2320** - "A Bill to amend and reenact §3-1-9 and §3-1-35 of the Code of West Virginia, 1931, as amended; and to further amend said code by adding thereto a new section, designated §3-5-14a, all relating to procedures permitting voters who have not registered an affiliation with a particular political party to vote in the primary election for that party under certain circumstances; requiring a determination by political parties and notice to the Secretary of State; specifying which ballots may be provided to voters in primary elections; requiring the posting of notices; specifying the form and preparation of lists of eligible parties; providing for assistance to impaired voters; and prohibiting improper influence by poll workers"; to the Committee on the Judiciary.

**By Delegate Overington:**

**H. B. 2321** - "A Bill to amend and reenact §60-7-10 and §60-7-12 of the Code of West Virginia, 1931, as amended, all relating to requiring private clubs to be closed from two o'clock a.m. to seven o'clock a.m. on weekdays; requiring patrons of those clubs to exit the club no later than sixty minutes after the dispensing of nonintoxicating beer, wine or alcoholic liquors has ceased; providing criminal penalties; and updating statutory language"; to the Committee on the Judiciary then Finance.

**By Delegates Upson, Blair and Statler:**

**H. B. 2322** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-12-

11, relating to sex offender registrants; prohibiting Halloween related contact with children; and providing a misdemeanor criminal penalty”; to the Committee on the Judiciary.

**By Delegates McGeehan, Howell, Shott and Frich:**

**H. B. 2323** - “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to personal income tax; exempting social security benefits from personal income tax”; to the Committee on Senior Citizen Issues then Finance.

**By Delegate Fast:**

**H. B. 2324** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-4-32, relating to requiring that patching repair of hard surfaced roads, highways and streets be by use of mechanical rollers for smoother final repair; and providing an exception”; to the Committee on Roads and Transportation then Finance.

**By Delegates Fast and G. Foster:**

**H. B. 2325** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-13A-9b, relating to public service districts; laying of water or sewer lines on state rights-of-way; limitation on required supervision by a state engineer”; to the Committee on Government Organization.

**By Delegates Rohrbach, Statler, Pushkin and Fleischauer:**

**H. B. 2326** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-97, relating to providing an earned income tax credit against the personal income tax”; to the Committee on Finance.

**By Delegates Fleischauer, Pushkin and Cooper:**

**H. B. 2327** - “A Bill to amend and reenact §33-15-2a and §33-15-4, of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto three new sections designated §33-15-4p, §33-15-20a and §33-15-22, all related to defining surprise bills and health care providers, adding new disclosure requirements for health care providers, hospitals and insurers, adding the requirement that insurers develop an access plan for consumers,

and establishing how surprise bills are to be handled in certain circumstances”; to the Committee on Banking and Insurance then Health and Human Resources.

**By Delegate Sponaule:**

**H. B. 2328** - “A Bill to amend and reenact §17A-3-4 of the Code of West Virginia, 1931, as amended, relating to certain vehicles used in farming; and exempting Class X vehicles from the tax imposed upon the privilege of effecting the certification of title of a motor vehicle”; to the Committee on Roads and Transportation then Finance.

**By Delegates Rohrbach, Sobonya, Ellington and Upson:**

**H. B. 2329** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-4-414, relating to prohibiting the production, manufacture or possession of fentanyl; and establishing criminal penalties”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegates Arvon and Hamilton:**

**H. B. 2330** - “A Bill to repeal §47-19-2, §47-19-4, §47-19-5, §47-19-6 and §47-19-8 of the Code of West Virginia, 1931, as amended; to amend and reenact §47-19-1, §47-19-3 and §47-19-7 of said code; and to amend said code by adding thereto a new section, designated §47-19-9, all relating to drug paraphernalia; prohibiting possession, production or marketing-for-sale things designed or marketed for use with controlled substances; and providing criminal penalties”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegates Rowe, Rohrbach, Ellington and Fleischauer:**

**H. B. 2331** - “A Bill to amend and reenact §16-9A-1, §16-9A-2, §16-9A-3, §16-9A-7 and §16-9A-8 of the Code of West Virginia, 1931, as amended, all relating to raising the legal age for purchase of tobacco, tobacco products, tobacco derived products, alternative nicotine products and vapor products to twenty-one”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Rowe, Pushkin, Fluharty and Sobonya:**

**H. B. 2332** - “A Bill to amend and reenact §10-1-20 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Library Commission; and requiring the Library Commission to survey the libraries of the state and develop a ten-year plan for construction and maintenance of public libraries”; to the Committee on Government Organization then Finance.

**By Delegate Byrd:**

**H. B. 2333** - “A Bill to amend and reenact §18-2-39 of the Code of West Virginia, 1931, as amended, relating to the administration of the statewide summative assessment, and providing that the assessment only be administered in grades three through eight and once at the high school level”; to the Committee on Education.

**By Delegate McGeehan:**

**H. B. 2334** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-1-5, relating to school curricular standards and assessments; discontinuing the use of common core standards and assessments in the state; requiring the Department of Education to promulgate new standards for academic curriculum and assessment; and allowing school districts to develop academic standards that exceed statewide standards”; to the Committee on Education.

**By Delegates Overington, Rowan, Frich, G. Foster, Kelly and Sobonya:**

**H. B. 2335** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-7-17, relating to protecting academic freedom in higher education; prohibiting employment decisions concerning faculty members from being based solely on political or religious beliefs; requiring all tenure, search and hiring committee deliberations to be recorded and made available to the appropriate constituted authorities; prohibiting students from being graded on political or religious beliefs; requiring academic disciplines to welcome a diversity of approaches to unsettled questions and to provide dissenting viewpoints; providing that the uncertainty and unsettled character of all human knowledge must be respected; and providing that the obstruction of campus

speakers or the civil exchange of ideas may not be tolerated”; to the Committee on Education then the Judiciary.

**By Delegate Eldridge:**

**H. B. 2336** - “A Bill to amend and reenact §18-5-22 of the Code of West Virginia, 1931, as amended, relating to reducing the number of pupils per school nurses employed by county boards of education”; to the Committee on Education then Finance.

**By Delegates Howell, Frich and Eldridge:**

**H. B. 2337** - “A Bill to amend and reenact §18-2-12 of the Code of West Virginia, 1931, as amended, relating to required computer science classes for public schools”; to the Committee on Education then Finance.

**By Delegate Rowan:**

**H. B. 2338** - “A Bill to amend and reenact §21A-6-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §21A-6-18, all relating to domestic violence victims’ eligibility for unemployment compensation benefits; removing disqualification for certain victims of domestic violence, sexual offenses or stalking; and requiring training of Workforce West Virginia employees in the nature and dynamics of domestic violence to aid employees who interact with claimants”; to the Committee on the Judiciary then Finance.

**By Delegates Howell and Statler:**

**H. B. 2339** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-32-1, §22-32-2, §22-32-3 and §22-32-4, all relating to creating the Intrastate Coal and Use Act; establishing that the environmental regulation of coal and certain coal products mined and used within the state are exclusively regulated by the West Virginia Department of Environmental Protection; stating the legislative authority; and defining terms”; to the Committee on Energy then the Judiciary.

**Miscellaneous Business**

Delegate Baldwin filed a form with the Clerk’s Office per House Rule 94b to be added as a cosponsor of H. B. 2130.

Delegate Rohrbach filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2300.

At 11:17 a.m., the House of Delegates adjourned until 11:00 a.m., Monday, February 13, 2017.





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Monday, February 13, 2017

## SIXTH 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 Friday, February 10, 2017, being the first order of business, when the further reading thereof was dispensed with and the same approved.

### Committee Reports

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. 2301**, Relating to direct primary care,

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. 2301) was referred to the Committee on the Judiciary.

### Resolutions Introduced

Delegates Howell, Upson, Cowles, Walters, Folk, A. Evans, Rowan, Householder, Espinosa, Blair and Hamrick offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

**H. C. R. 7** – “Requesting the Division of Highways to conduct a preliminary engineering study on the possibility of extending West Virginia Route 9 westward from Martinsburg to Berkeley Springs, in the form of a four-lane highway, and then westward from Berkeley Springs to travel near Paw Paw and connect to the US 220 North/South Corridor in Keyser, in the form of a ‘super two-lane’ highway.”

Whereas, There is currently no direct route that persons traveling by vehicle may take between the Eastern Panhandle regions of West Virginia and other regions of the state without leaving the state; and

Whereas, Increased intrastate travel will promote tourism and economic growth within the state; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to conduct a preliminary engineering study on the costs and benefits of extending West Virginia Route 9 from Martinsburg to Berkeley Springs, in the form of a four-lane highway, and then from Berkeley Springs to travel near Paw Paw and connect to the US 220 North/South Corridor in Keyser, in the form of a “super two-lane” highway; and, be it

*Further Resolved,* That in conducting its study, the Division of Highways is specifically requested to consider the potential of constructing the portion of highway to run from Berkeley Springs to the US 220 North/South Corridor in Keyser in the form of a “super two-lane” highway that meets any and all criteria of the Appalachian Development Highway Systems for a road that may be safely traveled at speeds up to 65 miles per hour. A “super two-lane” highway refers to a controlled access at-grade roadway with a single through lane per direction, with the following design elements: (1) Full width lanes, paved shoulders, and clear zones; (2) a center buffer area; (3) limited access, with turn lanes for all permitted turns; (4) horizontal and vertical curves with high design speeds; (5) passing lanes, speed differential, and truck lanes; (6)

provisions for easy expansion to freeway or divided roadway; and (7) proper interchange design for a two-lane freeway; and, be it

*Further Resolved*, That the Division of Highways is requested to report to the Select Interim Committee on Infrastructure on its findings, conclusions and recommendations, no later than January 1, 2018.

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

**H. C. R. 8** – “Requesting the Division of Highways to name Bridge Number 27-35-17.37 (27A117) (38.83117, -82.14255), locally known as US 35-WV 2 Overpass Bridge, carrying US 35 over WV Route 2 in Mason county, the ‘Dr. Roy and Marian Eshenaur Bridge’.”

Whereas, Roy Walter Eshenaur was born in Oberlin, Pennsylvania on October 1, 1907, the fourth child in a family of six; and

Whereas, Roy developed an interest in osteopathic medicine in high school after observing an osteopath treat his mother who had fallen ill; and

Whereas, Roy pursued his dream of becoming a doctor by attending Kirksville College of Osteopathy and Surgery in Kirksville, Missouri from 1925 through 1929; and

Whereas, While in medical school, Roy met the love of his life, Marian Edith Gast, a rural school teacher in Kirksville, Missouri; and

Whereas, After graduating from medical school and marrying Marian, Dr. Roy moved to Point Pleasant, West Virginia with only \$9.31 to his name, \$5,000 in debt, and a pregnant wife; and

Whereas, Roy was the first osteopath in Point Pleasant when he arrived, and found working conditions difficult in the early years given the lack of reliable roads. Dr. Roy would oftentimes be

required to rely on patients to furnish transportation, including oxcarts, wagons, sleds and mules during dry times, and canoes, flat boats, skiffs and even swimming horses when roads were flooded; and

Whereas, Despite these difficulties, Roy remained committed to Point Pleasant, where he dreamed of one day opening up a hospital. His dreams would ultimately be realized as he was instrumental in the founding and growth of Pleasant Valley Hospital which still operates to this day; and

Whereas, Roy delivered thousands of babies before and after the founding of Pleasant Valley Hospital, many of whom still live in and around Mason County; and

Whereas, Roy was also very active in West Virginia political and civic life, serving in the West Virginia House of Delegates and as President of the West Virginia Chamber of Commerce; and

Whereas, Marian Eshenaur was similarly active in her community, being a member of the Daughters of the American Revolution, the Point Pleasant Woman's Club and the Tu-Endie-Wei Garden Club. Marian was also a devout Christian and an active member in her beloved Main Street Baptist Church; and

Whereas, On May 25, 1979, Roy and Marian Eshenaur tragically lost their lives in a plane crash, leaving behind seven children, nine grandchildren, and a community in mourning; and

Whereas, Despite their passing, the Eshenaurs' legacy lives on in their children, grandchildren, Pleasant Valley Hospital, and the hundreds of families in Point Pleasant that came to know and love the man they affectionately called "Dr. Roy," and his beloved wife Marian, through their works, their faith, and their commitment to serve others; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name Bridge Number 27-35-17.37 (27A117) (38.83117, -82.14255), locally known as US 35-WV 2 Overpass Bridge, carrying US 35

over WV Route 2 in Mason County, the “Dr. Roy and Marian Eshenaur 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 “Dr. Roy and Marian Eshenaur Bridge”; and, be it

*Further Resolved*, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation.

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

**H. C. R. 9** – “Requesting the Division of Highways to name the bridge number 14-50/9-0.25 (14A130), (latitude, 39.31542, longitude, -78.65703), locally known as Baptism Bridge, carrying County Route 50/9 over the Little Cacapon River in Hampshire county located in the location of the now non-existent community of Frenchburg, the ‘Frenchburg Bridge’.”

Whereas, One James French was an early settler in the area and was the namesake for the community which later came to be known as Frenchburg; and

Whereas, Hampshire County is one of a few counties in the State of West Virginia that was not in favor of inclusion into the northern union during the Civil War, having had predominantly southern sympathies; and

Whereas, As a result of its southern stance during the Civil War, the town was razed by fire by Union forces sometime between November 1861 when two Ringgold Cavalry soldiers were killed near Frenchburg and Stonewall Jackson’s campaign to Berkeley Springs and Romney in January 1862; and

Whereas, Since Frenchburg was destroyed, it never recovered as a viable community, yet due to its past history, including having been surveyed by George Washington in addition to the foregoing,

is endowed with a rich historical significance and heritage; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to erect signs at both entrances to bridge number 14-50/9-0.25 (14A130) (latitude, 39.31542, longitude, -78.65703), locally known as Baptism Bridge, carrying County Route 50/9 over the Little Cacapon River in Hampshire county located in the location of the now non-existent community of Frenchburg, the “Frenchburg Bridge”.

*Further Resolved*, That the Clerk of the House of Delegates is hereby requested to forward a certified copy of this concurrent resolution to the Secretary of the Department of Transportation.

Delegates Ambler, Cooper, Moye, Householder and Rowan offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

**H. C. R. 10** – “Requesting the Commissioner of the Division of Highways to rename bridge number 13-60-39.43, locally known as Airport Bridge, carrying United States Route 60 over Howards Creek, the ‘John Cameron Brown Bridge’.”

Whereas, John Cameron Brown was born on May 13, 1956, in Orlando, Orange County Florida; and

Whereas, After graduating from West Virginia University in 1991, John began working for the West Virginia Division of Highways as an Engineer-in-Training in the District Nine Construction Department; and

Whereas, During his time at the West Virginia Division of Highways, John worked on numerous infrastructure projects and acted as a supervisor in the construction of the Ronceverte Bridges in Greenbrier County, the Cotton Hill Bridge in Fayette County, and Airport Bridge in Greenbrier County; and

Whereas, The construction of Airport Bridge in particular required exceptional skill and expertise from its engineers, being one of the first deep shaft drilled caisson bridges in the State of West Virginia and requiring the installment of unique features such as a latex overlay on the bridge deck; and

Whereas, Throughout the construction and later inspection of Airport Bridge, John demonstrated extraordinary professionalism and ingenuity, keeping necessary lines of communication open with The Greenbrier Resort due to Airport Bridge's proximity to The Greenbrier Resort's golf courses and helping to develop novel inspection methods for required caisson inspections; and

Whereas, Following the completion of Airport Bridge in 2002, John was awarded the position of District Resurfacing Coordinator whereby he oversaw the inspection and supervision of resurfacing contracts on primary and secondary routes in District Nine until his passing in March of 2015; and

Whereas, Throughout his time at the West Virginia Division of Highways, John took great pride in his work and displayed outstanding dedication to providing West Virginia and her citizens with safe and well-constructed bridges and highways. Furthermore, John was beloved by his colleagues for his decency and dependability, and John in turn loved working for the West Virginia Division of Highways, even when beset by illness. John is deeply missed by his fellow employees; and

Whereas, This dedication would serve as a fitting tribute to John's legacy, not only for his exemplary work in the construction of Airport Bridge, but also for his commitment to public safety in West Virginia, his dedication to his craft, and the lasting impact John left on those who knew and worked with him; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Commissioner of the Division of Highways is hereby requested to rename bridge number 13-60-39.43, locally known as Airport Bridge, carrying United States Route 60 over Howards Creek, the "John Cameron Brown Bridge"; and, be it

*Further Resolved*, That the Commissioner of the Division of Highways is hereby requested to create and erect signs at both ends of the bridge proclaiming the bridge the “John Cameron Brown 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.

Delegates Howell, Ambler, Arvon, Atkinson, Blair, Butler, Cooper, Ellington, A. Evans, Fast, Folk, G. Foster, Sypolt, Hamrick, Harshbarger, Higginbotham, Householder, Marcum, McGeehan, Rowan, Summers, Ward and Zatezalo offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 11** – “Requesting the Federal Government to permit West Virginia to withdraw from the Environmental Protection Agency’s Chesapeake Bay Initiative.”

Whereas, The primary source of pollution for the Chesapeake Bay is the Susquehanna River and the massive population along the I-95 corridor. West Virginia is not in the Susquehanna water shed and West Virginia is not part of the I-95 corridor. The clean waters of West Virginia are not a source of pollution for the Chesapeake Bay and any waters from West Virginia enter the lower bay far away from the primary pollution problem. The requirements under the Chesapeake Bay initiative add additional cost to West Virginia taxpayers for which they see no gain and does little to help the Chesapeake Bay. Only the eastern most counties of West Virginia are saddled with this burden of cost; and, only states in the Chesapeake Bay water shed are burdened with this additional cost putting West Virginia at an economic disadvantage to states outside the initiative zone; and

Whereas, There is a lack of infrastructure upgrades in and around Baltimore causing all of the sewage lines in the Baltimore area to go into their big plant. They have no room to upgrade without major expense. This results in the other states, including West Virginia, having to be overly burdened with unnecessary



costs in order to save Baltimore money by allowing Baltimore to continue to pollute the waters, where our water goes in does nothing to help at all, we are paying so they don't have too, that is wrong; therefore, be it

*Resolved by the Legislature of West Virginia:*

The Federal Government is requested to permit West Virginia to withdraw from the EPA's Chesapeake Bay Initiative; and, be it

*Further Resolved,* That the Clerk of the House of Delegate forward a copy of this Concurrent Resolution to the President of the United States, the Environmental Protection Agency and to the members of the West Virginia Delegation in the United States Senate and the House of Representatives.

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

**By Delegates Rodighiero, Hicks, Marcum, Eldridge and Moye:**

**H. J. R. 10** – “Proposing an amendment to the Constitution of the State of West Virginia, amending section one-b, article ten, relating to homestead exemption increase; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Finance then the Judiciary.

**By Delegates Overington, G. Foster and Upson:**

**H. J. R. 11** – “Proposing an amendment to the Constitution of the State of West Virginia, amending section nine, article three thereof, relating to prohibiting the taking of private property for private use; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on the Judiciary.

**By Delegates Overington, Frich and Gearheart:**

**H. J. R. 12** – “Proposing an amendment to the Constitution of the State of West Virginia, amending article X thereof by adding thereto a new section, designated section five-a, relating to taxes and fees; providing that, with exception, bills imposing a tax or

license fee and bills increasing the effective rate of any tax levied or fee imposed may not be enacted unless two-thirds of the members of each house, present and voting, vote in the affirmative for passage; numbering and designating the proposed amendment; and providing a summarized statement of the purpose of the proposed amendment”; to the Committee on Finance then the Judiciary.

**By Delegates Overington, Gearheart, Frich and Sobonya:**

**H. J. R. 13** – “Proposing an amendment to the Constitution of the State of West Virginia, amending section one, article VI thereof; amending section two, article XIV thereof; and amending said Constitution by adding a new article, designated article XV, all relating to the legislative powers held by the people of the state and the Legislature; the power of the registered voters and the power of the Legislature to propose amendments to this Constitution; and the reservation by and to the people and registered voters of this state the powers of initiative, referendum, and recall at all levels of government in this state; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on the Judiciary.

**By Delegates Sponaule, Marcum, Hicks, Hamilton and Phillips:**

**H. J. R. 14** – “Proposing an amendment to the Constitution of the State of West Virginia amending Article III thereof, by adding thereto a new section, designated section 23 relating to the right to hunt and fish; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Agriculture and Natural Resources then the Judiciary.

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

**H. R. 6** – “Expressing support for the preservation and continued operation of the Warner Theater in Morgantown, West Virginia.”

Whereas, The Warner Theater of Morgantown was built by the Warner Brothers Company and first opened to the public in 1931 with a showing of “The Millionaire” starring George Arliss; and

Whereas, The Warner Theater was designed by noted theater architect John Eberson and is his only theater in the State of West Virginia; and

Whereas, The Warner Theater during its eighty-year history has presented some of Hollywood’s most loved and most treasured films including “Gone With the Wind” and “The Sound of Music”; and

Whereas, The Warner Theater was the site of the national premier of the film “The Incredible Mr. Limpet”, starring Morgantown native Don Knotts who had previously worked in the theater as an usher during his youth; and

Whereas, The Warner Theater is one of Morgantown’s best preserved examples of Art Deco architecture and is an important and valuable contributing structure in the downtown historic district; and

Whereas, The Warner Theater was the last remaining Warner Brothers Theater being operated as a cinema under the Warner name; and

Whereas, The Warner Theater showed its last movie on Sunday, September 5, 2010, and is now closed, suffering disrepair and deterioration; and

Whereas, The Warner Theater now faces the prospect of having its architectural treasures and Art Deco relics removed and sold and may also face possible demolition; and

Whereas, Removal of the Warner Theater would be a great loss to Morgantown’s entertainment scene and could possibly threaten the status of the entire downtown historic district and the tax benefits that this status offers to owners of other historic properties; therefore, be it

*Resolved by the House of Delegates:*

That The Warner Theater is an important historic and cultural resource in the City of Morgantown and the State of West Virginia; and

*Further Resolved,* That The Warner Theater is a valuable contribution to Morgantown and the state and is worthy of both preservation and designation as a state historic landmark; and

*Further Resolved,* That all concerned parties, public and private, have an obligation to future generations to do everything in their power to insure the preservation and continued operation of the Warner Theater including assistance in finding a reputable buyer for the property who will accomplish these purposes; and

*Further Resolved,* That the Clerk of the House of Delegates forward copies of this resolution to the Division of Culture's State Historic Preservation Office, the Monongalia County Commission, the Monongalia County Development Authority, the City of Morgantown, the Monongalia County Historic Landmarks Commission, the Monongalia Historical Society, the President of West Virginia University, and the Dean of Creative Arts at West Virginia University.

### **Bills Introduced**

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

**By Delegates Statler, Maynard, Howell, Espinosa, Upson, Hill, Wagner, Higginbotham, Ward, Summers and Williams:**

**H. B. 2340** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-24, relating to performance metrics for the West Virginia Division of Highways; requiring the division to develop performance standards and criteria to measure agency performance in all essential operations; requiring the division to employ a management information system that will track the division's past and current progress toward meeting performance standards; and

requiring the division to report to the Joint Committee on Infrastructure”; to the Committee on Roads and Transportation then Finance.

**By Delegate Sobonya:**

**H. B. 2341** - “A Bill to amend and reenact §9-5-11 of the Code of West Virginia, 1931, as amended, relating to the right of the Department of Health and Human Resources to subrogation to a settlement by a recipient of assistance under the Medicaid Program for third-party liability; and providing that a settlement in the aggregate that does not exceed \$20,000 is exempt from the provisions of this section”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegates Rowan and Sobonya:**

**H. B. 2342** - “A Bill to amend and reenact §61-2-17 of the Code of West Virginia, 1931, as amended, relating to human trafficking; redefining the parameters for the offense of human trafficking; civil remedies; and penalties”; to the Committee on the Judiciary.

**By Delegates Howell, Hamrick, Sypolt, Higginbotham, Harshbarger, Atkinson, Ward, Upson, Butler, Zatezalo and Cooper:**

**H. B. 2343** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-2-10b, relating to requiring the State Police to lease rather than buy vehicles if cost effective; limitations; vehicle identification”; to the Committee on Government Organization then Finance.

**By Delegates Howell, Hamrick, Sypolt, Higginbotham, Harshbarger, Atkinson, Ward, Upson, Butler, Kelly and Cooper:**

**H. B. 2344** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §10-1-23, relating to transferring the assets of the Library Commission relating to media broadcasting to the Educational Broadcasting Authority”; to the Committee on Government Organization then Finance.

**By Delegates Hamrick, Maynard, Walters, McGeehan, Sypolt, Howell, Higginbotham, Harshbarger, Atkinson, Ward and Summers:**

**H. B. 2345** - “A Bill to amend and reenact §4-10-10 of the Code of West Virginia, 1931, as amended; to amend and reenact §18A-4-8 of said code; to amend and reenact §18C-3-4 of said code; to amend and reenact §30-1-7a of said code; to amend and reenact §30-1-20 of said code; to amend and reenact §30-7A-1 and §30-7A-5 of said code; to amend and reenact §30-7B-4 of said code; and to amend and reenact §30-24-3 of said code, all relating to abolishing the West Virginia State Board of Examiners for Licensed Practical Nurses, transferring all duties and powers previously belonging to the West Virginia State Board of Examiners for Licensed Practical Nurses to the West Virginia Board of Examiners for Registered Professional Nurses; transferring all property and records of the West Virginia State Board of Examiners for Licensed Practical Nurses to the West Virginia Board of Examiners for Registered Professional Nurses; providing that the rules previously promulgated by the West Virginia State Board of Examiners for Licensed Practical Nurses shall remain in effect until new rules are promulgated by the West Virginia Board of Examiners for Registered Professional Nurses; and deleting references to the West Virginia State Board of Examiners for Licensed Practical Nurses throughout the code”; to the Committee on Government Organization.

**By Delegates Howell, Upson, Maynard, Statler, Walters, McGeehan, Sypolt, Westfall, Hamrick, Higginbotham and Harshbarger:**

**H. B. 2346** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17A-2-25, relating to motor vehicle license plates; requiring the Commissioner of the Division of Motor Vehicles to conduct a study on the cost effectiveness of flat license plates; and, if the study determines flat license plates is cost effective, requiring the commissioner to manufacture those types of plates”; to the Committee on Roads and Transportation then Government Organization.

**By Delegates Howell, Maynard, Walters, McGeehan, C. Miller, Westfall, Hamrick, Higginbotham, Harshbarger and Atkinson:**

**H. B. 2347** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-27-15, relating to allowing schools licensed to provide barber, cosmetology and related training to hold theory classes and clinical classes at different locations”; to the Committee on Government Organization.

**By Delegates Howell, Maynard, Walters, McGeehan, Sypolt, Westfall, C. Miller, Hamrick, Higginbotham, Harshbarger and Ward:**

**H. B. 2348** - “A Bill to amend and reenact §30-27-12 of the Code of West Virginia, 1931, as amended, relating to eliminating any requirement that class hours of students be consecutive”; to the Committee on Government Organization.

**By Delegates Howell, Upson, Maynard, Statler, Walters, C. Miller, Westfall, Hamrick, Higginbotham, Harshbarger and Atkinson:**

**H. B. 2349** - “A Bill to amend and reenact §17C-7-1 of the Code of West Virginia, 1931, as amended, relating to driving on the right side of the roadway, overtaking and passing; providing that the left lane, on interstate highways and Appalachian Development Corridors or other highways where two or more lanes exist, is for passing only; and providing misdemeanor penalties for violations”; to the Committee on Roads and Transportation then the Judiciary.

**By Delegate Pyles:**

**H. B. 2350** - “A Bill to amend and reenact §60-3-9d of the Code of West Virginia, 1931, as amended, relating to deleting the language that remitted a portion of the alcoholic beverage tax to municipalities for tax collected outside of, but within one mile, of the corporate limits”; to the Committee on Political Subdivisions then Finance.

**By Delegate Pyles:**

**H. B. 2351** - “A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new section, designated §11-15-

3d, relating to providing for a sales tax of five percent for over the counter medicines and nutritional supplements; and providing that the tax be used to offset public employees insurance premiums”; to the Committee on Health and Human Resources then Finance.

**By Delegates Statler, Westfall, Maynard, Howell, Upson, Hill, Kessinger, N. Foster, Higginbotham, Ward and Williams:**

**H. B. 2352** - “A Bill to amend and reenact §61-8-14 of the Code of West Virginia, 1931, as amended, relating to the criminal offense of desecration of graves and vandalizing cemeteries and mandating that persons convicted thereof shall be required to perform one thousand hours of service to and for the cemetery involved”; to the Committee on the Judiciary.

**By Delegates Statler, Maynard, Espinosa, Upson, Hill, N. Foster, Higginbotham, Ward, Summers and Williams:**

**H. B. 2353** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17-30-1, §17-30-2, §17-30-3, §17-30-4 and §17-30-5, all relating to requiring the Commissioner of Highways to develop a formula for allocating road funds among districts, for the benefit of the counties; making legislative findings; requiring the commissioner to solicit and consider public comments; requiring the commissioner to include certain factors in the formula; and requiring the commissioner to submit the formula to the Legislature for approval as a legislative rule”; to the Committee on Roads and Transportation then Finance.

**By Delegates Statler, Westfall, Maynard, Howell, Upson, Hill, Kessinger, Higginbotham, Ward and Williams:**

**H. B. 2354** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-24, relating to requiring the Commissioner of Highways to develop a statewide communications plan known as the Comprehensive Public Involvement Plan; requiring that the plan utilize multimedia outlets to inform the public of known or anticipated disruptions in traffic patterns; requiring that the plan include a mechanism to receive and respond to communications from the public in a timely manner; requiring that the plan include a mechanism for collecting



feedback from the public on the division's response to public communications; requiring the division to employ a communications specialist in each maintenance district; and requiring the division to submit the plan to the Legislature for approval as a legislative rule"; to the Committee on Roads and Transportation then Finance.

**By Delegates Fleischauer, Pyles, Canestraro, Lovejoy, Baldwin, Thompson, Hicks, Robinson, Isner, E. Evans and Fluharty:**

**H. B. 2355** - "A Bill to repeal §21-5G-1, 3 §21-5G-2, §21-5G-3, §21-5G-4, §21-5G-5, §21-5G-6, §21-5G-7 and §21-5G-8 of the Code of West Virginia, 1931, as amended; and to amend and reenact §21-1A-3 and §21-1A-4 of said code, all relating to repealing the West Virginia Workplace Freedom Act and restoring prior law; and authorizing employers, through agreement with a labor organization, to require membership in the organization as a condition of employment"; to the Committee on Industry and Labor then the Judiciary then Finance.

**By Delegate Pyles:**

**H. B. 2356** - "A Bill to amend and reenact §8-26A-3 of the Code of West Virginia, 1931, as amended, relating to the approval of the Historic Landmarks Commission for certain municipal planning commission projects within a historic district designated by listing on the National Register of Historic Places"; to the Committee on Political Subdivisions then Government Organization.

**By Delegate Pyles:**

**H. B. 2357** - "A Bill to amend and reenact §17-4-27 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17C-17-12 of said code, all relating to the power of local government authorities to regulate vehicular traffic within their borders"; to the Committee on Roads and Transportation then the Judiciary.

**By Delegates Sponaugle and Fluharty:**

**H. B. 2358** - "A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to personal income tax; exempting a percentage of social security benefits

from personal income tax based on individual's overall amount of taxable income"; to the Committee on Senior Citizen Issues then Finance.

**By Delegate Arvon:**

**H. B. 2359** - "A Bill to amend and reenact §30-14-12 of the Code of West Virginia, 1931, as amended, relating to offenses and penalties for practicing osteopathic medicine without a license"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Ellington and Summers:**

**H. B. 2360** - "A Bill to amend and reenact §9-2-6 of the Code of West Virginia, 1931, as amended, relating to exempting certain contracts from the bidding process"; to the Committee on Health and Human Resources then Government Organization.

**By Delegates Hamilton, Wagner, Statler, A. Evans, Ambler, R. Romine, Eldridge, Lynch, Ferro, Pethel and Rowe:**

**H. B. 2361** - "A Bill to amend and reenact §33-3-33 of the Code of West Virginia, 1931, as amended, relating to the surcharge on fire and casualty insurance policies; providing that the surcharge be increased to one percent; and providing that the surcharge be used solely for volunteer fire departments"; to the Committee on Banking and Insurance then Finance.

**By Delegates Cooper and O'Neal:**

**H. B. 2362** - "A Bill to amend and reenact §20-2-35 of the Code of West Virginia, 1931, as amended, relating to the beginning and expiration of hunting and fishing licenses"; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Cooper, Howell, Ambler, Rowan and Moye:**

**H. B. 2363** - "A Bill to amend and reenact §17E-1-18 of the Code of West Virginia, 1931, as amended, relating to commercial driver's license; and requiring that a state employee with a commercial driver's license have a current medical evaluation certification and may not have a medical waiver"; to the Committee on Roads and Transportation then the Judiciary.

**By Delegates Hamilton, Ambler, A. Evans, Statler, R. Romine, Hicks, Rodighiero, Hamrick, Eldridge, Lynch and Frich:**

**H. B. 2364** - “A Bill to amend and reenact §3-9-9 of the Code of West Virginia, 1931, as amended, relating to prohibiting electioneering within or near early voting locations during early voting periods and making stylistic changes to outdated language”; to the Committee on the Judiciary.

**By Delegates Hamilton, A. Evans, Ambler, Statler, Cowles, Gearheart, Butler, Hamrick, Eldridge, Lynch and Frich:**

**H. B. 2365** - “A Bill to amend of the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-22-26, relating to outdoor advertising regulated by the Commissioner of Highways; and providing exemption to licensing requirement for a person to place signs, displays or devices advertising events to be held no more frequently than once a year at locations other than where the event will be held”; to the Committee on Roads and Transportation then the Judiciary.

**By Delegates Ellington and Summers:**

**H. B. 2366** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-25, relating to the selling of certain state owned health care facilities by the Secretary of the Department of Health and Human Resources; exempting certain laws; creating a fund; and providing statutory construction”; to the Committee on Health and Human Resources then Finance.

**By Delegates R. Miller, Marcum, Eldridge, Rodighiero, Phillips, Sobonya, Lovejoy and Hicks:**

**H. B. 2367** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-3F-1, §61-3F-2 and §61-3F-3, all relating to establishing a criminal offense of organized retail crime; defining terms; providing crime elements and penalties, and providing procedures for forfeiture of assets derived from defined criminal activity”; to the Committee on the Judiciary.

**By Delegates Moye, Hornbuckle, Ambler, Cooper, Rowan, Hartman and Boggs:**

**H. B. 2368** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-4-22, relating to candidates for professional employee positions involving supervision of a county transportation department; making any service employee who is certified as a Director or Supervisor of Pupil Transportation by the National Association for Pupil Transportation Certification an eligible candidate and requiring county boards to consider such candidates"; to the Committee on Education.

**By Delegates Frich, Folk and Butler:**

**H. B. 2369** - "A Bill amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-7-18, relating to creating the 'Firearm Protection Act'; providing that any federal law which attempts to ban semiautomatic firearm or to limit the size of a magazine of a firearm or other limitation on firearms in this state is unenforceable in West Virginia; and providing an effective date"; to the Committee on the Judiciary.

**By Delegates Moye, Hornbuckle and Ambler:**

**H. B. 2370** - "A Bill to amend and reenact §5-16-13 of the Code of West Virginia, 1931, as amended, relating to restoring the ability of new hires to use accrued annual and sick leave for retirement service credit"; to the Committee on Pensions and Retirement then Finance.

**By Delegates Pushkin, Fluharty and Sponaule:**

**H. B. 2371** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article designated §46A-6N-1, §46A-6N-2, §46A-6N-3, §46A-6N-4, §46A-6N-5, §46A-6N-6, §46A-6N-7, §46A-6N-8, §46A-6N-9 and §46A-6N-10, all relating to placing upon the manufacturers of manufactured homes the duty to meet their obligations and responsibilities under the terms of the express warranties extended to the consumers in this state; and providing consumers additional remedies to enforce the warranties"; to the Committee on the Judiciary.

**By Delegates Fleischauer, Pyles, Canestraro, Lovejoy, Baldwin, Thompson, Hicks, Robinson, Isner, E. Evans and Fluharty:**

**H. B. 2372** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5A-1, §21-5A-2, §21-5A-3, §21-5A-4, §21-5A-5, §21-5A-6, §21-5A-7, §21-5A-8 and §21-5A-9, all relating to reestablishing prevailing wages for certain state government contracts; declaring policy; defining terms; requiring contractors to ascertain rates and to include rates in contract specifications; requiring annual determinations of prevailing wage rates; establishing procedures to file objections to prevailing wage rate determinations; providing for hearings, judicial review and appeal; requiring mandatory provisions in contracts and sub-contracts; providing for posting of rates and record-keeping; establishing criminal penalties for violations of the act; and limiting the scope of the law to post-enactment contracts”; to the Committee on Industry and Labor then the Judiciary.

**By Delegates Statler, Hill, Espinosa, Kessinger, N. Foster, Wagner, McGeehan, Higginbotham, Ward, Williams and Ellington:**

**H. B. 2373** - “A Bill to amend and reenact §18-5-22c of the Code of West Virginia, 1931, as amended, relating to authorizing school bus drivers trained in administration of epinephrine auto-injectors to administer auto-injectors to a student or school personnel experiencing an anaphylactic reaction and making school bus drivers immune from liability for administration of an epinephrine auto-injector except in cases of gross negligence or willful misconduct”; to the Committee on Education then the Judiciary.

**By Delegates Statler, Westfall, Maynard, Espinosa, Upson, Hill, Kessinger, N. Foster, Wagner, Higginbotham and Ward:**

**H. B. 2374** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-15e, relating to requiring schools to post signs displaying the Childhelp National Child Abuse Hotline number in certain areas of

the school and giving the State Superintendent rulemaking authority”; to the Committee on Education.

**By Delegates Moore, Hill, Martin, Dean, Paynter, Upson, Atkinson, Ward, Espinosa, Westfall and C. Miller:**

**H. B. 2375** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13DD-1, §11-13DD-2, §11-13DD-3, §11-13DD-4, §11-13DD-5, §11-13DD-6 and §11-13DD-7; and to amend and reenact §11-21-8 of said code; and to amend and reenact §11-24-4 of said code; and to amend said code by adding thereto a new section, designated §11-24-5a, all relating to establishing a Small Business Empowerment and Economic Expansion Program providing tax relief to newly-established small businesses; defining terms; creating a credit against state business taxes for property taxes paid for tangible personal property of a small business; describing a procedure for use of the credit; limiting the duration of the credit; requiring reports to the Legislature; reducing the effective personal and corporate income tax rates for income derived from eligible small businesses; from providing for the termination of the program after ten years; and eliminating language relating to an expired severance tax credit”; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

**By Delegates Ellington and Summers:**

**H. B. 2376** - “A Bill to amend and reenact §5F-1-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §5F-2-1 and §5F-2-2 of said code; to amend and reenact §9-5-11b and §9-5-22 of said code; to amend said code by adding thereto a new section, designated §9-10-1; to amend and reenact §11-27-38 of said code; to amend and reenact §11B-2-15 of said code; to amend and reenact §16-3-5 of said code; to amend and reenact §16-5S-7 of said code; to amend and reenact §33-25G-2 of said code; to amend and reenact §49-2-125 of said code; and to amend and reenact §60A-9-5 of said code, all relating to the organizational structure of state government; providing that the Bureau for Medical Services be renamed the Department of Medical Services with the Commissioner of the Bureau for Medical Services becoming the Secretary of the Department of Medical Services;

providing that the department continue to operate as currently configured as the Bureau for Medical Services with the structure of the Department of Health and Human Resources for administrative support, interagency cooperation and program support; removing the Human Rights Commission, Division of Human Services, Bureau for Public Health, Office of Emergency Medical Services and the Emergency Medical Service Advisory Council, Health Care Authority, Commission on Mental Retardation, Women's Commission and the Child Support Enforcement Division from administration by the Department of Administration; providing that the Bureau for Public Health, The Bureau for Child Support Enforcement, The Bureau of Children and Families, The Office of the Inspector General, The Health Care Authority, The State Commission on Intellectual Disability, The Women's Commission, The Commission for the Deaf and Hard of Hearing; and the James H. 'Tiger' Morton Catastrophic Illness Commission are to be administered as a part of the Department of Health and Human Resources; providing that the Bureau of Medical Services and The Children's Health Insurance Agency are incorporated in and administered as a part of the Department of Medical Services; and making technical changes in various chapters of the code to reflect the creation of the Department of Medical Services"; to the Committee on Health and Human Resources then Government Organization.

**By Delegates McGeehan, Hamrick, Gearheart and Folk:**

**H. B. 2377** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-1B-1a, relating to the West Virginia National Guard; requiring an official declaration of war or an action to call forth the state militia by the United States Congress before members of the West Virginia National Guard may be released from state control to participate in active duty combat"; to the Committee on Veterans' Affairs and Homeland Security then the Judiciary.

**By Delegates Rowe, Pushkin and Fleischauer:**

**H. B. 2378** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-15g, relating to requiring county boards of education to provide

days prior to early voting during primary and general elections for registering eligible students to vote and being transported to vote”; to the Committee on Education then Finance.

**By Delegate Howell:**

**H. B. 2379** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-6L-1, §11-6L-2, §11-6L-3, §11-6L-4, §11-6L-5 and §11-6L-6, all relating to providing a special method for valuation of certain wireless technology property for property taxes; defining terms; providing mandated salvage valuation of certain wireless businesses’ property; specifying method for valuation of certain property; requiring initial determination by county assessors of whether certain property is subject to this article; and specifying procedure for protest and appeal of determination by county assessor”; to the Committee on the Judiciary then Finance.

**By Delegates Upson, Blair, Espinosa and Hornbuckle:**

**H. B. 2380** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-6A-1, §29-6A-2, §29-6A-3, §29-6A-4 and §29-6A-5, all relating to enacting the Ban-the-Box Act, prohibiting public employers from asking applicants for employment to disclose information concerning the applicant’s criminal record or history, under certain circumstances”; to the Committee on Industry and Labor then the Judiciary.

**By Delegate Shott:**

**H. B. 2381** - “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to raising the maximum personal income tax exemption for persons over the age of sixty-five and for persons who are totally disabled, for the next three years”; to the Committee on Finance.

**By Delegates Rohrbach and Sobonya:**

**H. B. 2382** - “A Bill to amend and reenact §61-3-49 of the Code of West Virginia, 1931, as amended, relating to the purchase of scrap metal”; to the Committee on the Judiciary.



**By Delegates Overington, G. Foster, Frich, Hamilton, Rowan, Espinosa and Upson:**

**H. B. 2383** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §1-2-2a, relating to requiring that the Redistricting Office of the Joint Committee on Government and Finance plan and propose congressional and legislative districts; providing specific criteria that the redistricting office must observe in proposing district mappings; requiring the redistricting office to advertise a proposed draft map of districts to the public; requiring the redistricting office to recommend redistricting plan to the Legislature; requiring the full Legislature to vote on plan ratification; providing for subsequent submissions of plans and vote by Legislature; requiring that commission certify to the Secretary of State that its final proposal for district boundaries is in accordance with Constitutional and legal requirements; and prohibiting certain persons from influencing or attempting to influence district mapping proposals of the redistricting office”; to the Committee on the Judiciary.

**By Delegates Caputo and Rowan:**

**H. B. 2384** - “A Bill to amend and reenact §61-8-28 of the Code of West Virginia, 1931, as amended, relating to the use of drone surveillance of private citizens; and providing criminal penalties”; to the Committee on the Judiciary.

**By Delegates Ferro, Pethel, Hamilton and Caputo:**

**H. B. 2385** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13A-3f, relating to reallocating and dedicating up to \$30 million of the natural gas and oil severance tax revenues annually to the natural gas and oil-producing counties of origin; providing for distribution of the moneys to the districts of the Division of Highways by the State Treasurer; establishing amounts each natural gas and oil-producing Division of Highways district and counties within a district are to receive; requiring moneys be used solely for the secondary roads; providing duties of State Tax Commissioner and Division of Highways; requiring reports of expenditures to Joint Committee on Government and Finance; providing audits of

distributed funds when authorized by the Joint Committee on Government and Finance; providing an effective date; and authorizing legislative and emergency rules”; to the Committee on Energy then Finance.

**By Delegate Ferro:**

**H. B. 2386** - “A Bill to amend and reenact §17A-10-8 of the Code of West Virginia, 1931, as amended, relating to exempting recipients of the distinguished Purple Heart medal from payment of the vehicle registration fee for West Virginia residents”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

**By Delegate Byrd:**

**H. B. 2387** - “A Bill to amend and reenact §18-2-7b of the Code of West Virginia, 1931, as amended, relating to requiring the State Board of Education to prescribe a comprehensive drug awareness and prevention program to be implemented by county boards of education that mandates students in grades K through 12 receive instruction regarding the dangers of substance abuse; providing purposes of the drug awareness and prevention program; requiring the State Board of Education to coordinate the directives of this amendment with educators, drug rehabilitation specialists and law-enforcement agencies; and providing instruction to students on risks, if stopped by law-enforcement officers, and proper responses and behavior, if arrested”; to the Committee on Prevention and Treatment of Substance Abuse then Education.

**By Delegate Byrd:**

**H. B. 2388** - “A Bill to amend and reenact §18-2E-5 of the Code of West Virginia, 1931, as amended, relating to the comprehensive statewide student assessment; and requiring ACT and ACT Aspire to be used as the comprehensive statewide student assessment”; to the Committee on Education then Finance.

**By Delegates Howell, Fast and Phillips:**

**H. B. 2389** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-45; to amend said code by adding thereto a new section, designated §11-24-11c; and to amend said code by adding thereto

a new section, designated §23-2-18, all relating to workers' compensation insurance; allowing an employer to extend workers' compensation coverage to an employee engaged in volunteer fire fighting and allowing employers a tax credit for the cost of providing workers' compensation insurance coverage to employees engaged in volunteer fire fighting"; to the Committee on the Judiciary then Finance.

**By Delegates Phillips, Marcum, Rodighiero, Eldridge, R. Miller, Maynard, Paynter, Hartman, Blair, Hamilton and Overington:**

**H. B. 2390** - "A Bill to repeal §61-11-2 of the Code of West Virginia, 1931, as amended; to repeal §62-3-15 of said code; to amend and reenact §61-2-2 of said code; to amend said code by adding thereto seven new sections, designated §61-2-2a, §61-2-2b, §61-2-2c, §61-2-2d, §61-2-2e, §61-2-2f and §61-2-2g; and to amend said code by adding thereto four new sections, designated §62-7-4, §62-7-5, §62-7-6 and §62-7-6a, all relating to death penalty for first degree murder; procedures, standards and findings applicable to imposition thereof in certain instances including aggravating and mitigating circumstances; sentencing; providing automatic review of the death penalty by the Supreme Court of Appeals; providing for forensic deoxyribonucleic acid ('DNA') testing of biological material in death penalty cases; providing for execution of the death sentence by lethal injection; providing for delivery of sentence of death to officer retaining custody of person so sentenced; providing for transmission of indictment, order of conviction, sentence and judgment entered thereon to the warden of the state correctional facility; transfer of person sentenced to death to the state correctional facility; execution; providing presence of certain persons be requested for the execution; providing for certification that sentence of death has been executed; and providing for disposition of the body"; to the Committee on the Judiciary.

**By Delegates Upson and Blair:**

**H. B. 2391** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §25-7-17, relating to establishing an arborists program for inmates; training;

inspection of trees along state roads and highways”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Summers and Shott:**

**H. B. 2392** - “A Bill to amend and reenact §18-8-4 of the Code of West Virginia, 1931, as amended, relating to truancy intervention, and defining excused and unexcused absences”; to the Committee on Education then the Judiciary.

**By Delegates Shott and Folk:**

**H. B. 2393** - “A Bill to amend and reenact §5-10A-2 of the Code of West Virginia, 1931, as amended, relating to adding violations of law upon which a public servant’s retirement plan may be forfeited; changing the definition of less than honorable service; removing the exception of a misdemeanor from the definition of less than honorable service relating to impeachment and conviction of a participant or former participant under the Constitution; removing the exception for certain lesser included crimes to constitute less than honorable service; and adding additional violations of law which constitute less than honorable service”; to the Committee on Pensions and Retirement then Finance.

**By Delegates Upson, Shott and Folk:**

**H. B. 2394** - “A Bill to amend and reenact §6B-2-5 of the Code of West Virginia, 1931, as amended, relating to prohibited interests in public contracts and appropriations of moneys under the Ethics Act; prohibiting elected or appointed mayors of a municipality or members of a municipality’s governing body or council from being employed by the municipality in which they serve; and requiring public officials, except members of the Legislature, to recuse themselves from voting on the appropriation of moneys or award of contract to a nonprofit corporation if the public official or an immediate family member is employed by or an officer or board member of the nonprofit, whether compensated or not”; to the Committee on the Judiciary.

**By Delegates Fluharty, Pushkin and Miley:**

**H. B. 2395** - “A Bill to amend and reenact §6B-3-2 of the Code of West Virginia, 1931, as amended, relating to prohibiting

chairmen of state political parties during or up to one year after the termination of their employment as chairmen of those political parties from registering as lobbyists; and providing an effective date”; to the Committee on the Judiciary.

**By Delegates Folk, Hamilton, Frich and Gearheart:**

**H. B. 2396** - “A Bill to amend and reenact §44A-2-7 of the Code of West Virginia, 1931, as amended, relating to appointing counsel for an alleged protected person; and requiring the circuit court to make appointments from a listing of all interested and qualified attorneys in the circuit and on a rotating basis”; to the Committee on the Judiciary.

**By Delegate Hamilton:**

**H. B. 2397** - “A Bill to amend and reenact §59-1-2 of the Code of West Virginia, 1931, as amended, relating to donations of overpayment of fees to the Secretary of State”; to the Committee on the Judiciary then Finance.

**By Delegate Pushkin:**

**H. B. 2398** - “A Bill to amend and reenact §18-5B-14 of the Code of West Virginia, 1931, as amended, relating to extending funding for School Innovation Zones and Local Solution Dropout Prevention and Recovery Innovation Zones”; to the Committee on Education then Finance.

**By Delegates Sponaugle, Marcum and Pushkin:**

**H. B. 2399** - “A Bill to repeal §11-21-22a of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-21-22 and §11-21-22b of said code, all relating to personal income tax; creating the West Virginia Earned Income Tax Credit; and authorizing a refundable tax credit based upon the federal earned income tax credit”; to the Committee on Finance.

**By Delegates Sponaugle, Hornbuckle and Phillips:**

**H. B. 2400** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12j, relating to providing certain members of volunteer fire departments and rescue squads a \$5,000 modification reducing

federal adjusted gross income for personal income tax purposes”; to the Committee on Finance.

**By Delegates Ellington, Cooper and Summers:**

**H. B. 2401** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-4-1b, relating to increasing teacher salaries”; to the Committee on Education then Finance.

**By Delegates Howell, Frich, Eldridge and Phillips:**

**H. B. 2402** - “A Bill to amend and reenact §17-24A-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §17-24A-6a, all relating to abandoned antique vehicles; creating a special procedure for a person in possession of an abandoned antique vehicle to apply for and receive title to the vehicle; creating a procedure for the Division of Motor Vehicles to search for the owner of the vehicle and provide notice of the application for title to vehicle; creating a procedure for the owner to reclaim the vehicle within thirty days of notice of an application for title to the vehicle; establishing fees to accompany an application for title to the vehicle; establishing fees for reclamation of the vehicle by owner; creating a misdemeanor and, imposing fines for interfering with an owner’s attempt to reclaim a vehicle; and directing the division to promulgate rules and forms to effectuate new procedure”; to the Committee on Roads and Transportation then Finance.

**By Delegates Rowan, Cooper, Moye, Ambler, Wagner and Fast:**

**H. B. 2403** - “A Bill to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended relating to permitting county boards of education to accumulate instructional days and use them when needed in a later instructional term when inclement weather and emergencies prevent the otherwise full instructional term from being completed; and establishing an instructional day to be three hundred thirty minutes”; to the Committee on Education.

**By Delegates Rowan, Moye, Overington and Phillips:**

**H. B. 2404** - “A Bill to amend and reenact §36-1-20 of the Code of West Virginia, 1931, as amended; and to amend and

reenact §42-4-2 of said code, all relating generally to barring persons who are convicted of certain criminal offenses from acquiring property from their victims through joint tenancy or inheritance; and creating exceptions”; to the Committee on Senior Citizen Issues then the Judiciary.

**By Delegate Gearheart:**

**H. B. 2405** - “A Bill to amend and reenact §29-22B-1101 and §29-22B-1408 of the Code of West Virginia, 1931, as amended, all relating to permitting licensed limited video lottery retailers to have up to seven video lottery terminals; permitting certain fraternal societies and veterans’ organizations to have up to twelve video lottery terminals; and providing that a portion of the revenue generated by the lottery terminals be deposited into the State Road Fund”; to the Committee on Small Business, Entrepreneurship and Economic Development then the Judiciary then Finance.

**By Delegate Caputo:**

**H. B. 2406** - “A Bill to amend and reenact §20-7-1a and §20-7-1c of the Code of West Virginia, 1931, as amended, all relating to providing an increase in compensation for natural resources police officers”; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegates Caputo and Moyer:**

**H. B. 2407** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-2-5a, relating to requiring compensation be made to certain members of the State Police for off-duty time when they are required to be on standby to be called back to work; requiring off duty State Police officers who are called back to work or appear in court be compensated a minimum amount; and providing a housing cost stipend for those officers who reside in and are assigned to one of the top five counties in median monthly housing costs”; to the Committee on Government Organization then Finance.

**By Delegates Overington, Gearheart, Westfall, Phillips and G. Foster:**

**H. B. 2408** - “A Bill to repeal §61-11-2 of the Code of West Virginia, 1931, as amended; to repeal §62-3-15 of said code; to

amend and reenact §61-2-2 of said code; to amend said code by adding thereto seven new sections, designated §61-2-2a, §61-2-2b, §61-2-2c, §61-2-2d, §61-2-2e, §61-2-2f and §61-2-2g; and to amend said code by adding thereto four new sections, designated §62-7-4, §62-7-5, §62-7-6 and §62-7-6a, all relating to death penalty for first degree murder; procedures, standards and findings applicable to imposition thereof in certain instances including aggravating and mitigating circumstances; sentencing; providing automatic review of the death penalty by the Supreme Court of Appeals; providing for forensic deoxyribonucleic acid ('DNA') testing of biological material in death penalty cases; providing for execution of the death sentence by lethal injection; providing for delivery of sentence of death to officer retaining custody of person so sentenced; providing for transmission of indictment, order of conviction, sentence and judgment entered thereon to the warden of the state correctional facility; transfer of person sentenced to death to the state correctional facility; execution; providing presence of certain persons be requested for the execution; providing for certification that sentence of death has been executed; and providing for disposition of the body"; to the Committee on the Judiciary.

**By Delegate Gearheart:**

**H. B. 2409** - "A Bill to amend and reenact §18-9D-15 and §18-9D-16 of the Code of West Virginia, 1931, as amended, all relating to the School Building Authority; eliminating local participation in funding school construction projects and the associated limited funding reserve; eliminating certain regional planning activities when evaluating proposed construction projects; eliminating the requirement of a county board's efforts in school bond issues being a consideration when evaluating proposed projects; eliminating the requirement that counties receive explanations detailing the authority's decision concerning the funding of projects; requiring funds awarded by the School Building Authority must be consistent with the evaluation report of the School Building Authority; and declaring certain documents related to funding consideration to be public documents and available to the public upon request"; to the Committee on Education then Finance.



**By Delegate Folk:**

**H. B. 2410** - “A Bill to amend and reenact §16-13A-9 of the Code of West Virginia, 1931, as amended, relating to public sewage services; requiring that individuals receiving public sewage services who do not also receive public water services are charged based on the mean or median of monthly water consumption in their customer class, whichever is lower”; to the Committee on Political Subdivisions then the Judiciary.

**By Delegate Fast:**

**H. B. 2411** - “A Bill to amend and reenact §29-21-13a of the Code of West Virginia, 1931, as amended, relating to Public Defender Services; increasing the hourly rate for attorneys for in court and out of court work including investigative services; permitting attorneys who spend at least 1200 hours a year on court appointed cases to enroll in the Public Employees Insurance Agency plans; and requiring the executive director to propose rules, for legislative approval, that relate to requirements for the attorneys to enroll in the plans”; to the Committee on the Judiciary then Finance.

**By Delegate Cooper:**

**H. B. 2412** - “A Bill to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended, all relating to primary and secondary school instructional terms; removing the word ‘separate’ throughout the section as it relates to the number of instructional days in the school calendar; requiring that the instructional term for students begin no earlier than August 10 and end no later than June 10, except for schools operating on a balanced calendar; removing preparation for opening and closing school from mandatory list of areas for which remaining noninstructional days may be designated by county school board; designating one noninstructional day for teachers as a preparation day; allowing teacher preparation day to be used for other purposes only at teacher’s discretion; increasing number of two-hour blocks for faculty senate meetings from four to six; removing requirement that faculty senate meetings be held once every forty-five days; permitting accrued minutes to be used for lost instructional days; designating time frames within which faculty senate meetings may

take place; and requiring county boards to first use accrued minutes for early dismissals and late arrivals and requiring that any reimagining student instructional days be exhausted prior to using accrued minutes for lost instructional days”; to the Committee on Education.

**By Delegates Folk, McGeehan, Butler, Shott, Upson, Martin, Ellington, Walters, Householder, Storch and Howell:**

**H. B. 2413** - “A Bill to amend and reenact §5A-2-33 of the Code of West Virginia, 1931, as amended, relating to requiring the comprehensive annual financial report to be published by the end of December of the calendar year in which the fiscal year reported upon ended”; to the Committee on Government Organization then Finance.

**By Delegate Caputo:**

**H. B. 2414** - “A Bill to amend and reenact §11A-1-3 of the Code of West Virginia, 1931, as amended, relating to allowing quarterly payment of real and personal property taxes”; to the Committee on the Judiciary then Finance.

**By Delegates Howell, Upson, Statler, Walters, McGeehan, Sypolt, C. Miller, Westfall, Hamrick, Higginbotham and Harshbarger:**

**H. B. 2415** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-3-11; and to amend and reenact §17-3A-2 and §17-3A-4 of said code, all relating to construction of industrial access roads with state funds; requiring that access roads to unoccupied industrial facilities be initially constructed as a two-lane highway meeting certain design standards and authorizing additional lanes to be added to two-lane access roads to previously unoccupied industrial facilities only after the traffic volume indicates the need for a four-lane highway”; to the Committee on Roads and Transportation then Finance.

**By Delegates Pyles and Upson:**

**H. B. 2416** - “A Bill to amend and reenact §11-21-8a of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-24-23a of said code, all relating to increasing the tax

credits allowed for rehabilitation of certified historic structures”; to the Committee on Finance.

**By Delegates Pyles and Lynch:**

**H. B. 2417** - “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to exempting from personal income tax the entirety of any income received under the federal Social Security system for persons with an adjusted federal gross income of one hundred thousand dollars or less”; to the Committee on Senior Citizen Issues then Finance.

**By Delegates Pyles and Upson:**

**H. B. 2418** - “A Bill to amend and reenact §61-8-19 of the Code of West Virginia, 1931, as amended, relating to prohibiting the performing of an onychectomy or flexor tendonectomy procedure on a cat”; to the Committee on Agriculture and Natural Resources then the Judiciary.

## **House Calendar**

### **First Reading**

**Com. Sub. for H. B. 2006**, Increasing the penalties for violating the Whistle-blower Law; on first reading, coming up in regular order, was read a first time and ordered to second reading.

### **Miscellaneous Business**

Delegate Overington filed a form with the Clerk’s Office per House Rule 94b to be added as a cosponsor of H. B. 2303.

Delegates Gearheart, Westfall, Phillips, G. Foster, Walters, Fast, Dean, Wilson, Rowan and Ambler filed a form with the Clerk’s Office per House Rule 94b to be added as a cosponsor of H. B. 2408.

At 11:44 a.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, February 14, 2017.



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Tuesday, February 14, 2017

## SEVENTH 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 13, 2017, being the first order of business, when the further reading thereof was dispensed with and the same approved.

### Committee Reports

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2205**, Exempting heating oil for residential use from the Motor Fuel Excise Tax,

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. 2205) was referred to the Committee on Finance.

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. B. 2007**, Eliminating courtesy patrol programs,

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. 2007) was referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2099**, Defining the act of leaving the scene of a crash involving death or serious bodily injury as a felony; Erin's Law,

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

**Com. Sub. for H. B. 2099** – “A Bill to amend and reenact §17C-4-1 of the Code of West Virginia, 1931, as amended, relating to crashes involving death or personal injuries; creating a crime of knowingly leaving the scene of a crash; creating a crime of knowingly leaving the scene of a crash that is the proximate cause of serious bodily injury; establishing definitions to be used in the application of this section for bodily injury and seriously bodily injury; and providing criminal penalties,”

With the recommendation that the committee substitute do pass.

### **Resolutions Introduced**

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

**By Delegates Howell, Mr. Speaker (Mr. Armstead), Espinosa, Frich, Cooper and Blair:**

**H. J. R. 15** – “Proposing an amendment to the Constitution of the State of West Virginia, amending section one-b, article ten thereof, relating to ad valorem property tax rates for citizens of the age of sixty-five or older; locking the value of a homestead

property, for the purpose of calculating property taxes, at the assessed value when the owner-occupier turned sixty-five or purchased the property, whichever occurred later”; to the Committee on Finance then the Judiciary.

### **Bills Introduced**

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

**By Delegates Lane, Sobonya, Moore, Kessinger, N. Foster and Householder:**

**H. B. 2001** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-3-10f; and to amend and reenact §6B-2-1, §6B-2-2, §6B-2-2a, §6B-2-3a, §6B-2-4, §6B-2-5, §6B-2-6 and §6B-2-10 of said code, all relating to ethics and transparency in government generally; providing for the disclosure of interested parties to a government contract; defining terms; prohibiting contracting with a state agency unless business entity submits disclosure of interested parties; requiring submission of supplemental disclosure within thirty days of completion or termination of the contract; providing exceptions to the disclosure requirement for certain contracts; requiring the Ethics Commission create disclosure form; specifying contents to be included in the disclosure form; requiring state agencies to submit completed forms to the Ethics Commission; requiring the Ethics Commission to make disclosures publicly available; requiring the Ethics Commission to post disclosures on the commission website when technologically able; authorizing members of the Ethics Commission and members of the Probable Cause Review Board to participate and vote via video conferencing; clarifying and expanding the violations in which a complaint may be referred to the Probable Cause Review Board; clarifying that the Probable Cause Review Board conducts investigations and not hearings to determine probable cause; clarifying and expanding the violations in which a complaint may be initiated by the Ethics Commission; clarifying that the Probable Cause Review Board is the entity to receive evidence bearing on the issue of probable cause; clarifying that the commission and review board may ask a respondent to disclose specific amounts received from a source and request other detailed information; clarifying that

both the Ethics Commission and the Probable Cause Review Board have subpoena power; clarifying that confidentiality provisions apply to both the commission and the review board; specifying that at least five members of the commission approve of a decision on the truth or falsity of the charges against a respondent and a decision to impose sanctions; clarifying and expanding the violations in which sanctions may be imposed by the Ethics Commission; prohibiting a public official or public employee from knowingly and intentionally influencing, attempting to influence, showing favoritism or granting patronage in the employment or working conditions of his or her relative or a person with whom he or she resides; eliminating the voting prohibition on personnel matters involving a public official's spouse or relative; prohibiting public officials, except certain members of the Legislature, from voting on the employment or working conditions of the public official's relative or person with whom the public official resides; prohibiting public officials, except certain members of the Legislature, from voting on the appropriation of moneys or award of contract to a nonprofit corporation if the public official or an immediate family member is employed by or an officer or board member of the nonprofit, whether compensated or not; clarifying the timeframe in which a candidate for public office must file a financial disclosure statement and providing an exception to filing such a financial disclosure statement if the candidate has previously filed a statement for the previous calendar year; and amending statutory cross-references to reflect proper reference to other statutes"; to the Committee on the Judiciary.

**By Delegates Upson, Espinosa, Householder, Longstreth, Robinson, Sobonya, Phillips, Hill, Ellington and Higginbotham:**

**H. B. 2419** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-3C-14c, relating to defining and establishing the crime of cyberbullying; imposing penalties"; to the Committee on the Judiciary.

**By Delegates Westfall, Statler, White and Atkinson:**

**H. B. 2420** - "A Bill amend and reenact §18-2-5b of the Code of West Virginia, 1931, as amended, relating to the State Board of Education and Medicaid eligible children; and providing that the



state board may delegate its provider status and subsequent reimbursement to regional educational service agencies or county boards subject to the county board determining that there is a net benefit and no detraction from the educational program of the county”; to the Committee on Education then Health and Human Resources.

**By Delegates Overington, Frich, G. Foster, Wilson, Householder, Upson, Deem, N. Foster, Butler, Folk and Phillips:**

**H. B. 2421** - “A Bill to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating to required courses of school instruction generally; requiring the accumulation of one and one-half years of instruction in the study of the Declaration of Independence and other founding American historical documents including the Bill of Rights and requiring study of the historical, political and social environments at the time these documents were generated before high school graduation”; to the Committee on Education then the Judiciary.

**By Delegates Robinson, Storch, Sobonya, Pushkin, Hornbuckle, Upson, Blair, Boggs, Lovejoy, Ellington and Isner:**

**H. B. 2422** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2A-1, §16-2A-2, §16-2A-3 and §16-2A-4, all relating to creating the Ryan Brown Addiction Prevention and Recovery Fund Act; providing legislative findings, purpose, rules proposed by the Director of the West Virginia Department of Health and Human Resources; and establishing the Ryan Brown Addiction Prevention and Recovery Fund to be administered by the West Virginia Department of Health and Human Resources”; to the Committee on Prevention and Treatment of Substance Abuse then Finance.

**By Delegates Howell, Arvon, Summers, Rohrbach, Ellington, Shott, Ward, Hamrick, Dean, Wilson and Atkinson:**

**H. B. 2423** - “A Bill to amend and reenact §61-8-31 of the Code of West Virginia, 1931, as amended, relating to the criminal offense of therapeutic deception; and including medical doctors

and doctors of osteopathy as medical professionals who are subject to the prohibition against therapeutic deception”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Howell, Hamrick, Arvon, Storch, Wilson, Ward, Ellington, Dean, Atkinson, Fast and Gearheart:**

**H. B. 2424** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17B-2-8a; and to amend and reenact §61-7-4 of said code, all relating to requiring that voter registration information appear on certain state issued identification cards by January 1, 2019; requiring the Secretary of State and the Commissioner of Motor Vehicles to collaborate to ensure that certain voter registration information appears on all driver’s licenses and identification cards issued by the Division of Motor Vehicles and requiring the Secretary of State and county sheriffs to collaborate to ensure that certain voter registration information appear on all licenses to carry a deadly weapon issued by a county sheriff”; to the Committee on the Judiciary.

**By Delegates Walters, Howell, Rohrbach, Lewis, Frich, Blair, Hamrick, Kelly, Anderson and Gearheart:**

**H. B. 2425** - “A Bill to amend and reenact §11-16-6b of the Code of West Virginia, 1931, as amended, relating to authorizing licensees authorized to sell growlers of nonintoxicating beer to offer complimentary samples to patrons from their licensed premises”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegates Marcum, Phillips, R. Miller, Rodighiero, Sobonya, Rohrbach, Lovejoy, Maynard, Hamrick, Westfall and Overington:**

**H. B. 2426** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-6-21a, relating to requiring a minimum criminal penalty of life imprisonment upon conviction of first degree murder, second degree murder, or voluntary manslaughter if the convicted individual selected the victim of such crime based on the victim’s actual or perceived employment as a law-enforcement officer”; to the Committee on the Judiciary.

**By Delegates Howell, Arvon, Atkinson, Blair, Hamrick, Hartman, Lynch and Ferro:**

**H. B. 2427** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5F-1-5, relating to requiring agencies listed in the online state phone directory to update certain employee information by July 1, 2017 or provide that information to the Office of Technology; requiring agencies to update directory information within 30 days of a personnel action or event, or provide that information to the Office of Technology; and requiring the Office of Technology to update directory information within 30 days of receipt of information from an agency”; to the Committee on Government Organization.

**By Delegates Kelly, Anderson, Criss, Higginbotham, Ambler, Hollen, Wagner, Ward, C. Romine, Cooper and Atkinson:**

**H. B. 2428** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-53-1, §16-53-2 and §16-53-3, all relating to the establishment of additional substance abuse treatment facilities; offering legislative findings; requiring an additional 600 treatment beds be made available by July 1, 2018; requiring 100 treatment beds be located in Wood County, West Virginia; requiring the Secretary of DHHR to determine how best to effectuate the purposes of the article; creating a Substance Abuse Treatment Fund to support the facilities established pursuant to this article”; to the Committee on Prevention and Treatment of Substance Abuse then Finance.

**By Delegates Overington, Wilson, Paynter, Frich, N. Foster, Lane, Butler, Sobonya, Folk, Fast and Higginbotham:**

**H. B. 2429** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-24a, relating to granting tax credits for parents and legal guardians whose children are in a home schooling program or private school; and providing rule-making authority”; to the Committee on Education then Finance.

**By Delegates Howell, Hamrick, Frich, Hamilton and Blair:**

**H. B. 2430** - “A Bill to amend and reenact §61-6-19 of the Code of West Virginia, 1931, as amended; and to amend said code

by adding thereto a new section, designated §61-7-4b, all relating to endorsements to licenses to carry a concealed deadly weapon in order to authorize the grantee of an endorsement to carry a concealed pistol or revolver onto the grounds of the state Capitol Complex; providing an exception to the crime of carrying a deadly weapon onto the Capitol Complex; describing the effect and scope of an endorsement; establishing a process for application and investigation of applications; setting a fee for application; specifying grounds for the denial or revocation of an endorsement; providing for judicial review of the denial or revocation of an endorsement; and creating a special revenue account to be used to meet the costs of administering the program”; to the Committee on the Judiciary.

**By Delegates Ellington and Rohrbach:**

**H. B. 2431** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-3-4a, relating to allowing influenza immunizations to be offered to patients and residents of specified facilities on a voluntary basis based upon recommendations of the Center for Disease Control”; to the Committee on Health and Human Resources.

**By Delegates Rowan, R. Romine, Overington, Hamilton, Phillips, Moye, Kelly, Pethtel, Rohrbach, Lynch and Ferro:**

**H. B. 2432** - “A Bill to amend and reenact §36-1-20 of the Code of West Virginia, 1931, as amended; and to amend and reenact §42-4-2 of said code, all relating generally to barring persons who are convicted of certain criminal offenses from acquiring property from their victims through joint tenancy or inheritance; and creating exceptions”; to the Committee on the Judiciary.

**By Delegates Walters, Blair, Hamrick and Gearheart:**

**H. B. 2433** - “A Bill to amend and reenact §60-4-3a of the Code of West Virginia, 1931, as amended, relating to authorizing operators of a distillery or mini-distillery to offer for purchase and consumption liquor on the premises if purchased and consumed at a licensed Class A private club operating on the premises of the distillery or mini-distillery; and allowing distilleries and mini-

distilleries to sell and serve alcohol beginning at 10:00 a.m. on Sundays”; to the Committee on Small Business, Entrepreneurship and Economic Development then the Judiciary.

**By Delegates Howell, Mr. Speaker (Mr. Armstead), Fast, Hanshaw, Kessinger, Hill, O’Neal, Lynch and Ambler:**

**H. B. 2434** - “A Bill to amend and reenact §11-4-5 of the Code of West Virginia, 1931, as amended, relating to reevaluation of land damaged as a result of natural disaster”; to the Committee on Political Subdivisions then Finance.

**By Delegate Walters:**

**H. B. 2435** - “A Bill to amend and reenact §21A-6-3 of the Code of West Virginia, 1931, as amended, relating to the disqualification of an employee for unemployment benefits for any week, or portion of a week, in which he or she left or lost his or her job as a result of a strike”; to the Committee on Industry and Labor then the Judiciary.

**By Delegates Gearheart, Householder, Storch, Butler, Folk, Howell and Ellington:**

**H. B. 2436** - “A Bill to amend and reenact §18-9B-5 of the Code of West Virginia, 1931, as amended, relating to suspending the implementation of the school aid formula until the year 2021; requiring that all school systems be funded at the level established by the 2016-2017 budget; and providing that the Legislature develop a new funding formula to be implemented for the budget year 2021-2022”; to the Committee on Education then Finance.

**By Delegates Hamrick, Sypolt, Cooper, C. Miller, Overington, Hamilton, Moore, Zatezalo, Frich, Atkinson and Ward:**

**H. B. 2437** - “A Bill to amend and reenact §30-10-17 of the Code of West Virginia, 1931, as amended, relating to exempting persons practicing animal husbandry from provisions requiring licensing of veterinarians; animal husbandry defined”; to the Committee on Agriculture and Natural Resources then Government Organization.

**By Delegates Westfall and Cooper:**

**H. B. 2438** - “A Bill to amend and reenact §18-2-26 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-5-13 of said code, all relating to allowing county boards of education and regional educational service agencies to purchase computer technology from other than a state-wide contract if certain conditions are met”; to the Committee on Education then Government Organization.

**By Delegates Westfall, White and Frich:**

**H. B. 2439** - “A Bill to amend and reenact §33-11-4 of the Code of West Virginia, 1931, as amended, relating to insurance and unfair claim settlement practices; and providing that. any civil or administrative action authorized or contemplated by this section may only be maintained against an insurer and not against any individual”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegates Westfall, White, Boggs, Hartman, Frich and Hamrick:**

**H. B. 2440** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-4-22, relating generally to guaranteed asset protection waivers; providing short title, scope and legislative intent of section; defining certain terms; specifying requirements for offering guaranteed asset protection waivers; requiring contractual liability or other insurance policies; providing for disclosures and cancellation; exempting commercial transactions; excluding waivers from consumers sales and service tax; specifying effective date of section and providing for section to apply to guaranteed asset protection waivers issued on and after specified date”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegates Wilson, Moore, McGeehan, Maynard, Paynter, Dean, Martin, Ward, Atkinson and Ambler:**

**H. B. 2441** - “A Bill to amend and reenact §20-2-28 of the Code of West Virginia, 1931, as amended, relating to permitting honorably discharged veterans to hunt, trap or fish in this state without first obtaining a license”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

**By Delegates Howell, Eldridge and Hamilton:**

**H. B. 2442** - “A Bill to amend and reenact §18-2-6 and of the Code of West Virginia, 1931, as amended, relating to requiring that, in order to graduate from high school or obtain a General Educational Development (GED) diploma, a pupil must correctly answer at least sixty of the one hundred questions listed on a test that is identical to the civics portion of the naturalization test used by the United States Citizenship and Immigration Services; and requiring a school to document on the pupil’s transcript that the pupil has passed the test”; to the Committee on Education.

**By Delegates Folk, McGeehan, Butler, Upson, Hamrick, Wilson, Paynter, Phillips, Higginbotham, Blair and Martin:**

**H. B. 2443** - “A Bill to amend and reenact §18-2E-5 of the Code of West Virginia, 1931, as amended, relating to establishing academic standards and assessment methods”; to the Committee on Education then Finance.

**By Delegates Howell, Atkinson, Blair, Hamrick and Lynch:**

**H. B. 2444** - “A Bill to amend and reenact §7-1-3rr of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §8-39-1, all relating to requiring county commissions to maintain websites with specific information; requiring county commissions to provide website information to the Secretary of State; requiring Class I and Class II municipalities to maintain websites with specific information; and to allow Class III and IV municipalities to maintain websites provided they contain specific information”; to the Committee on Political Subdivisions then Government Organization.

**By Delegates Howell, Hamrick, Westfall and White:**

**H. B. 2445** - “A Bill to amend and reenact §17-24A-4 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17A-4-10 of said code, all relating to allowing automobile auctions to obtain title to abandoned vehicles”; to the Committee on Roads and Transportation then the Judiciary.

**By Delegates Howell, Arvon, Atkinson, Blair, Hamrick, Hartman, Lynch and Ferro:**

**H. B. 2446** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5F-1-5, relating to the requirement that all executive branch agencies maintain a website that contains specific information”; to the Committee on Government Organization.

**House Calendar**

**Second Reading**

**Com. Sub. for H. B. 2006**, Increasing the penalties for violating the Whistle-blower Law; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Remarks by Members**

Delegate Hill asked and obtained unanimous consent that the remarks of Delegate Upson regarding Black History Month be printed in the Appendix to the Journal.

Delegate Caputo asked and obtained unanimous consent that the remarks of Delegate Moye regarding honorable elections be printed in the Appendix to the Journal.

Delegate Folk asked and obtained unanimous consent that the remarks of Delegate McGeehan regarding legalizing marijuana be printed in the Appendix to the Journal.

**Miscellaneous Business**

Delegate Paynter filed forms with the Clerk’s Office per House Rule 94b to be added as a cosponsor of H. B. 2303 and H. B. 2369.

Delegate Westfall filed forms with the Clerk’s Office per House Rule 94b to be added as a cosponsor of H. B. 2333 and H. B. 2388.

Delegate Wilson filed a form with the Clerk’s Office per House Rule 94b to be added as a cosponsor of H. B. 2369.



Delegate Frich filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2419.

On February 10, 2017, Mr. Speaker (Mr. Armstead), and Delegates Hanshaw, Sobonya, Atkinson, Hill, Fleischauer, Pushkin, Lovejoy and Canestraro filed forms with the Clerk's Office per House Rule 94b to be added as cosponsors of H. B. 2006.

At 11:57 a.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, February 15, 2017.



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Wednesday, February 15, 2017

## EIGHTH 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 Tuesday, February 14, 2017, being the first order of business, when the further reading thereof was dispensed with and the same approved.

### Committee Reports

Delegate Storch, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

**H. B. 2034**, Relating to county budget stabilization funds,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2034) was referred to the Committee on Finance.

Delegate Storch, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

**H. B. 2238**, Auditor, W.Va. State Auditor, procedure for local levying bodies to apply for permission to extend time to meet as levying body,

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. 2238) was referred to the Committee on the Judiciary.

Delegate Fast, Chair of the Committee on Industry and Labor, submitted the following report, which was received:

Your Committee on Industry and Labor has had under consideration:

**H. B. 2103**, Making changes to the definition of contractor for purposes of the West Virginia Contractor Licensing 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 Government Organization.

In accordance with the former direction of the Speaker, the bill (H. B. 2103) was referred to the Committee on Government Organization.

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. 2254**, Health and Human Resources, WV Department of Clinical Laboratory Technician and Technologist Licensure and Certification,

**H. B. 2256**, Health and Human Resources, WV Department of Expedited Partner Therapy,

**H. B. 2272**, Optometry, W.Va. Board of, Continuing Education,

**H. B. 2273**, Osteopathic Medicine, W.Va. Board of, Licensing Procedures for Osteopathic Physicians,

And,

**H. B. 2274**, Osteopathic Medicine, W.Va. Board of Osteopathic Physician Assistants,

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. 2254, H. B. 2256, H. B. 2272, H. B. 2273 and H. B. 2274) were each 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. 2249**, Dentistry, W.Va. Board of Rule for the WV Board of Dentistry,

**H. B. 2281**, Registered Professional Nurses, W.Va. Board of Examiners for, Requirements for Registration and Licensure and Conduct Constituting Professional Misconduct,

And,

**H. B. 2282**, Registered Professional Nurses, W.Va. Board of Examiners for Limited Prescriptive Authority for Nurses in Advanced Practice,

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. 2249, H. B. 2281 and H. B. 2282) were each 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. 2113**, Providing that the Secretary of the Department of Health and Human Resources may not change the state Medicaid program plan,

And,

**H. B. 2119**, Repealing West Virginia Health Benefit Exchange Act,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2113 and H. B. 2119) were each referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2303**, Increasing criminal penalties for littering,

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

**Com. Sub. for H. B. 2303** – “A Bill to amend and reenact §22-15A-4 of the Code of West Virginia, 1931, as amended, relating to the criminal offense of littering, clarifying that no person may place, deposit, dump throw or cause to be placed, deposited, dumped or thrown any litter on the private property of another, increasing criminal penalties for littering in an amount not exceeding one hundred pounds in weight or twenty-seven cubic feet in size, increasing criminal penalties for littering in an amount

greater than one hundred pounds in weight or twenty-seven cubic feet in size, but less than five hundred pounds in weight or two hundred sixteen cubic feet in size, modifying the penalties for littering greater than five hundred pounds in weight or two hundred sixteen cubic feet in size or any amount which had been collected for commercial purposes, increasing penalties for second or subsequent violations for littering in an amount not exceeding one hundred pounds in weight or twenty-seven cubic feet in size, increasing penalties for second or subsequent violations for littering in an amount greater than one hundred pounds in weight or twenty-seven cubic feet in size, but less than five hundred pounds in weight or two hundred sixteen cubic feet in size and increasing civil penalties for littering.”

With the recommendation that the committee substitute do pass.

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2319**, Relating to candidates or candidate committees for legislative office disclosing contributions.

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

**Com. Sub. for H. B. 2319** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-8-15, relating to requiring timely disclosure of fundraising events, including contributions, of candidates or candidate committees for legislative office while the Legislature is in session; defining terms; imposing the same reporting requirements upon former candidates or candidate committees for legislative office who are still in office; clarifying that reporting under this section does not relieve a candidate or candidate’s committee from regular reporting requirements; requiring the Secretary of State to create a form for disclosure; requiring the Secretary of State to publish information on the Secretary of State’s website; authorizing the

Secretary of State to establish a means for electronic filing and disclosure as an alternative; and authorizing the Secretary of State to promulgate legislative and emergency rules,”

With the recommendation that the committee substitute do pass.

### **Resolutions Introduced**

Delegates Robinson, Baldwin, Barrett, Bates, Blair, Boggs, Brewer, Byrd, Canestraro, Cooper, Cowles, Criss, Deem, Ellington, E. Evans, Fleischauer, Fluharty, N. Foster, Hollen, Hornbuckle, Isner, Kelly, Kessinger, Lane, Longstreth, Lovejoy, Miley, R. Miller, Moore, Phillips, Pushkin, Queen, Rowe, Sobonya, Sponaugle, Storch, Summers, Thompson, Upson and Zatezalo offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 12** – “Declaring August 31 as ‘Overdose Awareness Day’.”

Whereas, Overdose Awareness Day is an event held on an international basis to raise awareness of overdose and reduce the stigma of a drug related death that offers an opportunity to help expand understanding of the community how a fatal overdose affects that community; and

Whereas, Overdose fatalities result not only from illegal drugs but from an increasing number of fatalities from painkillers and other prescription drugs. On Overdose Awareness Day, all people recommit to educate the public and offer support for those suffering from substance abuse and the families affected by addiction and the loss of loved ones; therefore, be it

*Resolved by the Legislature of West Virginia:*

That it is the hope and desire of the Legislature that West Virginians increase their awareness of this increasing problem resulting in death or permanent injury in this state as a result of drug overdoses, and with that goal in mind, August 31 be designated as West Virginia “Overdose Awareness Day”.



Delegates Atkinson, Kelly, Ward, Westfall, Cooper, Butler, Hamrick, Hill, Howell, Martin and Wagner offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 13** – “Requesting Division of Highways to name bridge number 44-36-4.34 (44A078) (38.59133, -81.17825), locally known as the Newton Bridge, carrying WV 36 over Middle Fork of Big Sandy Creek in Newton in Roane County, West Virginia, the ‘U.S. Army SSG Brian Curtis Rogers Memorial Bridge’.”

Whereas, Brian C. Rogers was born September 14, 1919, in Tariff, Roane County, West Virginia, the son of Mr. and Mrs. John Spencer Rogers of Newton; and

Whereas, Brian C. Rogers graduated from Spencer High School in 1939 and was a resident of Newton at the time of his induction into the United States Army; and

Whereas, Staff Sergeant Brian C. Rogers served three years in the United States Army and was an infantryman with Company G, 157<sup>th</sup> Infantry, 45<sup>th</sup> Infantry Division; and

Whereas, Staff Sergeant Brian C. Rogers died January 12, 1945, as a result of wounds received from sniper fire in combat during the first day of the battle of Riepertswiller, France; and

Whereas, At his death, Staff Sergeant Brian C. Rogers was survived by his parents, brother and three sisters; and

Whereas, It is fitting that a proper memorial be established for this young man who gave his life 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 44-36-4.34 (44A078) (38.59133, -81.17825), locally known as the Newton Bridge, carrying WV 36 over Middle Fork of Big Sandy Creek in Newton in Roane County, West

Virginia, the “U.S. Army SSG Brian Curtis Rogers Memorial Bridge”; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the bridge as the “U.S. Army SSG Brian Curtis Rogers Memorial 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.

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

**By Delegate Sobonya:**

**H. J. R. 16** – “Proposing an amendment to the Constitution of the State of West Virginia amending section two, article XII thereof, relating to the free schools of the State, numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Education then the Judiciary.

**Petitions**

Delegates Sponaugle and A. Evans presented a petition requesting the Department of Transportation to make improvements to Snowy Mountain Road, West Virginia Route 17; which was referred to the Committee on Roads and Transportation.

**Bills Introduced**

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

**By Mr. Speaker (Mr. Armstead) and Delegates Shott, Summers, Overington, G. Foster, Hollen and Sobonya:**

**H. B. 2447** - “A Bill to repeal §14-2-6 and §14-2-18 of the Code of West Virginia, 1931, as amended; to repeal §14-2A-7 of said code; to amend and reenact §14-2-3, §14-2-4, §14-2-4a, §14-2-5, §14-2-7, §14-2-8, §14-2-9, §14-2-10, §14-2-11, §14-2-12,

§14-2-13, §14-2-14, §14-2-15, §14-2-16, §14-2-17, §14-2-19, §14-2-20, §14-2-21, §14-2-22, §14-2-23, §14-2-24, §14-2-25, §14-2-26, §14-2-27 and §14-2-28 of said code; to amend said code by adding thereto a new section, designated §14-2-17a; and to amend and reenact §14-2A-5, §14-2A-6, §14-2A-9, §14-2A-10, §14-2A-11, §14-2A-12, §14-2A-13, §14-2A-14, §14-2A-15, §14-2A-16, §14-2A-17, §14-2A-18, §14-2A-19, §14-2A-19a, §14-2A-19b, §14-2A-20, §14-2A-21, §14-2A-25, §14-2A-26 and §14-2A-28 of said code, all relating to renaming the Court of Claims the state Claims Commission; renaming judges commissioners; modifying definitions; providing explicit powers of removal of commissioners; providing authority to the Joint Committee on Government and Finance for the hiring of a clerk, chief deputy clerk, and deputy clerks; and establishing a shortened procedure for certain road condition claims”; to the Committee on the Judiciary.

**By Delegate Sobonya:**

**H. B. 2448** - “A Bill to amend and reenact §60A-4-409 of the Code of West Virginia, 1931, as amended, relating to increasing the penalties for transporting controlled substances into the state”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2449** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-25b, relating to setting certain safety standards for youth lacrosse; and requiring the West Virginia Secondary Schools Activities Commission to adopt certain safety standards for youth lacrosse under certain circumstances”; to the Committee on Education then Health and Human Resources.

**By Delegate Sobonya:**

**H. B. 2450** - “A Bill to amend and reenact §60A-4-409 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto three new sections, designated §60A-4-414, §60A-4-415 and §60A-4-416, all relating to mandatory minimum sentences for trafficking drugs into the state and for other drug offenses; increasing period of ineligibility for parole for certain violations of possession or distribution of controlled substances and establishing applicable conditions; increasing period of ineligibility for parole for transporting certain controlled

substances into the state and establishing applicable conditions; prohibiting application of alternative sentences; providing an exception to the mandatory minimums; increasing the penalties for transporting controlled substances into the state; establishing a penalty for conspiracy; establishing a penalty for attempt; and establishing a penalty for possession or use of a firearm in furtherance of a drug transaction”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2451** - “A Bill to amend and reenact §11-1C-11b of the Code of West Virginia, 1931, as amended, relating generally to the valuation of managed timberland and timberland that is not managed timberland for ad valorem property tax purposes; establishing a specific methodology for such valuations; providing remedies to persons aggrieved by the valuations and for compliance inspections, notice of revocation, appeals; and effective date”; to the Committee on Finance.

**By Delegate Sobonya:**

**H. B. 2452** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §47-26-2a, relating to the pawn of gift cards; defining gift card; and limiting the purchase, pawn, receipt, sale or exchange of a gift card with a pawnbroker”; to the Committee on the Judiciary.

**By Delegates Eldridge and Butler:**

**H. B. 2453** - “A Bill to amend and reenact §19-12E-5 of the Code of West Virginia, 1931, as amended, relating to expanding the list of persons the Commissioner of Agriculture may license to grow or cultivate industrial hemp”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2454** - “A Bill to amend and reenact §21-3A-2 of the Code of West Virginia, 1931, as amended, relating to making the Division of Corrections and the Division of Health, and their respective workplaces, subject to the Occupational Safety and Health Act”; to the Committee on Industry and Labor then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2455** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §6-9B-1, §6-9B-2, §6-9B-3, §6-9B-4, §6-9B-5 and §6-9B-6, all relating to creating and maintaining a searchable online budget database to easily access the details on how the state is spending their tax dollars and what performance results are achieved for those expenditures; designating this as the ‘Budget and Spending Transparency Act’; providing a short title, legislative findings, definitions, content requirements and updates; and compliance by the State Auditor and Legislative Auditor”; to the Committee on Government Organization then Finance.

**By Delegate Sobonya:**

**H. B. 2456** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §51-1-22, relating to requiring the West Virginia Supreme Court of Appeals to maintain a searchable, criminal database containing copies of all arrests and convictions by all the courts in the state”; to the Committee on the Judiciary then Finance.

**By Delegate Sobonya:**

**H. B. 2457** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §27-1A-11a; and to amend and reenact §60-3-9 of said code, all relating to the creation of the West Virginia Addictions Treatment and Recovery Fund by collecting and transferring 5¢ per ounce of the uniform price of alcoholic liquors sold in this state to the fund; setting forth the uses of the fund; and authorizing rule-making”; to the Committee on Prevention and Treatment of Substance Abuse then Finance.

**By Delegate Sobonya:**

**H. B. 2458** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-2-12, relating to exempting food prepared or processed in a private home and curtilage or farm by the resident or owner and sold directly to the end consumer with certain information attached from laws and rules relating to food labeling, inspections or milk or milk products”; to the Committee on Health and Human Resources.

**By Delegates Ellington, Summers and Rohrbach:**

**H. B. 2459** – “A Bill to repeal §16-2D-5c and §16-2D-5f of the Code of West Virginia, 1931, as amended; and to amend and reenact §16-2D-2, §16-2D-3, §16-2D-4, §16-2D-9, §16-2D-10, §16-2D-11, §16-2D-13 and §16-2D-16 of said code, all relating to regulation of health care and the certificate of need process”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Ellington, Summers, Rowan, Sobonya, Hollen and Rohrbach:**

**H. B. 2460** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-7b; to amend said code by adding thereto a new section, designated §33-15-4o; to amend said code by adding thereto a new section, designated §33-16-3aa; to amend said code by adding thereto a new section, designated §33-24-7p; to amend said code by adding thereto a new section, designated §33-25-8m; and to amend said code by adding thereto a new section, designated §33-25A-8o, all relating to requiring insurance coverages to ensure telehealth parity”; to the Committee on Banking and Insurance then Health and Human Resources.

**By Delegate Cowles:**

**H. B. 2461** - “A Bill to amend and reenact §11-22-2 of the Code of West Virginia, 1931, as amended, relating to the excise tax on the privilege of transferring real property; and providing that the tax be used to reimburse counties for regional jail fees”; to the Committee on the Judiciary then Finance.

**By Delegate Cowles:**

**H. B. 2462** - “A Bill to amend and reenact §18-17-1 of the Code of West Virginia, 1931, as amended, relating to the compensation of personnel employed at the West Virginia Schools for the Deaf and the Blind; updating reference to minimum salaries in effect for personnel at facilities under jurisdiction of the State Board of Education; and authorizing board to establish salary schedules or compensation in excess of the minimums for certain teachers at the West Virginia Schools for the Deaf and the Blind”; to the Committee on Education then Finance.

**By Delegate Cowles:**

**H. B. 2463** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §12-5A-1, §12-5A-2, §12-5A-3, §12-5A-4, §12-5A-5, §12-5A-6, §12-5A-7 and §12-5A-8, all related to oversight of law-enforcement agencies which receive private property through forfeiture laws; and providing reporting requirements”; to the Committee on the Judiciary then Finance.

**By Delegate Cowles:**

**H. B. 2464** - “A Bill to amend and reenact §46A-6-107 of the Code of West Virginia, 1931, as amended, relating to disclaimers and exclusions of warranties in consumer transactions for goods; permitting waivers of warranty for defects and malfunctions in certain used manufactured homes; permitting waivers of express and implied warranties in the sale of certain used manufactured homes; and rendering all noncompliant exclusions, modifications and limitations of warranties void”; to the Committee on the Judiciary.

**By Delegate Cowles:**

**H. B. 2465** - “A Bill to amend and reenact §62-6B-2, §62-6B-3 and §62-6B-4 of the Code of West Virginia, 1931, as amended, all relating to modifying the requirements that allow a child witness to testify by live, one-way, closed circuit television; defining terms; expanding the allowance of closed circuit testimony to other alleged criminal offenses; authorizing use for persons with certain intellectual disabilities; clarifying the use and requirements of one-way closed-circuit television; setting forth findings to be made by the circuit court prior to ordering testimony through live, one-way, closed circuit television; granting the court discretion to appoint a psychiatrist, licensed psychologist or licensed social worker to provide an expert opinion regarding the factors and findings to be made by the court in deciding whether to order testimony through live, one-way, closed circuit television; requiring court-appointed expert witness to provide written report within established deadline; providing for the effect of failure to comply with filing deadline; revising the procedures required for taking testimony of child witness by live, one-way, closed-circuit television; setting

forth the procedures for testimony by live, one-way, closed-circuit television; establishing a location for witness testimony and individuals allowed in the witness room; setting requirements for display in the courtroom; providing who may question the child witness and the procedures therefor; providing for requirement of electronic means for defendant to confer with counsel during the taking of the testimony; providing for instruction to jury regarding use of live, one-way, closed-circuit television; authorizing the defendant to waive jury instruction regarding use of live, one-way, closed-circuit television; prohibiting counsel from making comments in the presence of the jury; authorizing the court to establish measures for the physical safety of the child witness and for the confidentiality of sensitive information; authorizing the court to allow accommodations for child witness testimony in court rather than by live, one-way, closed-circuit television; authorizing the allowance of a toy, blanket or similar item to be in possession of child witness while testifying; authorizing the allowance of a designated support person and seating of the support person in the courtroom; and providing requirements for allowance of a designated support person by motion”; to the Committee on the Judiciary.

**By Delegate Sobonya:**

**H. B. 2466** - “A Bill to amend and reenact §31-20-10 of the Code of West Virginia, 1931, as amended, relating to relieving the burden imposed on counties of incarcerating inmates in regional jails by changing the way that the cost of incarcerating inmates in regional jails is collected so that it is shared by the county, state and municipality wherein the alleged criminal act occurred; and making the cost of incarcerating a person for less than twenty-four hours one-half the amount charged for incarcerating an inmate for a full day”; to the Committee on the Judiciary then Finance.

**By Delegate Sobonya:**

**H. B. 2467** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-2-15, relating to prohibiting school employees from counseling, referring, transporting or assisting any student to obtain an abortion; providing that a violation of the section is a misdemeanor;



and providing that nothing in the section may be construed as approving of abortion”; to the Committee on Education then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2468** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-2-8a, relating to making it illegal to transport a minor across state lines to obtain an abortion without written consent of both parents or legal guardians; and providing a penalty”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2469** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-2-13, relating generally to benefits provided by the Department of Health and Human Resources; requiring benefit access devices to have a photograph of the person to whom a device was issued; permitting a benefit access device to be used by another authorized individual on the device holder’s behalf; defining terms; and providing for rule-making”; to the Committee on the Judiciary.

**By Delegate Sobonya:**

**H. B. 2470** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-3-7; and to amend said code by adding thereto a new section, designated §60A-4-414, all relating to making it a felony to knowingly housing drug traffickers; defining elements of the offense; establishing criminal penalties; and disqualifying offenders from receiving public assistance”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegates Ellington, Summers, Rowan, Sobonya, Hollen, Rohrbach and Longstreth:**

**H. B. 2471** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-7b; to amend said code by adding thereto a new section, designated §16-5a-6; to amend said code by adding thereto a new section, designated §33-15-4o; to amend and reenact §33-16-3g of said code; to amend said code by adding thereto a new section,

designated §33-16-3aa; to amend and reenact §33-24-7b of said code; to amend said code by adding thereto a new section, designated §33-24-7p; to amend said code by adding thereto a new section, designated §33-25-8m; and to amend said code by adding thereto a new section, designated §33-25A-8o, all relating to requiring that on and after January 1, 2018, insurance coverage for breast cancer screening be provided by the Public Employees Insurance Agency, accident and sickness insurance providers, group accident and sickness insurance providers; health care corporations and health maintenance organizations”; to the Committee on Banking and Insurance then Finance.

**By Delegates Storch and Boggs:**

**H. B. 2472** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-22B-1108a, relating to creating a preference for certain limited video lottery current permit holders in bid process”; to the Committee on the Judiciary then Finance.

**By Delegate Storch:**

**H. B. 2473** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-4-9a, relating to the assessment of oil and gas mineral interests”; to the Committee on Energy then the Judiciary.

**By Delegate Storch:**

**H. B. 2474** - “A Bill to amend and reenact §5A-11-3 of the Code of West Virginia, 1931, as amended, relating to collecting rents and royalties from leases of public lands; and providing that rents and royalties from leases of the minerals under the state’s rivers and streams shall be expended for road paving and maintenance”; to the Committee on Energy then Finance.

**By Delegate Storch:**

**H. B. 2475** - “A Bill to amend and reenact §11-10-11 of the Code of West Virginia, 1931, as amended, relating to authorizing the Tax Commissioner to collect tax, interest and penalties due and owing from payments to vendors and contractors from the Auditor and other state, county, district or municipal officers and agents; requiring the Auditor and other state, county, district or municipal

officers and agents to certify to the Tax Commissioner the identity of payees prior to the first payment and prior to any subsequent payments; authorizing the Tax Commissioner to identify those payees who are not in good standing with the Tax Department; requiring the Auditor or issuing officer or agent to forward to the Tax Commissioner the lesser of the amount owed or the remaining amount of payment; requiring the Auditor or issuing officer or agent to notify the vendor or contractor of the amount being withheld; requiring payment be withheld until the vendor or contractor is in good standing with the Tax Department; specifying that, for contracts which are subject to county or municipal business and occupation tax, payments are withheld until released by the county or municipality after all business and occupation taxes have been paid, including any authorized transaction fee, additions to tax, interest and penalty; defining terms, excluding employees of this state, or any county, district or political subdivision thereof who receive no nonemployee compensation from treatment as vendors and contractors for purposes of specified provisions, authorizing the Tax Commissioner to enter into agreements to comply with mandates of the provision and to protect taxpayer information; authorizing the Tax Commissioner and the Auditor to propose legislative rules; and specifying effective date”; to the Committee on Government Organization then Finance.

**By Delegates Storch and Boggs:**

**H. B. 2476** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-1-6; and to amend and reenact §59-1-10 of said code, all relating to requiring each judicial circuit to have a court-appointed special advocate program and each county to have a special advocate for children in abuse and neglect proceedings; raising price of certified copy of birth certificate, death certificate or marriage license from \$5 to \$11; and creating a fund within the State Treasury to pay for implementation and sustenance of court-appointed special advocate programs”; to the Committee on the Judiciary then Finance.

**By Delegates Statler, Hill, Espinosa, Wagner, Higginbotham, Ward, Williams, Pyles, G. Foster, Frich and Hamrick:**

**H. B. 2477** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-6-4a, relating to requiring the Commissioner of the Division of Highways and the Director of the Division of Personnel to collaborate to develop a special hiring procedure for personnel positions in the Division of Highways; establishing requirements for the special hiring procedure; exempting the Division of Highways and the Division of Personnel from classified service hiring procedures upon implementation of the special hiring process; exceptions; establishing reporting requirements; and requiring emergency and legislative rulemaking”; to the Committee on Roads and Transportation then Government Organization.

**By Delegates Rohrbach and Cooper:**

**H. B. 2478** - “A Bill to amend and reenact §18-5-18 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-8-1a, all relating to changing the age effective date of children for whom county boards of education must provide kindergarten programs from September 1 to August 1; and changing the age effective date for students who are compelled to attend school from September 1 to August 1”; to the Committee on Education then Finance.

**By Delegate Storch:**

**H. B. 2479** - “A Bill to repeal §48-1-233.3 of the Code of West Virginia, 1931, as amended; and to repeal §48-1-233.4 of said code; and to repeal §48-9-404 of said code; and to amend said code by adding thereto a new article, designated §48-31-101, §48-31-102, §48-31-103, §48-31-104, §48-31-105, §48-31-106, §48-31-107, §48-31-201, §48-31-202, §48-31-203, §48-31-204, §48-31-205, §48-31-301, §48-31-302, §48-31-303, §48-31-304, §48-31-305, §48-31-306, §48-31-307, §48-31-308, §48-31-309, §48-31-310, §48-31-311, §48-31-401, §48-31-402, §48-31-403, §48-31-404, §48-31-501, §48-31-502 and §48-31-503, all relating to adoption of the ‘Uniform Deployed Parents Custody and Visitation

Act’; defining terms; providing for enforcement through assessment of attorney fees and costs; establishing procedures to determine matters of child custody and visitation when parents are deployed in military or other national service; requiring notices from deployed parent; providing for out-of-court agreements and establishing minimum requirements therefor; prohibiting consideration of past or future deployments in determining the best interest of the child; authorizing orders for payment of child support during deployment; providing for modification and termination of orders and agreements; and giving guidance for interpretation and construction in conjunction with other laws and orders”; to the Committee on the Judiciary.

**By Delegate Phillips:**

**H. B. 2480** - “A Bill to amend and reenact §31-20-10 of the Code of West Virginia, 1931, as amended, relating to changing the way counties pay for regional jail inmates from a per diem rate to an hourly rate”; to the Committee on the Judiciary then Finance.

**By Delegate Hicks:**

**H. B. 2481** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13DD-1, relating to creating tax credits for new and/or existing small businesses in this state and operating entirely within West Virginia”; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

**By Delegate Westfall:**

**H. B. 2482** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17C-24-1, relating to directing the Commissioner of the Division of Highways to promulgate rules providing for a limited, one-time period whereby individuals who have unpaid traffic violations, other than serious traffic offenses, may make a one-time payment of all outstanding violations at a reduced rate”; to the Committee on the Judiciary then Finance.

**By Delegates Eldridge and Butler:**

**H. B. 2483** - “A Bill to amend and reenact §49-4-720 and §49-4-722 of the Code of West Virginia, 1931, as amended, all relating

to requiring the Division of Juvenile Services to transfer to a correctional facility or regional jail any juvenile in its custody that has been transferred to adult jurisdiction of the circuit court and who reaches his or her eighteenth birthday; requiring transfer of juvenile in adult jurisdiction upon reaching eighteen years of age if he or she has either been convicted or is in a pretrial status; directing the Division of Juvenile Services to notify the circuit court of a juvenile reaching the age of eighteen years of age; authorizing the circuit court to conduct a hearing as to alternative placement; mandating that the position of victim be taken under consideration by the court in considering disposition or alternative placement; prohibiting juveniles that commit an adult offense while under the custody of the Division of Juvenile Services from returning back to the placement in a juvenile facility if the juvenile has attained the age of eighteen years; and requiring the court to conduct a hearing as to placement of a juvenile that has turned eighteen years of age and is remanded back to the custody of the Division of Juvenile Services after completion of an adult sentence”; to the Committee on the Judiciary.

**By Delegates Frich and Butler:**

**H. B. 2484** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-2-11a, relating to preventing taxpayer subsidization of health insurance covering elective abortions; prohibiting all qualified health plans offered through a state exchange from including abortion coverage except to prevent the death of the mother; and preventing all other health plans, including health insurance contracts, plans or policies, offered outside of the exchange, but within the state, from providing coverage for elective abortions except by optional separate supplemental coverage for abortion”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Frich and Butler:**

**H. B. 2485** - “A Bill to amend and reenact §4-2A-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §6-7-2 and §6-7-2a of said code, all relating to decreasing the basic compensation paid to members of the Legislature, and salaries paid

to other state officers by five percent beginning in the calendar year 2018”; to the Committee on the Judiciary then Finance.

**By Delegate Westfall:**

**H. B. 2486** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §56-4-72, all relating to production of medical records; providing in certain circumstances medical records must be produced without court order; prohibiting unilateral restrictions on the maintenance, use or retention of the medical records; requiring the State Insurance Commissioner to propose rules to protect the privacy of litigants; providing that objection to production of medical records is not limited; providing that court ordered production of medical records does not affect application of this section; establishing that an order protecting privacy of medical records may be entered; and, establishing that any action related to unauthorized distribution of medical records is unaffected”; to the Committee on the Judiciary.

**By Delegate Storch:**

**H. B. 2487** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13A-5c, relating to reallocating and dedicating three percent of oil and gas severance tax revenues up to \$20 million annually to the oil and gas producing counties of origin and their respective municipalities; establishing state and local oil and gas county reallocated severance tax funds and providing for distribution of the moneys to the county commissions and governing bodies of the municipalities by the State Treasurer; establishing amounts each oil and gas producing county and their respective municipalities are to receive; requiring the creation of local funds into which moneys are to be deposited; requiring moneys be expended solely for economic development projects and infrastructure projects; providing definitions; providing restrictions on the expenditure of moneys; providing duties of State Tax Commissioner; requiring report of expenditures to Joint Committee on Government and Finance; providing audits of distributed funds when authorized by the Joint Committee on Government and Finance; and authorizing legislative and emergency rules”; to the Committee on Energy then Finance.

## House Calendar

### Third Reading

**Com. Sub. for H. B. 2006**, Increasing the penalties for violating the Whistle-blower Law; 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. 1**), 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: Kessinger 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. 2006) passed.

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

### First Reading

**Com. Sub. for H. B. 2099**, Defining the act of leaving the scene of a crash involving death or serious bodily injury as a felony; 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 Cowles and by unanimous consent, leaves of absence for the day were granted Delegates Kessinger and Walters.

### Remarks by Members

Delegate Hornbuckle asked and obtained unanimous consent that the remarks of Delegate Pushkin regarding the arts in West Virginia be printed in the Appendix to the Journal.



Delegate Kelly asked and obtained unanimous consent that the remarks of Delegate Zatezalo regarding Marcellus Shale be printed in the Appendix to the Journal.

### **Miscellaneous Business**

Delegate Pushkin filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2215.

Delegate Wilson filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2430.

Delegate Frich filed forms with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2466, H. B. 2469 and H. B. 2474.

Delegates Hamilton, R. Romine, Rohrbach, Kelly, Pethtel, Lynch and Ferro filed forms with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2404.

At 11:53 a.m., the House of Delegates adjourned until 11:00 a.m., Thursday, February 16, 2017.



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Thursday, February 16, 2017

**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 Wednesday, February 15, 2017, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

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

Your Committee on Education has had under consideration:

**H. B. 2123**, Making the West Virginia Schools for the Deaf and Blind eligible to participate in any and all funding administered or distributed by the West Virginia School Building Authority,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2123) was referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2379**, Providing a special method for valuation of certain wireless technology property for property taxes,

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. 2379) was referred to the Committee on Finance.

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

Your Committee on Finance has had under consideration:

**H. B. 2290**, Treasurer's Office, WV State Procedures for Deposit of Monies with the State Treasurer's Office by State Agencies,

**H. B. 2291**, Treasurer's Office, WV State Selection of State Depositories for Disbursement Accounts through Competitive Bidding,

**H. B. 2292**, Treasurer's Office, WV State Selection of State Depositories for Receipt Account,

**H. B. 2293**, Treasurer's Office, WV State Procedures for Processing Payments from the State Treasury,

**H. B. 2294**, Treasurer's Office, WV State Procedure for Fees in Collections by Charge, Credit or Debit Card or by Electronic Payment,

And,

**H. B. 2295**, Treasurer's Office, WV State Procedures for Providing Services to Political Subdivisions,

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. 2290, H. B. 2291, H. B. 2292, H. B. 2293, H. B. 2294 and H. B. 2295) were each 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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 151** - “A Bill to amend and reenact §64-2-1 and §64-2-2 of the Code of West Virginia, 1931, as amended, all relating to authorizing the Board of Risk and Insurance Management to promulgate a legislative rule relating to the Patient Injury Compensation Fund; authorizing the Board of Risk and Insurance Management to promulgate a legislative rule relating to mine subsidence insurance; and authorizing the Ethics Commission to promulgate a legislative rule relating to the use of office for private gain, including nepotism”; 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. 169** - “A Bill to repeal §16-28-1, §16-28-2, §16-28-3, §16-28-4, §16-28-5, §16-28-6, §16-28-7, §16-28-8, §16-28-9 and §16-28-10 of the Code of West Virginia, 1931, as amended, relating to repealing the article on providing assistance to Korea and Vietnam veterans exposed to certain chemical defoliants or herbicides or other causative agents, including Agent Orange”; which was referred to the Committee on Health and Human Resources then Finance.

A message from the Senate, by

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

**S. B. 170** - “A Bill to repeal §16-24-1, §16-24-2, §16-24-3, §16-24-4, §16-24-5, §16-24-6 and §16-24-7 of the Code of West Virginia, 1931, as amended, relating to the creation of the state

hemophilia program”; which was referred to the Committee on Health and Human Resources then Finance.

A message from the Senate, by

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

**S. B. 171** - “A Bill to repeal §16-2K-1 and §16-2K-2 of the Code of West Virginia, 1931, as amended, relating to the Programs of All-Inclusive Care for the Elderly”; which was referred to the Committee on Health and Human Resources then Finance.

A message from the Senate, by

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

**S. B. 176** - “A Bill to repeal §16-25-1, §16-25-2, §16-25-3 and §16-25-4 of the Code of West Virginia, 1931, as amended, relating to the detection of tuberculosis, high blood pressure and diabetes”; 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

**S. B. 237** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §64-12-1, §64-12-2 and §64-12-3, all relating generally to repealing certain legislative, procedural or interpretive rules promulgated by certain agencies and boards which are no longer authorized or are obsolete; repealing certain legislative and procedural rule promulgated by certain agencies and boards under the Department of Revenue; repealing the Tax Division legislative rule relating to listing of interests in natural resources for purposes of first statewide appraisal; repealing the Tax Division legislative rule relating to guidelines for assessors to assure fair and uniform nonutility

personal property values; repealing the Tax Division legislative rule relating to review by circuit court on certiorari; repealing the Tax Division legislative rule relating to review of appraisals by the county commission sitting as an administrative appraisal review board; repealing the Tax Division legislative rule relating to additional review and implementation of property appraisals; repealing the Tax Division legislative rule relating to review by circuit court on certiorari; repealing the Tax Division legislative rule relating to revision of levy estimates; repealing the Tax Division legislative rule relating to inheritance and transfer tax; repealing the Tax Division legislative rule relating to annual tax on incomes of certain carriers; repealing the Tax Division legislative rule relating to the telecommunications tax; repealing the Tax Division legislative rule relating to tax credit for employing former members of Colin Anderson Center; repealing the Tax Division legislative rule relating to tax credits for new value-added, wood manufacturing facilities; repealing the Tax Division legislative rule relating to tax credits for new steel, aluminum and polymer manufacturing operations; repealing the Tax Division legislative rule relating to the business investment and jobs expansion tax credit, corporation headquarters relocation tax credit and small business tax credit; repealing the Tax Division legislative rule relating to appraisal of property for periodic statewide reappraisals for ad valorem property tax purposes; repealing the Banking Commissioner legislative rule relating to the West Virginia Consumer Credit and Protection Act; repealing the Banking Commissioner procedural rule relating to West Virginia Board of Banking and Financial Institutions; repealing the Office of the Insurance Commissioner legislative rule relating to utilization management; and repealing the Office of the Insurance Commissioner legislative rule relating to Medicare supplement insurance coverage”; which was referred to the Committee on the Judiciary.

### **Resolutions Introduced**

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

**Delegates Sobonya, C. Miller, Moore, Higginbotham, Maynard, Butler, C. Romine, N. Foster, Hamrick, Summers and Sypolt:**

**H. J. R. 17** – “Proposing an amendment to the Constitution of the State of West Virginia amending section two, article XII thereof, relating to the free schools of the State, numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Education then the Judiciary.

**Motions**

The Clerk read a written motion, heretofore filed with him by Delegate Folk, as follows:

Because the West Virginia Budget is a primary Constitutional responsibility of the Legislature, it is imperative that all 100 Members have the opportunity to question the various agencies and departments while they are under oath regarding their spending. Therefore, Delegate Folk moves to commit to a Committee of the Whole for the sole purpose of working on the State Budget (Bill No. 2018). The Committee of the Whole shall meet commencing on February 20<sup>th</sup> and meet for two hours each day Monday thru Thursday weekly during the session. The agencies, departments, commissions, etc. that have spending authority authorized by the budget shall appear before the Committee of the Whole to field questions from the Members.

Delegate Cowles arose to a point of order as to the motion being a compound question.

To the point of order the Speaker replied that the motion was divisible, stating that the motion was a compound question, the first question being the forming of a Committee of the Whole pursuant to House Rule 72.

Delegate McGeehan had filed a written motion moving the previous question but the Speaker noted that the question of forming a Committee of the Whole was not debatable.



The question before the House being the motion to form a Committee of the Whole, roll call was demanded, which demand was not sustained.

The question having been put, the motion to form a Committee of the Whole was rejected.

### **Bills Introduced**

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

**By Delegates Gearheart, Storch, Butler, Folk, Frich, Householder, Howell and Ellington:**

**H. B. 2488** - "A Bill to amend and reenact §12-2-2 of the Code of West Virginia, 1931, as amended, relating to the forfeiture of unencumbered funds in special revenue accounts and repayment of certain percentages of the special revenue accounts to the General Revenue Fund, if these accounts have been inactive for designated periods; and prohibiting expenditures from these accounts pending the forfeiture of the funds"; to the Committee on Government Organization then Finance.

**By Delegates Gearheart, Storch, Butler, Folk, Frich, Householder, Howell and Ellington:**

**H. B. 2489** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §12-2-2a, relating to requiring a transfer from reappropriated revenue accounts to General Revenue Fund"; to the Committee on Finance.

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

**H. B. 2490** - "A Bill to amend and reenact § 6-7-2 of the Code of West Virginia, 1931, as amended, relating to the ability of a Constitutional officer to voluntarily waive his or her salary for any calendar year"; to the Committee on the Judiciary then Finance.

**By Delegates Cooper, Ambler, Rowan, Dean, Maynard, Wagner, Westfall, Kelly, Zatezalo and R. Romine:**

**H. B. 2491** - "A Bill to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended, relating to school

calendar and testing; changing mandatory instructional days from one hundred eighty separate days to a total number of minutes; permitting excess minutes to be banked and used later in the school year; establishing dates for when a school year begins and when it ends; requiring students to take achievement tests; exempting students who test at certain level from attending school past a certain date; and retaining certain current school policies”; to the Committee on Education.

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

**H. B. 2492** - “A Bill to amend and reenact §5A-3-44 and §5A-3-52 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §5A-12-1, §5A-12-2, §5A-12-3, and §5A-12-4; to amend and reenact §17A-3-23 of said code; to amend said code by adding thereto a new section, designated §17A-3-23a; and to amend and reenact §29B-1-4 of said code, all relating to state vehicles; creating the Fleet Management Office; defining terms; establishing powers and duties of the director; continuing the special fund; requiring reporting of state vehicles; authorizing a rental pool; requiring new title, registration and license plates for state vehicles; allowing the commissioner of the Division of Motor Vehicles to issue special plates to organizations and entities; requiring agencies to apply for a new uniform vehicle title and registration plate; and exempting confidential information relating to certain vehicles from public disclosure”; to the Committee on Government Organization then the Judiciary.

**By Delegates Hollen, Criss, Cooper and Harshbarger:**

**H. B. 2493** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-5-15, relating to granting a veteran with a hundred percent service-connected disability a \$10,000 exemption from the assessed value for one vehicle that is not used for commercial purposes”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

**By Delegates Westfall, Statler, White, Atkinson and Higginbotham:**

**H. B. 2494** - “A Bill to amend and reenact §18-2E-4 of the Code of West Virginia, 1931, as amended, relating to providing

that statewide school report cards are only to be made available to custodial parents and guardians of students upon request”; to the Committee on Education then Government Organization.

**By Delegates Westfall, White and Frich:**

**H. B. 2495** - “A Bill to amend and reenact §33-6F-1 of the Code of West Virginia, 1931, as amended, relating to restrictions on the disclosure of nonpublic personal information”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegates Hollen, Criss, Sobonya and Harshbarger:**

**H. B. 2496** - “A Bill to amend and reenact §16-2D-11 of the Code of West Virginia, 1931, as amended, relating to exempting for profit organizations designated by a county to develop and operate a nursing home bed facility a skilled nursing facility from obtaining a certificate of need under certain circumstances”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Ellington, Criss and Rohrbach:**

**H. B. 2497** - “A Bill to repeal §30-7D-1, §30-7D-2, §30-7D-3, §30-7D-4, §30-7D-5, §30-7D-6, §30-7D-7, §30-7D-8, §30-7D-9, §30-7D-10, §30-7D-11, §30-7D-12 and §30-7D-13 of the Code of West Virginia, 1931, as amended; and to amend and reenact §16-5O-2 of said code, all relating to permitting medication administration by unlicensed personnel in nursing homes”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Lovejoy, Rohrbach, Caputo, Storch, Brewer, Walters, Canestraro, Pushkin, R. Miller, Robinson and Hicks:**

**H. B. 2498** - “A Bill to amend and reenact §23-4-1 of the Code of West Virginia, 1931, as amended, relating to workers’ compensation; creating a rebuttable presumption that development of certain cancers by professional or volunteer firefighters arose out of the course of employment; and requiring the Insurance Commissioner to study the effects of the rebuttable presumption”; to the Committee on Health and Human Resources then the Judiciary.

**By Mr. Speaker (Mr. Armstead) and Delegate Miley**

**[By Request of the Executive]:**

**H. B. 2499** - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2017, to the Department of Commerce, Workforce West Virginia – Workforce Investment Act, fund 8749, fiscal year 2017, organization 0323, by supplementing and amending the appropriations for the fiscal year ending June 30, 2017”; to the Committee on Finance.

**By Mr. Speaker (Mr. Armstead) and Delegate Miley**

**[By Request of the Executive]:**

**H. B. 2500** - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2017, to the Department of Health and Human Resources, Division of Human Services, fund 8722, fiscal year 2017, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2017”; to the Committee on Finance.

**By Mr. Speaker (Mr. Armstead) and Delegate Miley**

**[By Request of the Executive]:**

**H. B. 2501** - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2017, to the Department of Education, State Board of Education – School Lunch Program, fund 8713, fiscal year 2017, organization 0402, by supplementing and amending the appropriation for the fiscal year ending June 30, 2017”; to the Committee on Finance.

**By Delegates Ellington, Summers, Rohrbach and Criss:**

**H. B. 2502** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-1-21, relating to reciprocity of occupational licenses with other states”; to the Committee on Government Organization.

**By Delegates Ellington, Summers, Dean, Rohrbach, Sobonya and Hollen:**

**H. B. 2503** - “A Bill to repeal §30-14-15 of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-14-14 of said code, all relating to the rulemaking authority for Board of Osteopathic Medicine”; to the Committee on Government Organization.

**By Delegates Hamrick, Howell, Storch, Frich, Atkinson, Ward, Higginbotham, Martin, Summers, Queen and Cowles:**

**H. B. 2504** - “A Bill to amend and reenact §30-7-4 of the Code of West Virginia, 1931, as amended, and to amend and reenact §30-7A-5 of said code, all relating to prohibiting state nursing boards from limiting the number of students a nursing school may admit to the school”; to the Committee on Health and Human Resources then Government Organization.

**By Delegates Rowan, Arvon, Sobonya, Cooper, O’Neal, Shott, Storch, Gearheart and Ellington:**

**H. B. 2505** - “A Bill to amend and reenact §62-1D-2 of the Code of West Virginia, 1931, as amended, relating to Wiretapping and Electronic Surveillance Act; excluding from protection under the act oral communications uttered in a child care center where there are notices posted informing persons that their oral communications are being intercepted; and defining ‘child care center’”; to the Committee on the Judiciary.

**By Delegates Zatezalo, G. Foster, Kessinger, Summers, Atkinson, Ambler, Phillips, Westfall and Miley:**

**H. B. 2506** - “A Bill to amend and reenact §22-11-7b and §22-11-11 of the Code of West Virginia, 1931, as amended, all relating to the implementation of water quality standards for the protection of drinking water; requiring permits limits to be calculated using design flows recommended by the United States Environmental Protection Agency for protection of human health; requiring the Secretary of the Department of Environmental Protection to propose emergency revisions to its water quality standards; and providing that draft permits and fact sheets are to be made available

to permit applicants prior to public notice of the issuance or reissuance of any permit”; to the Committee on the Judiciary.

**By Delegates Hollen, Criss, Cooper, Ward and Harshbarger:**

**H. B. 2507** - “A Bill to amend and reenact §15-2-3 of the Code of West Virginia, 1931, as amended, relating to the West Virginia State Police; and requiring permanent detachments in counties served by fewer than one and one-half full time law-enforcement officers for each one thousand county residents, based upon the most recent census”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

**By Delegate Hicks:**

**H. B. 2508** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13DD-1, relating to creating tax credits for small businesses created in this state and operating entirely within West Virginia”; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

**By Delegates Ellington, Summers, Rowan, Sobonya and Atkinson:**

**H. B. 2509** - “A Bill to amend and reenact §30-3-13a of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-14-12d of said code, all relating to the practice of telemedicine; certain prescription limitations lifted”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Eldridge and Hicks:**

**H. B. 2510** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §36-3-8a, relating to permitting surface owners on whose properties natural gas producing wells are drilled and surface owners on whose property natural gas pipelines cross to purchase gas at market rates”; to the Committee on Energy then the Judiciary.

**By Delegates Fleischauer, Pushkin and Hornbuckle:**

**H. B. 2511** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-6C-1,

§22-6C-2 and §22-6C-3, all relating to establishing an industrial water extraction fee; placing a one cent 1¢ fee on every gallon of water extracted for industrial use; placing an additional one cent 1¢ fee on every gallon of water extracted for industrial use that is transported over state roads; requiring measuring of water withdrawals by a specified method; defining terms; and providing rule-making authority”; to the Committee on the Judiciary then Finance.

**By Delegate McGeehan:**

**H. B. 2512** - “A Bill to repeal §55-12A-3, §55-12A-6, §55-12A-7, §55-12A-8 and §55-12A-9 of the Code of West Virginia, 1931, as amended; and to amend and reenact §55-12A-1, §55-12A-2, §55-12A-4 and §55-12A-5 of said code, all relating to the procedure for claiming abandoned mineral interests; creating a procedure to quiet title to abandoned mineral interests by serving notice on a mineral rights owner; and requiring the filing of an affidavit with the county clerk within sixty days thereafter”; to the Committee on Energy then the Judiciary.

**By Delegate Howell:**

**H. B. 2513** - “A Bill to amend and reenact §11-6F-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-13S-4 of said code, all relating to the tax treatment of manufacturing entities generally; amending definition of manufacturing for purposes of special method for appraising qualified capital additions to manufacturing facilities for property tax purposes; amending the formula for calculating credit allowed for manufacturing investment to include Small Arms Ammunition Manufacturing and Small Arms, Ordinance and Ordinance Accessories Manufacturing; and increasing the amount of such allowable credit”; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

**By Delegate Howell:**

**H. B. 2514** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17A-6F-1, §17A-6F-2 and §17A-6F-3, all relating to creating a special motor vehicle collector license plate; defining collector motor vehicle and motor vehicle collector; allowing the holder of a motor

vehicle collector license plate to transfer the special plate temporarily among collector motor vehicles owned by the collector; and establishing requirements and fees for a motor vehicle collector license plate application”; to the Committee on Roads and Transportation then Finance.

**By Delegates Howell and Rohrbach:**

**H. B. 2515** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-1-8c, relating to the West Virginia Monument and Memorial Protection Act of 2017; prohibiting the relocation, removal, alteration, renaming, rededication, or other disturbance of any statue, monument, memorial, nameplate, or plaque which is located on public property and has been erected for, or named, or dedicated in honor of certain historical military, civil rights, and Native American events, figures, and organizations; prohibiting any person from preventing the governmental entity having responsibility for maintaining the items, structures, or areas from taking proper measures to protect, preserve, care for, repair, or restore the items, structures, or areas; and authorizing the West Virginia State Historic Preservation Office to grant waivers under certain circumstances”; to the Committee on Political Subdivisions then Government Organization.

**By Delegates Byrd, Rohrbach, Fluharty and Fleischauer:**

**H. B. 2516** - “A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new section, designated §15-9-4a; to amend and reenact §16-1-4 of said code; to amend and reenact §18-2-7b of said code; to amend and reenact §60A-4-401; to amend said code by adding thereto a new section, designated §60A-4-414; and to amend said code by adding thereto a new section, designated §61-2-4a, all relating to substance abuse; mandating studies by the Governor’s committee on crime, delinquency and correction on reforms to state drug sentencing laws; requiring said committee to coordinate school education program by law-enforcement officers; authorizing the State Department of Health to promulgate rules regulating the exchange of syringes and providing immunity for certain actions relating thereto; directing the State Board of Education to



requiring county boards to provide substance abuse training education; directing State Board of Education to coordinate its activities with state law enforcement agencies; providing a penalty enhancement for use of a firearm during manufacture or distribution of controlled or imitation controlled substance; providing that an attempt or conspiracy to attempt to distribute controlled substances or imitation controlled substance is the same as the actual act; and establishing new criminal penalty for causing death by distributing a controlled substance”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegates Fleischauer, Fast, Statler and Frich:**

**H. B. 2517** - “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 Ellington, Summers, Rohrbach, Rowan, Hollen and Atkinson:**

**H. B. 2518** - “A Bill to amend and reenact §30-5-7 of the Code of West Virginia, 1931, as amended; relating to authorizing the Board of Pharmacy to create a legislative rule to permit a pharmacist or pharmacy intern to administer certain immunizations”; to the Committee on Health and Human Resources then Government Organization.

**By Delegates Ellington, Summers, Rohrbach, Cooper, Hollen, Sobonya, Dean, Rowan and Longstreth:**

**H. B. 2519** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-25, relating to requiring West Virginia Bureau for Medical Services to enter into a compact with surrounding states to ensure providers

receive payment for Medicaid services”; to the Committee on Health and Human Resources then Government Organization.

**By Delegates Summers, Rohrbach, Criss, Atkinson, Higginbotham, Byrd, Lovejoy, Fleischauer and Rowan:**

**H. B. 2520** - “A Bill to amend and reenact §16-45-3 of the Code of West Virginia, 1931, as amended, relating to prohibiting the use of a tanning device by a person under the age of eighteen”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Summers, Ellington, Sobonya, Hollen, Rohrbach and Dean:**

**H. B. 2521** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-7F-1, §30-7F-2, §30-7F-3, §30-7F-4, §30-7F-5, §30-7F-6, §30-7F-7, §30-7F-8, §30-7F-9, §30-7F-10 and §30-7F-11, all relating to enacting the Advanced Practice Registered Nurse Compact”; to the Committee on Health and Human Resources.

**By Delegates Ellington, Summers, Rohrbach, Sobonya, Dean, Cooper, Hollen and Rowan:**

**H. B. 2522** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-7F-1, §30-7F-2, §30-7F-3, §30-7F-4, §30-7F-5, §30-7F-6, §30-7F-7, §30-7F-8, §30-7F-9, §30-7F-10 and §30-7F-11, all relating to the establishment and operation of an interstate compact for licensure of nurses; setting forth findings; setting forth the purposes for the compact; defining terms; providing eligibility requirements; requiring a nurse to designate a state of principal license; providing licensure requirements; establishing a licensure process; providing for fees; providing requirements for renewal of a license; providing for joint investigation of nurses by member boards; establishing the effect of disciplinary actions; creating the commission to administer the compact; setting forth commission composition; establishing the authority of the commission; providing immunity; establishing commission rule making authority; providing for judicial review; providing for state enforcement; requiring state courts take judicial notice of certain matters; providing the commission may intervene in proceedings; providing for legal

enforcement of compact rules and provisions; providing for termination or withdrawal of a member state; setting forth provisions for resolution of disputes; establishing provisions for state eligibility; setting forth the circumstances under which the compact will become effective; providing for amending the compact; setting forth procedures for states to withdraw from the Compact; providing process to amend the Compact; establishing dissolution process; and establishing provisions related to severability”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Folk, McGeehan, Paynter, Wilson, Gearheart, Overington, Walters, Phillips, Householder and Dean:**

**H. B. 2523** - “A Bill to repeal §9-5-19 of the Code of West Virginia, 1931, as amended; to repeal §16-2D-2, §16-2D-3, §16-2D-4, §16-2D-5, §16-2D-5c; §16-2D-5f; §16-2D-6, §16-2D-7, §16-2D-8, §16-2D-9, §16-2D-10, §16-2D-11, §16-2D-12, §16-2D-13, §16-2D-14, §16-2D-15, §16-2D-16, §16-2D-17, §16-2D-18, §16-2D-19, §16-2D-20 of said code; to repeal §16-2N-3 of said code; to repeal §16-5Y-12 of said code; to repeal §16-29A-20 of said code; to repeal §49-2-124 of said code; to amend and reenact §16-2D-1 of said code; to amend and reenact §16-2E-2 of said code; to amend and reenact §16-5Y-3 and §16-5Y-4 of said code; to amend and reenact §16-29B-1, §16-29B-3, §16-29B-8, §16-29B-11 and §16-29B-28 of said code; and to amend and reenact §33-15B-5 of said code, all relating to eliminating the certificate of need program and deleting references to the certificate of need program throughout the code”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Espinosa, Upson, Blair, Statler, Nelson, Shott, Howell, Ellington, Overington, Wilson and Householder:**

**H. B. 2524** - “A Bill to repeal §10-5-2a of the Code of West Virginia, 1931, as amended; to repeal §18-2I-3 of said code; to repeal §18A-3-2d of said code; to repeal §18A-3A-1, §18A-3A-2 and §18A-3A-2b of said code; to repeal §18B-1-5a, §18B-11-4 and §18B-11-6 of said code; to amend and reenact §4-13-2 of said

code; to amend and reenact §5-26A-3 of said code; to amend and reenact §5B-2C-6 of said code; to amend and reenact §5F-1-2 of said code; to amend and reenact §5F-2-1 of said code; to amend and reenact §6-7-2a of said code; to amend and reenact §18-2I-1, §18-2I-2 and §18-2I-4 of said code; to amend and reenact §18-10A-1, §18-10A-2, §18-10A-3, §18-10A-6a and §18-10A-12 of said code; to amend and reenact §18-10K-2, §18-10K-5 and §18-10K-6 of said code; to amend and reenact §18-30-4 of said code; to amend and reenact §18A-2-9 of said code; to amend and reenact §18A-3-1, §18A-3-1d, §18A-3-2c and §18A-3-8 of said code; to amend and reenact §18A-3C-1, §18A-3C-2 and §18A-3C-3 of said code; to amend and reenact §18B-1B-2 of said code; to amend and reenact §18B-3D-2 of said code; to amend and reenact §18B-5-2a of said code; to amend and reenact §18B-16-5 and §18B-16-8 of said code; to amend and reenact §18B-18B-1 of said code; and to amend and reenact §29-24-3 and §29-24-5 of said code, all relating to improving the focus on school-level continuous improvement processes led by the principal and eliminating administrative offices, duplicative programs and obsolete provisions; repealing provisions related to creation and duties of distance learning coordinating council; repealing provisions related to annual state board professional development master plan; repealing provisions related to beginning principal internships; repealing provisions related to center for professional development and principals academy curriculum; repealing provisions related to center for development professional development project; repealing provisions related to principals academy establishment, mission, required attendance and employment of coordinator; repealing provisions related to pilot program of delivering educational services via distance learning; repealing provisions related to creation of depositories for assistive devices and services at two colleges or universities; modifying membership of sesquicentennial of American Civil War Commission; modifying membership of commission for national and community service; removing Department of Education and Arts as option of Academy of Science and Technology for annual report technical assistance; eliminating Department of Education and the Arts as executive department headed by secretary; transferring Library Commission to Department of Administration; transferring Division of Culture

and History to Department of Commerce; making educational broadcasting an independent agency within executive branch; transferring division of vocational rehabilitation to Department of Health and Human Resources; removing salary of secretary of education and the arts; modifying scope and goals of the system for coordination and delivery of professional development to be instituted by state board; modifying legislative findings with respect to professional development; eliminating requirement for state board master plan for professional development; requiring state board rule to include process for aggregating school and system strategic plan information to assist design and delivery of professional development; replacing references to education and the arts in the rehabilitation services related statutes; modifying membership of Traumatic Brain and Spinal Cord Injury Rehabilitation Fund Board; transferring fund administration to Department of Health and Human Resources; modifying membership of college prepaid tuition and savings program board; including instructional leadership among the responsibilities of principals and requiring course work in instructional leadership and related topics as prerequisite for administrative certification; moving education and training in evaluation skills from precertification requirement to preemployment as principal, assistant or administrator required to conduct evaluations; deleting provisions of section that provided that nothing was to be construed to limit rights and privileges of principals and assistant principals as teachers; removing requirement for state board consultation with Secretary of Education and Arts and chancellor prior to exercise of authority over education and authorizing cooperation with regional education service agencies for selected phases of preparation programs and expenditure of funds; removing provisions related to required training and professional development of principals through principals academy; adding instructional leadership and management techniques to required minimum standards for principals rule; requiring county staff development councils to base proposals for staff development on analysis of individual and collective need indicated in school's strategic plans; incorporating principals development in the provisions for a comprehensive system to improve teaching and learning; making legislative finding that professional development resources must be focused

rather than increased; removing obsolete provisions related to phased implementation of provisions related to professional personnel evaluations; eliminating requirement for five percent of evaluations to be based on state summative assessment and increasing percent based on evidence of student learning by five percent; incorporating principals into the comprehensive system of support for improved professional performance; requiring deficiencies identified through personnel evaluations to be incorporated in strategic plans for continuous improvement; modifying membership of Higher Education Policy Commission; modifying membership of workforce development initiative program advisory committee; modifying process for approval of transfers of amounts between items of appropriation or special accounts; updating agency references and removing Secretary of Education and the Arts with respect to rural health initiative; modifying membership of science and research council; and transferring technology-related assistance revolving loan fund for individuals with disabilities to jurisdiction of secretary of health and human resources”; to the Committee on Education then Finance.

**By Delegates Marcum, Phillips, Eldridge, Rodighiero, R. Miller, Hicks, Lynch, Folk, McGeehan, Zatezalo and Rohrbach:**

**H. B. 2525** - “A Bill to amend and reenact §18-4-10 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-5-13 of said code, all relating to relieving the county superintendent of schools of the duty of nominating personnel to be employed by the county board; and authorizing the county board to employ a human resources director to receive job applications, qualifications and other pertinent information for principals, vice-principals and other administrative positions which is then submitted to the county board which may determine the persons to be hired”; to the Committee on Education then Finance.

**By Delegates Ellington, Summers, Sobonya and Rohrbach:**

**H. B. 2526** - “A Bill to amend and reenact §60A-2-204, §60A-2-206, §60A-2-210 and §60A-2-212 of the Code of West Virginia, 1931, as amended, all relating to classifying additional

drugs to Schedules I, II, IV and V of controlled substances”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Westfall and Cooper:**

**H. B. 2527** - “A Bill to repeal §18-9A-8 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-9A-2, §18-9A-4, §18-9A-5, §18-9A-7 and §18-9A-10 of said code, all relating to public school support; repealing the section providing for the foundation allowance for professional student support services; adding Treasurer/Chief School Business Official with a bachelor’s degree and Child Nutrition Director with a bachelor’s degree to definition of professional student support personnel; changing method for determining the basic foundation allowance to the county for professional educators, for service personnel and for transportation; and changing the method for determining total allowance to improve instructional programs”; to the Committee on Education then Finance.

At the request of Delegate Eldridge, and by unanimous consent, the House of Delegates returned to the Seventh Order of Business for the purpose of offering a motion.

Delegate Eldridge then asked unanimous consent to be added as a cosponsor of H. B. 2303.

Delegate Cowles rose to a point of inquiry regarding the process for adding cosponsors to a bill pursuant to Rule 94b.

To the point the Speaker replied and reminded Members of the process outlined in the Rules of the House.

Unanimous consent having been obtained, Delegate Eldridge was added as a cosponsor of H. B. 2303.

Delegate R. Miller asked and obtained unanimous consent to be added as a cosponsor of H. B. 2303.

Delegate Baldwin asked and obtained unanimous consent to be added as a cosponsor of H. B. 2319.

## House Calendar

### Second Reading

**Com. Sub. for H. B. 2099**, Defining the act of leaving the scene of a crash involving death or serious bodily injury as a felony; Erin's Law; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Shott, the bill was amended on page one, following the enacting section, by striking out the remainder of the bill and inserting in lieu thereof the following:

#### “ARTICLE 4. CRASHES.

##### **§17C-4-1. Crashes involving death or personal injuries; Erin's Law.**

(a) As used in this section:

(1) ‘Bodily injury’ means injury that causes substantial physical pain, illness or any impairment of physical condition; and

(2) ‘Serious bodily injury’ means bodily injury that creates a substantial risk of death, that causes serious or prolonged disfigurement, prolonged impairment of health, prolonged loss or impairment of the function of any bodily organ, loss of pregnancy, or the morbidity or mortality occurring because of a preterm delivery.

~~(a) (b)~~ The driver of any vehicle involved in a crash resulting in injury to or death of any person shall immediately stop the vehicle at the scene of the crash or as close to the scene as possible and return to and remain at the scene of the crash until he or she has complied with the requirements of section three of this article: *Provided*, That the driver may leave the scene of the crash as may reasonably be necessary for the purpose of rendering assistance to ~~an injured~~ a person injured in the crash, including the driver, as required by ~~said~~ section three ~~Every such~~ of this article. ~~stop shall be made without obstructing traffic more than is necessary.~~



~~(b)~~ (c) Any person knowingly violating the provisions of subsection (a) of this section after being involved in a crash resulting in the death of any person is guilty of a felony and, upon conviction, thereof, shall be fined by not more than \$5,000, or imprisoned in a correctional facility for not less than one year nor more than five years, or both fined and confined. Any driver who is involved in a crash that proximately causes another person to suffer bodily injury and knowingly violates subsection (b) of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by confinement in jail for not more than one year, or fined not more than \$1,000, or both fined and confined.

(d) Any driver who is involved in a crash that proximately causes another person to suffer serious bodily injury and knowingly violates subsection (b) of this section is guilty of a felony and, upon conviction, shall be imprisoned in a correctional facility for not less than one year nor more than three years, or fined not more than \$2,500, or both fined and imprisoned.

~~(e)~~ (e) Any person knowingly violating the provisions of subsection (a) of this section after being involved in a crash resulting in physical injury to any person is guilty of a misdemeanor and, upon conviction thereof, shall be punished by confinement in jail for not more than one year, or fined not more than \$1,000, or both. Any driver who is involved in a crash that proximately causes the death of another person and knowingly violates subsection (b) of this section is guilty of a felony and, upon conviction thereof, shall be fined not more than \$5,000, or imprisoned in a correctional facility for not less than one year nor more than five years, or both fined and imprisoned: *Provided*, That any death charged under this subsection must occur within one year of the offense.

~~(f)~~ (f) The commissioner shall revoke the license or permit or operating privilege to drive of any resident or nonresident person convicted pursuant to the provisions of this section for a period of one year from the date of conviction or the date of release from incarceration, whichever is later.

~~(g)~~ (g) This section may be known and cited as ‘Erin’s Law’.”

The bill was then ordered to engrossment and third reading.

### **First Reading**

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

**Com. Sub. for H. B. 2303**, Increasing criminal penalties for littering,

And,

**Com. Sub. for H. B. 2319**, Relating to candidates or candidate committees for legislative office disclosing contributions.

### **Remarks by Members**

Delegate Westfall asked and obtained unanimous consent that the remarks of Delegate Gearheart regarding turnpike tolls be printed in the Appendix to the Journal.

Delegate Caputo asked and obtained unanimous consent that the remarks of Delegate Bates regarding the Budget be printed in the Appendix to the Journal.

Delegate Maynard asked and obtained unanimous consent that the remarks of Delegate Wilson regarding civility and liberty be printed in the Appendix to the Journal.

### **Miscellaneous Business**

Delegate Frich filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2129.

Delegate Pyles filed forms with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2129 and H. B. 2208.

Delegate Eldridge filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2167.

Delegate Lovejoy filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2329.

Delegate C. Romine filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2416.

Delegate Phillips filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2443.

Delegate Rowan filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2462.

Delegates Storch, Canestraro, Hamilton, Romine, Diserio, Rowe, Pethel, Ambler, Robinson and Cooper filed forms with the Clerk's Office per House Rule 94b to be added as cosponsors of H. B. 2386.

At 11:55 a.m., the House of Delegates adjourned until 11:00 a.m., Friday, February 17, 2017.



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Friday, February 17, 2017

## TENTH DAY

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

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

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

The Clerk proceeded to read the Journal of Thursday, February 16, 2017, being the first order of business, when the further reading thereof was dispensed with and the same approved.

### Committee Reports

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

Your Committee on Government Organization has had under consideration:

**H. B. 2347**, Allowing schools licensed to provide barber, cosmetology and related training to hold theory classes and clinical classes at different locations,

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

**Com. Sub. for H. B. 2347** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-27-15, relating to allowing schools licensed to provide barber, cosmetology and related training to hold theory classes and clinical classes at separate locations; and prohibiting schools licensed to provide barber, cosmetology and related training from being established within the same physical structure as a salon, spa, or similar business.”

With the recommendation that the committee substitute do pass.

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

Your Committee on Government Organization has had under consideration:

**H. B. 2348**, Eliminating any requirement that class hours of students be consecutive,

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:

**H. B. 2220**, Barbers and Cosmetologists, W.Va. Board of Licensing Schools of Barbering, Cosmetology, Nail Technology and Aesthetics,

And,

**H. B. 2239**, Barbers and Cosmetologists, W.Va. Board of Qualifications, Training, Examination and Certification of Instructors in Barbering and Cosmetology,

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. 2220 and H. B. 2239) 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:

**H. B. 2240**, Barbers and Cosmetologists, W.Va. Board of, Operational Standards for Schools of Barbering, Cosmetology, Hair Styling, Nail Technology and Aesthetics,

**H. B. 2241**, Barbers and Cosmetologists, W.Va. Board of Operation of Barber, Beauty, Nail and Aesthetic Shops/Salons, and Schools of Barbering and Beauty Culture,

**H. B. 2242**, Barbers and Cosmetologists, W.Va. Board of Schedule of Fees,

**H. B. 2243**, Barbers and Cosmetologists, W.Va. Board of Barber Apprenticeship,

**H. B. 2298**, Barbers and Cosmetologists, W.Va. Board of Continuing Education,

And,

**H. B. 2299**, Barbers and Cosmetologists, W.Va. Board of Waxing Specialist,

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. 2240, H. B. 2241, H. B. 2242, H. B. 2243, H. B. 2298 and H. B. 2299) were each referred to the Committee on the Judiciary.

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2301**, Relating to direct primary care,

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

**Com. Sub. for H. B. 2301** – “A Bill to repeal §16-2J-1, §16-2J-2, §16-2J-3, §16-2J-4, §16-2J-5, §16-2J-6, §16-2J-7, §16-2J-8 and §16-2J-9 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §30-3F-1, §30-3F-2, §30-3F-3, §30-3F-4 and §30-3F-5, all relating to direct primary care; defining terms; permitting individuals to enter into agreements, for direct primary care with an individual or other legal entity authorized to provide primary care services, outside of an insurance plan or outside of the Medicaid or Medicare program and pay for the care outside of insurance plans and the Medicaid or Medicare program; providing that insurance benefits are not forfeited by certain purchases; providing that certain products are not the offer of insurance; providing that direct primary care membership agreement is not considered insurance; prohibiting direct primary care providers from billing third-party payers for services or products under the direct primary care membership agreement; providing that a direct primary care provider is not required to obtain certain credentials; prohibiting the billing of third party providers for direct primary care services; stating certain requirements for direct primary care membership agreement; providing rule-making authority by the West Virginia Board of Medicine; the West Virginia Board of Osteopathic Medicine and the West Virginia Board of Examiners for Registered Professional Nurses to effectuate the provisions of this new article; and authorizing civil penalties in the form of sanctions by the respective boards for violations that constitute unprofessional conduct.”

With the recommendation that the committee substitute do pass.

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. 2167**, Creating a Silver Alert program for senior citizens,



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

**Com. Sub. for H. B. 2167** – “A Bill to amend and reenact §15-3B-3 and §15-3B-4 of the Code of West Virginia, 1931, as amended, relating to including senior citizens in the Silver Alert program; defining a senior citizen; providing a date to include senior citizens in the program; and including senior citizens in criteria to activate the Silver Alert.”

With the recommendation that the committee substitute do pass.

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. 2404**, Barring persons who are convicted of certain criminal offenses from acquiring property from their victims,

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. 2404) was referred to the Committee on the Judiciary.

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

Your Committee on Banking and Insurance has had under consideration:

**H. B. 2230**, Insurance Commission, Adoption of Valuation Manual,

And,

**H. B. 2283**, Risk and Insurance Management, W.Va. State Board of Mine Subsidence Insurance,

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. 2230 and H. B. 2283) were each referred to the Committee on the Judiciary.

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

Your Committee on Energy has had under consideration:

**H. B. 2221**, DEP Air Quality Board, Alternative Emission Limitations During Startup, Shutdown and Maintenance Operations,

**H. B. 2222**, DEP Air Quality Board, Ambient Air Quality Standards,

**H. B. 2223**, DEP Air Quality Board, Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Admin. Updates, Temporary Permits, General Permits, Permission to Commence Construction and Procedures for Evaluation,

**H. B. 2224**, DEP Air Quality Board, Permits for Construction and Major Modification of Major Stationary Sources for the Prevention of Significant Deterioration of Air Quality,

**H. B. 2225**, DEP Air Quality Board, Standards of Performance for New Stationary Sources,

**H. B. 2226**, DEP Air Quality Board, Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities,

**H. B. 2227**, DEP Air Quality Board, Emission Standards for Hazardous Air Pollutants,

**H. B. 2228**, DEP Secretary's Office, Voluntary Remediation and Redevelopment Rule,

**H. B. 2229**, DEP Water and Waste Management, Awarding of Matching Grants for Local Litter Control Programs,

And,

**H. B. 2267**, Miners' Health, Safety and Training, W.Va. Office of, Certification, Recertification and Training of EMT-Miners and the Certification of EMT-M Instructors,

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. 2221, H. B. 2222, H. B. 2223, H. B. 2224, H. B. 2225, H. B. 2226, H. B. 2227, H. B. 2228, H. B. 2229 and H. B. 2267) were each 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. 2300**, Regulating step therapy protocols,

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. 2423**, Relating to the criminal offense of therapeutic deception,

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. 2423) was referred to the Committee on the Judiciary.

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

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

**H. B. 2360**, Exempting certain contracts from the bidding process,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2360) was referred to the Committee on Government Organization.

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. 2431**, Allowing influenza immunizations to be offered to patients and residents of specified facilities,

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

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. 2264**, Medicine, WV Board of Licensing and Disciplinary Procedures: Physicians; Podiatrists,

**H. B. 2265**, Medicine, WV Board of Licensure, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants,

**H. B. 2266**, Medicine, WV Board of Dispensing of Legend Drugs by Practitioners,

And,

**H. B. 2359**, Relating to offenses and penalties for practicing osteopathic medicine without a license,

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. 2264, H. B. 2265, H. B. 2266 and H. B. 2359) were each referred to the Committee on the Judiciary.

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2318**, Relating generally to human trafficking,

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

**Com. Sub. for H. B. 2318** – “A Bill to repeal §61-2-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §15-9A-2 of said code; to amend and reenact §15-12-2 of said code; to amend and reenact §49-1-201 of said code; to amend said code by adding thereto a new article, designated §61-14-1, §61-14-2, §61-14-3, §61-14-4, §61-14-5, §61-14-6, §61-14-7, §61-14-8 and §61-14-9; and to amend and reenact §62-1D-8 of said code, all relating generally to human trafficking; designating the Division of Justice and Community Services to be the state administrative agency responsible

for criminal justice and juvenile justice systems for the planning and development of state programs and grants relating to human trafficking; adding offenses that require registration under the sex offender registration act; defining terms; repealing existing civil remedies, criminal offense and penalties for human trafficking; creating criminal felony offenses and penalties for trafficking an individual; creating criminal felony offenses and penalties for using an individual in forced labor; creating criminal felony offenses and penalties for using an individual in debt bondage; creating criminal felony offenses and penalties for compelling an adult through coercion to engage in commercial sexual activity; creating a criminal felony offense for maintaining or making available a minor for the purpose of engaging in commercial sexual activity; clarifying that consent of minor and misbelief as to age are not defenses to prosecution for sexual servitude offense; creating a criminal felony offense of patronizing an individual to engage in commercial sexual activity; clarifying that each victim shall be considered a separate offense; limiting ability for parole in circumstances where the court makes a finding of aggravated circumstances; defining aggravated circumstances; providing for restitution to victims and the enforcement of a judgment order for restitution; directing unclaimed restitution to be paid to the Crime Victims Compensation Fund; providing for disgorgement of profits and debarment from state and local government contracts; making victims eligible for compensation under the Crime Victims Compensation Fund; specifying the notification procedure to be followed by a law-enforcement officer upon encountering a child who appears to be a victim of an offense under this article; providing for immunity for offense of prostitution for minors; defining a minor victim of sex trafficking as an abused child and establishing a child's eligibility for services therefor; providing for expungement of prostitution conviction for victims of trafficking; and authorizing the use of wiretaps to conduct investigations,"

With the recommendation that the committee substitute do pass.

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

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

**H. B. 2422**, The Ryan Brown Addiction Prevention and Recovery Fund 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. 2422) was referred to the Committee on Finance.

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

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

**H. B. 2277**, Pharmacy, WV Board of Controlled Substances Monitoring Program,

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. 2277) was referred to the Committee on the Judiciary.

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

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

**H. B. 2083**, Increasing the felony criminal penalties for exposing children to methamphetamine manufacturing,

And,

**H. B. 2329**, Prohibiting the production, manufacture or possession of fentanyl,

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. 2083 and H. B. 2329) were each referred to the Committee on the Judiciary.

### **Bills Introduced**

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

**By Delegate Hicks:**

**H. B. 2528** - "A Bill to amend and reenact §48-11-105 and §48-11-106 of the Code of West Virginia, 1931, as amended; all relating to requiring in the event the amount of child support to be paid is modified by a later child support order, the amount to be paid is effective on the date the petition for the modification was filed, not the date the subsequent order was entered"; to the Committee on the Judiciary.

**By Delegates Pushkin, Walters, White, Storch, Westfall, Moore, Kelly, Miley, Williams, Hill and Higginbotham:**

**H. B. 2529** - "A Bill to amend and reenact §5-11-2, §5-11-3, §5-11-4, §5-11-8, §5-11-9 and §5-11-13 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5-11A-3, §5-11A-5, §5-11A-6 and §5-11A-7 of said code, all relating to unlawful discriminatory practices in categories covered by the Human Rights Act and the Fair Housing Act; prohibiting discrimination based upon age or sexual orientation; and defining sexual orientation"; to the Committee on Industry and Labor then the Judiciary.

**By Delegate Walters:**

**H. B. 2530** - "A Bill to amend and reenact §17B-1-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §17B-2-7b of said code; to amend said code by adding thereto a



new section, designated §17C-1-69; and to amend and reenact §17C-15-44 of said code, all relating to autocycles; defining ‘autocycle’; creating an autocycle exemption from motorcycle examination, licensing and endorsement requirements; allowing a person with a valid driver’s license to operate an autocycle; creating an autocycle exemption from helmet and certain other motorcycle or motor-driven cycle safety requirements; deleting obsolete language regarding the motorcycle safety and education committee; and making technical corrections”; to the Committee on Roads and Transportation then the Judiciary.

**By Delegate Walters:**

**H. B. 2531** - “A Bill to amend and reenact §55-2-3 of the Code of West Virginia, 1931, as amended, relating to entry upon or recovery of lands by infants, insane persons, military personnel or reservists”; to the Committee on Veterans’ Affairs and Homeland Security then the Judiciary.

**By Delegates Pushkin, Lane, McGeehan, Isner, Hornbuckle, Lovejoy, Brewer, Fluharty and Byrd:**

**H. B. 2532** - “A Bill to amend and reenact §61-11-26 of the Code of West Virginia, 1931, as amended, relating to allowing the expungement of certain felony convictions; setting forth the conditions for expungement; establishing a procedure for expungement; creating conditions; providing exceptions; and providing for procedures and for resulting legal status”; to the Committee on Industry and Labor then the Judiciary.

**By Delegate Sobonya:**

**H. B. 2533** - “A Bill to amend and reenact §60A-4-409 of the Code of West Virginia, 1931, as amended, relating to increasing the penalties for transporting controlled substances into the state; and exempting marihuana from this provision”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegate Walters:**

**H. B. 2534** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2I-1, §5B-2I-2, §5B-2I-3, §5B-2I-4, §5B-2I-5, §5B-2I-6 and §5B-2I-7,

all relating to authorizing local units of government to adopt local energy efficiency partnership programs and to create districts to promote the use of energy efficiency improvements by owners of certain real property; providing for financing of programs through voluntary property assessments, commercial lending and other means; authorizing local unit of government to issue bonds, notes and other evidences of indebtedness and to pay the cost of energy efficiency improvements from the proceeds thereof; providing for the repayment of bonds, notes and other evidences of indebtedness; authorizing certain fees; prescribing powers and duties of certain governmental officers and entities; and providing remedies”; to the Committee on Energy then Finance.

**By Delegates Kelly, Rodighiero, Criss, Ward, Cooper, Rowan, R. Romine, Harshbarger, Hollen, Marcum and Hicks:**

**H. B. 2535** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §61-6-26 and §61-6-27, all relating to making it a criminal offense to disturb the peace; providing examples of disturbing the peace; defining a term; and providing criminal penalties”; to the Committee on the Judiciary.

**By Delegates Walters, Boggs, Bates, Storch, Criss, Lovejoy and Ambler:**

**H. B. 2536** - “A Bill to amend and reenact §61-11-26 of the Code of West Virginia, 1931, as amended, relating to the creation of the West Virginia Second Chance for Employment Act; defining terms; expanding eligibility for criminal expungement to persons convicted of certain nonviolent felonies; defining ‘nonviolent felony’; providing exclusions to eligibility; establishing timing for filing a petition for expungement; creating petition requirements and court procedure for evaluating preliminary and final orders of expungement for nonviolent felonies; providing for preliminary orders of expungement; requiring a ten-year period under a preliminary order of expungement for a felony before one may obtain a final order of expungement; clarifying disclosure requirements with respect to the information sealed pursuant to an order of expungement, including exemptions; providing standard

for inspection of sealed records; and making technical changes”; to the Committee on Industry and Labor then the Judiciary.

**By Delegates Kelly, Criss, Deem, Wagner, Ward, Atkinson, Cooper, Rowan, R. Romine, Harshbarger and Hollen:**

**H. B. 2537** - “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”; to the Committee on Pensions and Retirement then Finance.

**By Delegates Ellington, Summers, Rohrbach, Longstreth and Rodighiero:**

**H. B. 2538** - “A Bill to amend and reenact §30-3E-4 of the Code of West Virginia, 1931, as amended, relating to the licensure of physician assistants”; to the Committee on Health and Human Resources then Government Organization.

**By Delegates A. Evans, Hamilton, Ambler, Wagner, R. Romine, Frich, Sponaugle, Lewis and Rowan:**

**H. B. 2539** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-15-26, relating to permitting a housing authority to garnish delinquent rents and other amounts owed to the authority from the renter’s income tax refund; setting forth a procedure; permitting the Tax Commissioner and the applicable courts to receive a fee and costs; and providing for rule-making”; to the Committee on the Judiciary then Finance.

**By Delegates Ellington, Summers, Rohrbach, Cooper, Hollen, Sobonya and Rowan:**

**H. B. 2540** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-1-21, relating to permitting a person to practice certain professions for limited time for a charitable function”; to the Committee on Government Organization.

## House Calendar

### Third Reading

**Com. Sub. for H. B. 2099**, Defining the act of leaving the scene of a crash involving death or serious bodily injury as a felony; Erin's Law; 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. 2**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Blair, Ellington, Householder and Longstreth.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2099) passed.

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

**Com. Sub. for H. B. 2099** – “A Bill to amend and reenact §17C-4-1 of the Code of West Virginia, 1931, as amended, relating to crashes involving death or personal injuries; defining terms; clarifying when a driver may leave the scene of a crash for the purpose of rendering assistance to an injured person in the crash; clarifying the crime of leaving the scene of a crash that causes bodily injury; creating a felony crime of leaving the scene of a crash that proximately causes serious bodily injury and providing criminal penalties; and clarifying the crime of leaving the scene of a crash that causes death.”

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

### Second Reading

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

**Com. Sub. for H. B. 2303**, Increasing criminal penalties for littering,

And,

**Com. Sub. for H. B. 2319**, Relating to candidates or candidate committees for legislative office disclosing contributions.

### **Leaves of Absence**

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

### **Remarks by Members**

Delegate Boggs asked and obtained unanimous consent that the remarks of Delegate E. Evans regarding workplace safety be printed in the Appendix to the Journal.

### **Miscellaneous Business**

Delegate Baldwin filed forms with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2043, H. B. 2157, H. B. 2215, H. B. 2200, H. B. 2326, H. B. 2316 and H. B. 2403.

Delegate Frich filed forms with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2083, H. B. 2329 and H. B. 2350.

Delegate Espinosa filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2148.

Delegate Lovejoy filed forms with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2326, H. B. 2380 and H. B. 2416.

Delegate Statler filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2350.

Delegate Rohrbach filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2387.

Delegate Kessinger filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2387.

Delegate Lane filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2387.

At 11:49 a.m., the House of Delegates adjourned until 11:00 a.m., Monday, February 20, 2017.

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Monday, February 20, 2017

**THIRTEENTH 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 Friday, February 17, 2017, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2447**, Renaming the Court of Claims the State Claims Commission,

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

**Com. Sub. for H. B. 2447** – “A Bill to repeal §14-2-6 and §14-2-18 of the Code of West Virginia, 1931, as amended; to repeal §14-2A-7 of said code; to amend and reenact §14-2-3, §14-2-4, §14-2-4a, §14-2-5, §14-2-7, §14-2-8, §14-2-9, §14-2-10, §14-2-11, §14-2-12, §14-2-13, §14-2-14, §14-2-15, §14-2-16, §14-2-17, §14-2-19, §14-2-20, §14-2-21, §14-2-22, §14-2-23, §14-2-24, §14-2-25, §14-2-26, §14-2-27 and §14-2-28 of said code; to amend said code by adding thereto a new section, designated §14-2-17a; and to amend and reenact §14-2A-5, §14-2A-6, §14-2A-9, §14-2A-10, §14-2A-11, §14-2A-12, §14-2A-13, §14-2A-14, §14-2A-15, §14-2A-16, §14-2A-17, 14-2A-18, §14-2A-19, §14-2A-19a, §14-2A-

19b, §14-2A-20, §14-2A-21, §14-2A-25, §14-2A-26 and §14-2A-28 of said code, all relating to renaming the Court of Claims the state Claims Commission; renaming judges commissioners; modifying definitions; providing explicit powers of removal of commissioners; providing authority to the Joint Committee on Government and Finance for the hiring of a clerk, chief deputy clerk, and deputy clerks; and establishing a shortened procedure for certain road condition claims,”

With the recommendation that the committee substitute do pass.

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2465**, Modifying the requirements that allow a child witness to testify by closed-circuit television.

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

**Com. Sub. for H. B. 2465** – “A Bill to amend and reenact §62-6B-2, §62-6B-3 and §62-6B-4 of the Code of West Virginia, 1931, as amended, all relating to modifying the requirements that allow a child witness to testify by live, closed-circuit television; defining terms; expanding the allowance of closed-circuit testimony to other alleged criminal offenses; authorizing use for persons with certain intellectual disabilities; clarifying the use and requirements of closed-circuit television; granting the court discretion to allow testimony via live, closed-circuit television; granting court discretion to decide whether it be through one-way or two-way closed-circuit television; setting forth findings to be made by the circuit court prior to ordering testimony through live, closed-circuit television; granting the court discretion to appoint a psychiatrist, licensed psychologist or licensed social worker to provide an expert opinion regarding the factors and findings to be made by the court in deciding whether to order testimony through live, closed-circuit television; requiring court-appointed expert witness to



provide written report within established deadline; providing for the effect of failure to comply with filing deadline; revising the procedures required for taking testimony of child witness by live, closed-circuit television; setting forth the procedures for testimony by live, closed-circuit television; establishing a location for witness testimony and individuals allowed in the witness room; setting requirements for display in the courtroom; providing who may question the child witness and the procedures therefor; providing for requirement of electronic means for defendant to confer with counsel during the taking of the testimony; providing for instruction to jury regarding use of live, closed-circuit television; authorizing the defendant to waive jury instruction regarding use of live, closed-circuit television; prohibiting counsel from making comments in the presence of the jury; authorizing the court to establish measures for the physical safety of the child witness and for the confidentiality of sensitive information; authorizing the court to allow accommodations for child witness testimony in court rather than by live, closed-circuit television; authorizing the allowance of a toy, blanket or similar item to be in possession of child witness while testifying; authorizing the allowance of a designated support person and seating of the support person in the courtroom; and providing requirements for allowance of a designated support person by motion.”

With the recommendation that the committee substitute do pass.

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2404**, Barring persons who are convicted of certain criminal offenses from acquiring property from their victims,

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

**Com. Sub. for H. B. 2404** – “A Bill to amend and reenact §36-1-20 of the Code of West Virginia, 1931, as amended; and to

amend and reenact §42-4-2 of said code, all relating generally to barring persons who are convicted of certain criminal offenses from acquiring property from their victims through joint tenancy or inheritance; and creating exceptions,”

With the recommendation that the committee substitute do pass.

### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced 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. 127** - “A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to adoption of a valuation manual”; 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. 174** - “A Bill to amend and reenact §24A-1-3 of the Code of West Virginia, 1931, as amended, relating to exempting the transportation of household goods from the jurisdiction of the Public Service Commission”; which was referred to the Committee on Government Organization then the Judiciary.

A message from the Senate, by

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

**Com. Sub. for S. B. 230** - “A Bill to amend and reenact §7-4-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-29-12, all relating to authorizing West Virginia prosecuting attorneys and

assistant prosecuting attorneys to carry concealed firearms nationwide as authorized by the federal Law-Enforcement Officers Safety Act; providing the statutory authority necessary to give prosecuting attorneys and assistant prosecuting attorneys the option to carry firearms pursuant to federal law upon completion of required training and annual background check; granting prosecuting attorneys and assistant prosecuting attorneys arrest powers under certain circumstances; requiring West Virginia law-enforcement agencies to offer access to training and certification for honorably retired officers of said agencies to be permitted to carry a concealed firearm nationwide as a qualified retired law-enforcement officer as provided in the federal Law-Enforcement Officers Safety Act of 2004 and establishing a fee limit thereof; and authorizing West Virginia law-enforcement agencies to offer training to retired law-enforcement officers of other departments”; 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. 233** - “A Bill to amend and reenact §62-1D-2 of the Code of West Virginia, 1931, as amended, relating generally to the Wiretapping and Electronic Surveillance Act; excluding from protection under the act oral communications uttered in a child care center where there are written notices posted informing persons that their oral communications are subject to being intercepted; and defining ‘child care center’”; which was referred to the Committee on the Judiciary.

### **Resolutions Introduced**

Delegates Eldridge, Lovejoy, Rodighiero, R. Miller, Atkinson, Baldwin, Hornbuckle, Maynard, Rohrbach, White and Canestraro offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 14** – “Proclaiming and making the fiddle the official musical instrument of the State of West Virginia.”

Whereas, The fiddle arrived in Appalachia in the 18<sup>th</sup> century with immigrants from the British Isles, bringing with them the musical traditions of their countries. These traditions consisted primarily of English and Scottish ballads, which were essentially unaccompanied narratives, and dance music, such as Irish reels which were accompanied by a fiddle. The fiddle soon became a staple of life in West Virginia, being played in churches, in logging and mining camps, at weddings and summer picnics and in the homes and on porches of many West Virginians. It has remained so ever since, being showcased in music festivals around the state, from the Augusta Festival in Elkins, the Vandalia Gathering held on the grounds at the State Capitol and the Appalachian String Band Festival at Camp Washington Carver in Hilltop, just to name a few. West Virginia has also produced some of the finest fiddlers in the nation, and continues to do so; and

Whereas, Fiddler Blind Alfred Reed was born on June 15, 1880, and was one of the artists who recorded at the Bristol Sessions in 1927, along with Jimmie Rogers and the Carter Family, which are the first recordings of traditional country music. He was raised in a very conservative family, and acquired a violin at a young age. Later, he began performing at county fairs, in country schoolhouses, for political rallies, and in churches. He even played on street corners for tips. He used to sell out printed copies of his compositions for ten cents each. After the Bristol Sessions, Mr. Reed recorded his most famous song, that is still being sung today, "How Can a Poor Man Stand Such Times and Live". After 1929, he stopped recording, but continued to perform locally until 1937 when a law was passed prohibiting blind street musicians. He is buried in Elgood and was inducted into the West Virginia Music Hall of Fame in 2007; and

Whereas, Edwin "Edden" Hammons was born in 1874 and is considered by many to have been one of the finest traditional West Virginia fiddlers of all time, and tales of his musical exploits and eccentric lifestyle flourish among the inhabitants of mountainous east central part of the state. Mr. Hammons was the youngest of four brothers and three sisters, and his musical abilities were soon recognized to be superior to that of his siblings. Family tradition holds that his ability was recognized and encouraged at an early age

and that the boy was spared his share of the burdens of frontier living as a result. Mr. Hammons first attempt in music was with a fiddle made from a gourd, he soon progressed and he secured a store-bought fiddle and there was no dispute that he could draw out exquisite harmonies from the instrument. Whether because of immaturity or musical passion, Mr. Hammons refused to lay his fiddle down “like most men did” as he grew older and was faced with supporting a family. Mr. Hammons three-week marriage to Caroline Riddle in 1892 came to a head when Caroline demanded that Edden either quit playing fiddle and go to work or she would leave. Given the ultimatum, Mr. Hammons chose the fiddle. When he was older, Mr. Hammons participated in five to ten fiddle contests each year, and rarely came away with less than first prize. Perhaps Mr. Hammons most distinguished contest adversary was Lewis “Jack” McElwain, regarded by many others at the time to be the premier fiddler in the State of West Virginia. Mr. McElwain’s accomplishments included a first-place finish at the 1893 World’s Fair in Chicago. At a contest in Marlinton in 1909, Mr. McElwain and Mr. Hammons tied for top honors. Later, there were disagreements about the selection of judges, Mr. Hammons insisted that the judging be left to the attendees. Mr. Hammons usually won; and

Whereas, Fiddler Melvin Wine was born in Burnsville in 1909. At the age of nine he began to play his first fiddle tunes by sneaking out his father’s prized possession, the fiddle. Mr. Wine eventually gained the courage to inform his mother of the progress he had made with his father’s fiddle. One evening his mother bravely shared this with his father. At the time, Mr. Wine believed he might receive a whipping for sneaking out the fiddle. But instead, from this point on, his father supported the young boy’s efforts. Mr. Wine’s father learned the fiddle tunes that he passed on to Melvin from his father, Nels, Mr. Wine’s grandfather. Mr. Wine passed away in 2003; and

Whereas, Mr. Clark Kessinger was born in Lincoln County on July 27, 1896. Mr. Kessinger began playing the banjo when he was five years old and two years later he performed at local saloons with his father. He switched to fiddle and began performing at country dances. After serving in the Navy, Mr. Kessinger’s reputation as a

fiddler increased and he visited many local fiddling contests. He teamed up with his nephew Luches "Luke" Kessinger performing at various locations. In 1927 Mr. Kessinger and Luches Kessinger had their own radio show at the newly opened station WOBU in Charleston. On February 11, 1928, the Kessingers recorded twelve sides for the Brunswick-Balke-Collender recording company. In the late 1920s, the Kessingers' records were best sellers, including "Wednesday Night Waltz", "Turkey in the Straw", "Hell Among Yearlings", "Tugboat" and "Salt River". Mr. Kessinger was also greatly influenced by classical violin players such as Fritz Kreisler, Joseph Szigeti and Jascha Heifetz. Following his last recording session on September 20, 1930, Mr. Kessinger retired as a recording artist. But in 1963 he was rediscovered and soon was competing at several fiddling contests. In August 1964, Mr. Kessinger formed a string band in Galax, Virginia, winning first prize in the string band category. In April 1971, he won the World's Champion Fiddle Prize at the 47<sup>th</sup> Old-time Fiddler's Convention in Union Grove, North Carolina. Three more albums followed on Kanawha Records. His albums were later reissued on Folkways and Country Roads. In 1971 Mr. Kessinger recorded 12 tracks for the newly formed Rounder Records. The record company had plans to record many albums with Kessinger but before they could initiate what they had planned, Mr. Kessinger had a stroke and collapsed on the scene at a fiddler's convention in Virginia. His left hand became numb, and he was unable to play the fiddle for the remainder of his life. Rounder released his recordings as "Clark Kessinger: Old-time Music with Fiddle and Guitar". He died in 1975 and was inducted into the West Virginia Music Hall of Fame in 2007; and

Whereas, Ed Haley was born in 1885 and was one of the best known fiddlers in his region of Appalachia. He traveled frequently and performed in a variety of venues and played over WLW in Cincinnati. He also made occasional studio recordings for friends, such as for Doc Holbrook in Greenup, Kentucky. He seldom recorded commercially because he was worried that record companies would take advantage of a blind man. Late in life, he made recordings for the family on a Wilcox-Gay disc-cutting machine brought home from the service by his stepson, Ralph. The recording featured Ed, Ella, Ralph (on guitar) and daughter Mona

(vocals). Ralph eventually distributed the recordings among his five siblings. Eventually about one third to one half of those recordings were released to Rounder Records, but it is estimated that two thirds of Mr. Haley's recordings are still missing. Beginning in 1990, legendary bluegrass, folk musician and songwriter John Hartford began researching the story of Mr. Haley's life and music. Generally, Mr. Hartford spent the last years of his life promoting Mr. Haley and his significance in the world of music. He learned a number of Haley's tunes and recorded them on the Grammy-nominated album, "Wild Hog in the Red Brush" and "Speed of the Old Long Bow: A Tribute to Ed Haley". Mr. Hartford and Brandon Kirk, a Harts-area historian and genealogist, collaborated on a Haley book project from 1995 until Hartford's death in 2001. In March 2000, the "Smithsonian" magazine featured a story about their research. In October 2015, Ed Haley was inducted into the West Virginia Music Hall of Fame; and

Whereas, Tim O'Brien was born on March 16, 1954, in Wheeling and plays guitar, fiddle, mandolin, banjo, bouzouki and mandocello. He has released more than ten studio albums in addition to charting a duet with Kathy Mattea entitled, "The Battle Hymn of Love", a No. 9 hit on the Billboard Country charts in 1990. He eventually moved to Boulder, Colorado in the 1970s and became part of the music scene there. In Colorado, he met guitarist Charles Sawtelle, banjoist Pete Wernick and bassist/vocalist Nick Forster with whom he formed Hot Rize in 1978. Over the next twelve years, the quartet earned recognition as one of America's most innovative and entertaining bluegrass bands. In 2005, O'Brien won a Grammy Award for Best Traditional Folk Album for "Fiddler's Green". In 1993 and 2006, O'Brien was honored with the International Bluegrass Music Association's (IBMA)'s Male Vocalist of the Year award. His band Hot Rize was the IBMA's first Entertainer of the Year in 1990. In November 2013 he was inducted into the West Virginia Music Hall of Fame; and

Whereas, Glenville resident Buddy Griffin, was born at Richwood on September 22, 1948, and recalling his Nicholas County childhood has said "Everybody in the family played music. It was never expected, it was never forced on us. Nobody ever handed us

an instrument and said, “You have to play this.” It was just trying to be part of what was going on, cause there was always music at the house”. Mr. Griffin was a part of his family’s music from an early age. “The first instrument I ever touched was a bass fiddle. They kept it leaned up behind the couch. I’d stand up on the couch when I was about five, maybe six. I couldn’t note it, but I could play the strings. So if they’d play some old fiddle tune, I’d have all three chords to go with it. I’d stand there and just play the strings.” He soon learned to play the guitar, mandolin, fiddle, and banjo. His parents were good singers especially in the style of the Carter Family, and they taught their children the older country music. The Griffin children, however, tended toward the faster, more modern bluegrass. Erma played the guitar and bass and sang harmony. Richard played guitar and fiddle, along with other instruments, and sang the lead. Richard’s father, Joe Griffin, born in 1883, played the old claw hammer style of banjo. Joe traveled to logging camps in Roane, Lincoln, and Calhoun counties and played dances on Saturday nights with some of the local fiddlers, mostly Enoch Camp. Parts of Mr. Griffin’s family tree can be traced to Revolutionary War times, some of his ancestors reportedly received land grants from General Washington. Mr. Griffin later became a staff musician at WWVA’s Jamboree USA in Wheeling, played more than 200 times on the Grand Ole Opry, toured the country for more than 30 years with some of the biggest names in country and bluegrass music, appeared on more than 150 record albums, and established the world’s first college degree program in bluegrass music at Glenville State College. In May 2011, he received the coveted Vandalia Award, recognizing his lifetime of devotion to entertainment and education; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Legislature of West Virginia hereby proclaims and makes the fiddle the official musical instrument of the State of West Virginia; and, be it

*Further Resolved,* That the Legislature of West Virginia recognizes the importance and significance of the fiddle in West Virginia’s history, traditions and culture; and, be it



*Further Resolved*, That the Clerk of the House of Delegates forward a certified copy of this resolution to Buddy Griffin, Tim O'Brien, Clark Kessinger's daughter, Frances Goad, the descendants of West Virginia's other great fiddle players, Blind Alfred Reed, Edwin Hammons, Melvin Wine and Ed Haley, The West Virginia Music Hall of Fame, the Friends of Old Time Music and Dance (FOOTMAD) and Stan Bumgardner, Editor of Goldenseal, the official state magazine of West Virginia traditional life.

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

**By Delegates Marcum, Rodighiero, Hicks, Dean and Frich:**

**H. J. R. 18** – “Proposing an amendment to the Constitution of the State of West Virginia, amending section three, article VI thereof; and amending section four, article VII thereof, all relating to limiting the terms of the office of Senators, Delegates and Governor; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on the Judiciary.

### **Motions**

Delegate Marcum asked unanimous consent to be removed as a cosponsor of H. B. 2535. The Speaker replied that the bill had not been reported from committee and asked that the Delegate, pursuant to the Rules of the House, complete the form provided for this purpose.

### **Bills Introduced**

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

**By Delegates Kessinger, Fast, A. Evans, R. Romine, Frich, Arvon, Butler, Rowan, Wilson, Paynter and Lane:**

**H. B. 2002** - “A Bill to amend and reenact §16-2F-1, §16-2F-2, §16-2F-3, §16-2F-4, §16-2F-5, §16-2F-6, §16-2F-7, §16-2F-8 and §16-2F-9 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §16-2F-10, all relating to parental notification of abortions

performed on unemancipated minors; setting out legislative findings; defining terms; clarifying parental notification requirements prior to performing an abortion on an unemancipated minor; modifying waiver language; providing an exception; requiring reporting forms to be developed by the Secretary of the Department of Health and Human Resources; setting out data elements to be included on the reporting form; requiring distribution of the forms; setting forth reporting requirements; providing a penalty for failure to report; requiring a statistical report to be prepared by the Secretary of the Department of Health and Human Resources; and allowing for rulemaking”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Hollen, Anderson, Sobonya, Rowan, N. Foster, Rohrbach, Butler, Paynter, Maynard, Upson and Mr. Speaker (Mr. Armstead):**

**H. B. 2003** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-4-414, relating to offenses and penalties under the Uniform Controlled Substances Act; creating a new felony offense for a drug delivery that results in the death of another person; and providing a felony criminal penalty”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegates Howell, Nelson, Cowles, Zatezalo, Hamrick, Ward, Deem, Summers, Sypolt, Lane and Atkinson:**

**H. B. 2004** - “A Bill to repeal §5A-3-49 of the Code of West Virginia, 1931, as amended; to amend and reenact §5A-1-2 of said code; to amend and reenact §5A-3-52 of said code; to amend said code by adding thereto a new article, designated §5A-12-1, §5A-12-2, §5A-12-3, §5A-12-4, §5A-12-5, §5A-12-6, §5A-12-7, §5A-12-8, §5A-12-9, §5A-12-10 and §5A-12-11; to amend and reenact §17A-3-23 of said code; to amend said code by adding thereto three new sections, designated §17A-3-25, §17A-3-26 and §17A-3-27; to amend said code by adding thereto a new section, designated §29-12-15; and to amend and reenact §29B-1-4 of said code, all relating to creating and maintaining a centralized state vehicle inventory system; establishing the Fleet Management Office within the Department of Administration; creating the State Vehicle Title,

Registration and Relicensing Project of 2017; requiring reporting by spending units utilizing state vehicles; providing the new article's scope and establishing exemptions; providing for new officers and establishing their powers, duties and responsibilities; defining terms; continuing the Fleet Management Office Fund; requiring the Fleet Management Office to coordinate with other agencies; providing for annual reports of vehicle use by spending units; requiring annual reports to the Governor and the Joint Committee on Government and Finance; establishing operator requirements and training; providing for enforcement; providing for notice; requiring legislative compliance audits; providing a deadline date for the expiration of current state vehicle license plates; creating new state vehicle license plates; providing for notice to spending units regarding the expiration of title, registrations and license plates; requiring a standardized naming convention for the tile, registration and licensing of all state vehicles; requiring annual renewal of the state vehicle registrations; providing exemptions from reporting for certain undercover vehicles; requiring insurance cards in state vehicles; and authorizing rule making and emergency rule making"; to the Committee on Government Organization then Finance.

**By Delegates Maynard, Cooper, C. Miller, Westfall, Upson, Storch, Rohrbach, Shott, Paynter and Wilson:**

**H. B. 2541** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-4-414, relating to conspiracy to commit violations of the Uniform Controlled Substances Act; creating the felony offense of conspiracy; providing penalties; establishing a sentencing guideline based upon quantity for certain controlled substances; authorizing the court to make the determination of applicable quantity; and authorizing the aggregation of quantities from all participants and members of the conspiracy"; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegates Statler, Espinosa, Cowles, Blair, Ambler, Shott, Kessinger, Hamilton, Dean, Ellington and Lewis:**

**H. B. 2542** - "A Bill to repeal §18B-7-9 and §18B-7-11 of the Code of West Virginia, 1931, as amended; to repeal §18B-9-1, §18B-9-2, §18B-9-3 and §18B-9-4 of said code; to repeal §18B-9A-

3 and §18B-9A-8 of said code; to amend and reenact §18B-1B-5 of said code; to amend and reenact §18B-4-1 and §18B-4-2a of said code; to amend and reenact §18B-7-1, §18B-7-2, §18B-7-3, §18B-7-6 and §18B-7-8 of said code; to amend said code by adding thereto a new section, designated §18B-8-7; to amend and reenact §18B-9A-2, §18B-9A-5, §18B-9A-6 and §18B-9A-7 of said code; and to amend said code by adding thereto a new article, designated §18B-9B-1, all relating to public higher education personnel generally; clarifying roles of Higher Education Policy Commission, Council for Community and Technical College Education and state organizations of higher education; eliminating certain human resources review by Higher Education Policy Commission and Council for Community and Technical College Education; eliminating specific references to the Vice Chancellor for Human Resources; eliminating outdated and redundant reporting requirements; eliminating requirement for Higher Education Policy Commission to create certain positions that report to Vice Chancellor for Human Resources; eliminating certain higher education organization employment ratios and requirements; eliminating higher education organization classified employee salary schedule, outdated associated requirements and definitions; eliminating certain requirements related to exercising flexibility in human resources for higher education organizations; eliminating outline of steps for implementation of classification and compensation system by Higher Education Policy Commission and Council for Community and Technical College Education; providing legislative purposes and intent for higher education personnel; defining terms; providing and revising rules relating to reductions in workforce and hiring preferences; providing for continuing education and professional development; providing for evaluation and reviews of organizations for certain human resource deficiencies, best practices and compliance with state higher education personnel laws; providing for content of certain reports from Higher Education Policy Commission and Council for Community and Technical College Education to Legislative Oversight Commission on Education Accountability; authorizing organizations to adopt rules relating to employment policies and practices for staff and faculty; providing for preemption of Higher Education Policy Commission and Council for Community and

Technical Education rules conflicting with a governing board rule on faculty; defining classified and nonclassified employees; clarifying powers and duties of the Compensation Planning and Review Committee; providing that the Higher Education Policy Commission shall develop a model minimum salary schedule using West Virginia Workforce and other relevant data that organizations shall follow except in certain instances; providing that the Higher Education Policy Commission develop classification and compensation rules; providing state organizations of higher education with the ability to propose and implement approved legislative rules relating to classification and compensation with certain exceptions; and requiring any rule proposed by a state organization of higher education incorporate best human resources practices, address areas of accountability, employee classification and compensation and performance evaluation”; to the Committee on Education.

**By Delegates Butler, Gearheart, Walters, Maynard, Harshbarger, Paynter and Mr. Speaker (Mr. Armstead):**

**H. B. 2543** - “A Bill to amend and reenact §18-2E-5 of the Code of West Virginia, 1931, as amended, all relating generally to process for improving education; removing reference to No Child Left Behind Act; adding digital literacy to list of areas that State Board of Education is required to adopt high-quality education standards in; making findings with respect to Legislature’s Constitutional authority; defining ‘academic standards’; recognizing state board’s adoption and renaming of certain standards; establishing Academic Standards Evaluation Panel; establishing membership of panel; establishing duties of panel; requiring withdrawal from Memorandum of Agreement relating to adoption of Common Core State Standards; requiring withdrawal as governing state in Smarter Balanced Assessment Consortium; establishing criteria for any academic standards adopted by state board; requiring Legislative Oversight Commission on Education and Accountability to review any proposed rules relating to academic standards; removing requirement for state board rule establishing comprehensive statewide student assessment program; removing requirement that assessment be aligned with certain standards and associated alterative; removing state board authority to require ACT EXPLORE and ACT PLAN or other comparable

assessments; requiring state board to review and approve summative assessment for certain grade levels to assess in certain subject areas; requiring summative assessment include students as required by certain federal laws; requiring that summative assessment meet certain requirements; requiring state board to review and approve college readiness assessment for students in eleventh grade; requiring college readiness assessment to be administered at least once to each eleventh-grade student; requiring college readiness assessment meet certain requirements; requiring state board to review and approve career readiness assessments and assessment based credentials; providing that career readiness assessment is voluntary for students; requiring that assessment-based credential be available to any student that achieves at required level on the required assessments; requiring career readiness assessments meet certain requirements; prohibiting implementation of any assessment or test items developed specifically to align with Common Core State Standards; requiring online assessment preparation for any online assessment; requiring state board to develop plan and make recommendations regarding end-of-course assessments and student accountability measures; establishing reporting requirements; establishing maximum percentage of instructional time for summative assessment; and removing required report to Legislative Oversight Commission on Education Accountability pertaining to on-site review finding appeals”; to the Committee on Education.

**By Delegates G. Foster, Howell, Wilson, Fast, Frich, Hanshaw, Shott, Cowles, Hamrick and C. Miller:**

**H. B. 2544** - “A Bill to amend and reenact §21A-6-3 of the Code of West Virginia, 1931, as amended, relating to establishing that an employee’s termination from employment for testing positive on a drug or alcohol test required by the employer disqualifies that employee for benefits”; to the Committee on the Judiciary.

**By Delegates Storch, Gearheart, Householder, Ellington, Shott, Ward, C. Miller, Howell, Espinosa, Zatezalo and O’Neal:**

**H. B. 2545** - “A Bill to amend and reenact §11-24-23a of the Code of West Virginia, 1931, as amended, relating to increasing the allowable corporation net income tax credit for qualified

rehabilitated buildings investments; providing that the taxpayer may not combine this credit with the one for consumers sales and service tax, but may elect the greater credit; and requiring that the taxpayer not be in arrears in any state taxes or have a lien on certified historic structures”; to the Committee on Finance.

**By Delegates G. Foster, Higginbotham, Howell, Wilson, Fast, Zatezalo, Kelly, Hamrick, Harshbarger, Maynard and Walters:**

**H. B. 2546** - “A Bill to amend and reenact §21-5-4 of the Code of West Virginia, 1931, as amended, relating to allowing uniform costs to be deducted from an employee’s final paycheck if the uniform is not returned”; to the Committee on Industry and Labor then the Judiciary.

**By Delegates Rodighiero, Lynch and Eldridge:**

**H. B. 2547** - “A Bill to amend and reenact §48-9-103 of the Code of West Virginia, 1931, as amended; and to amend and reenact §48-10-403 and §48-10-502 of said code, all relating to grandparent’s rights; permitting grandparent or psychological parent to institute action for custodial or decision-making responsibility of a child; allowing guardian ad litem to recommend psychological evaluation; increasing importance of the factor considering grandparent’s significant caretaking of child; and minimizing parent’s bias toward a grandparent as a factor in visitation”; to the Committee on the Judiciary.

**By Delegates Pushkin, Howell, Rowe, Lane, White, Hamrick, Storch, Byrd and Robinson:**

**H. B. 2548** - “A Bill to amend and reenact §11-16-18 of the Code of West Virginia, 1931, as amended, relating to the use of outside speakers by persons licensed to manufacture, sale, possess for sale, transport or distribute nonintoxicating beer”; to the Committee on Small Business, Entrepreneurship and Economic Development then the Judiciary.

**By Delegates Rohrbach, Lovejoy, Marcum, Sobonya and C. Miller:**

**H. B. 2549** - “A Bill to amend and reenact §8-22-10 of the Code of West Virginia, 1931, as amended, relating to increases in

the contributions by cities to pension and relief funds; requiring notice be given to cities of an increase to pension and relief funds; and providing that the increase does not take effect until July 1 of the affected year”; to the Committee on Pensions and Retirement then Finance.

**By Delegates Rohrbach and Lovejoy:**

**H. B. 2550** - “A Bill to amend and reenact §29-3E-10 of the Code of West Virginia, 1931, as amended, relating to fireworks safety; and authorizing a municipality to prohibit the sale of fireworks within its boundaries”; to the Committee on Political Subdivisions then the Judiciary.

**By Delegates Rodighiero, R. Miller, Thompson, Eldridge, Lovejoy, Hicks, Baldwin and Lynch:**

**H. B. 2551** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-28A-1 and §18-28A-2, all relating to requiring the West Virginia Department of Education to create a Bible literacy course in public schools”; to the Committee on Education then the Judiciary.

**By Delegates Rohrbach, Lovejoy, Eldridge, Wagner, Hartman, Atkinson, Ambler, Marcum, Rowan, Lynch and Fleischauer:**

**H. B. 2552** - “A Bill to amend and reenact §19-14-4 and §19-14-5 of the Code of West Virginia, 1931, as amended, all relating to increasing the pet food registration fee and directing that the additional money be deposited into the West Virginia Spay Neuter Assistance Fund”; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegates Summers and A. Evans:**

**H. B. 2553** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-15-9o, relating to an exemption from the consumers sales and service tax and use tax for sales of services and tangible personal property related to the activities of raising and training livestock, including horses; setting forth legislative intent; providing a method to resolve conflicts in law; providing an effective date; providing definitions; and describing those sales of services and tangible



personal property that are exempt and providing method of claiming exemption”; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegates G. Foster, Higginbotham, Frich, Cowles, Hamrick, Howell, Wilson, Harshbarger, Maynard and C. Miller:**

**H. B. 2554** - “A Bill to repeal §21-11-1, §21-11-2, §21-11-3, §21-11-4, §21-11-5, §21-11-6, §21-11-7, §21-11-8, §21-11-9, §21-11-10, §21-11-10a, §21-11-11, §21-11-12, §21-11-13, §21-11-14, §21-11-15, §21-11-16, §21-11-17, §21-11-18 and §21-11-20 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §30-41-1, §30-41-2, §30-41-3, §30-41-4, §30-41-5, §30-41-6, §30-41-7, §30-41-8, §30-41-9, §30-41-10, §30-41-11, §30-41-12, §30-41-13, §30-41-14, §30-41-15, §30-41-16, §30-41-17, §30-41-18, §30-41-19 and §30-41-20, all relating to the West Virginia Contractor Act; providing a short title and declaration of policy with definitions; continuing the West Virginia Contractor Licensing Board, composition, terms, qualifications and appointment; administrative duties of board and legislative rules; necessity for contractor license and exemptions; procedure for licensing; providing for expiration date, fees and renewal of license; providing for revocation for unlawful use, assignment or transfer of license; prerequisites to obtaining building permit and mandatory written contracts; requiring informational list for basic universal design features; providing injunction and criminal penalties for violation of article; specific administrative duties of board and record keeping by the board; authorizing to grant reciprocity and to provide training to students who desire to obtain a West Virginia contractor license; and misdemeanor criminal penalties for violations of article”; to the Committee on Government Organization.

**By Delegates G. Foster, Fast, Higginbotham, Howell, Frich, Zatezalo, Kelly, Summers, Cowles, Hamrick and Wilson:**

**H. B. 2555** - “A Bill to amend and reenact §11-13W-1 of the Code of West Virginia, 1931, as amended, relating to tax credits for apprenticeship training in construction trades; and removing

requirement that eligibility is limited to programs jointly administered by labor and management trustees”; to the Committee on Industry and Labor then Finance.

**By Delegates Hamrick, Storch, Phillips, Folk, Paynter, Overington, Statler, Walters, Westfall, Gearheart and Wilson:**

**H. B. 2556** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §4-2-6a, relating to requiring the Joint Committee on Government and Finance to prepare a ‘Coercive Federal Funds Report’ on each budget bill; to empower the Attorney General to bring suit in federal courts to enjoin the application of federal laws containing coercive federal funds; and to affirm that the policy of the State of West Virginia is that coercive federal funds are unconstitutional and violate the principles of federalism”; to the Committee on the Judiciary then Finance.

**By Delegates Kelly, Criss, Cooper, Rowan, R. Romine, Harshbarger, Hollen, Deem, Higginbotham, Anderson and Zatezalo:**

**H. B. 2557** - “A Bill to amend and reenact §18B-2B-6 of the Code of West Virginia, 1931, as amended, relating to tuition and fees at community and technical colleges; setting forth guidelines therefor”; to the Committee on Education then Finance.

**By Delegates Marcum, Eldridge, R. Miller, Rodighiero, Hicks and Dean:**

**H. B. 2558** - “A Bill to amend and reenact §49-4-720 and §49-4-722 of the Code of West Virginia, 1931, as amended, all relating to requiring the Division of Juvenile Services to transfer to a correctional facility or regional jail any juvenile in its custody that has been transferred to adult jurisdiction of the circuit court and who reaches his or her eighteenth birthday; requiring transfer of juvenile in adult jurisdiction upon reaching eighteen years of age if he or she has either been convicted or is in a pretrial status; directing the Division of Juvenile Services to notify the circuit court of the age of a juvenile reaching the age of eighteen years of age; authorizing the circuit court to conduct a hearing as to alternative placement; mandating that the position of victim be taken under consideration by the court in

considering disposition or alternative placement; prohibiting juveniles that commit an adult offense while under the custody of the Division of Juvenile Services from returning back to the placement in a juvenile facility if the juvenile has attained the age of eighteen years; and requiring the court to conduct a hearing as to placement of a juvenile that has turned eighteen years of age and is remanded back to the custody of the Division of Juvenile Services after completion of an adult sentence”; to the Committee on the Judiciary.

**By Delegates Eldridge, Blair, N. Foster, Maynard, McGeehan, Phillips, Marcum, Butler, Howell, Martin and Hill:**

**H. B. 2559** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-4-5b, relating to permitting an individual with a current West Virginia license to carry a concealed deadly weapon to carry such weapon on the campus of a state institution of higher education”; to the Committee on Education then the Judiciary.

**By Delegates Marcum, Phillips, Hicks, Rodighiero, Eldridge, Dean and Fritch:**

**H. B. 2560** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-4-14a, relating to providing a free lunch to all employees in a school building”; to the Committee on Education then Finance.

**By Delegates Espinosa, Upson, Blair, Westfall, R. Romine, Rowan, Cooper, Statler, Kelly, Dean and Rohrbach:**

**H. B. 2561** - “A Bill to amend and reenact §18-9A-2, §18-9A-4, §18-9A-5, §18-9A-6a, §18-9A-7, §18-9A-9 and §18-9A-10 of the Code of West Virginia, 1931, as amended, all relating to public school support; including Treasurer/Chief School Business Official and Child Nutrition Director as professional educator for funding purposes only; deleting required periodic legislative review of adjustments in net enrollment; determining allowance for fundable professional educators at set ratio, rather than the number employed subject to a limit; providing for determination of allowance for fundable positions in excess of number employed; deleting expired provisions; basing minimum professional instructional personnel required on percent of employed fundable professional educators;

providing for prorating professional instructional personnel among participating counties in joint school or program or service; removing penalty for not meeting applicable instructional personnel ratio for 2017-18 school year; deleting expired provisions; deleting required periodic legislative review of density category ratios; determining allowance for fundable service personnel at set ratio, rather than number employed subject to a limit; providing for determination of allowance for fundable positions in excess of number employed; providing for proration of number and allowance of personnel employed in part by state and county funds; adding professional student support personnel allowance to calculation of teachers retirement fund allowance; basing teachers retirement fund allowance on average retirement contribution rate of each county and defining average rate; allowing limited portion of funds for bus purchases to be used for facility and equipment repair maintenance and improvement or replacement or other current expense priorities if requested and approved by state superintendent following verification; changing calculation of allowance for current expense from percent allowances for professional and service personnel to county's state average costs per square footage per student for operations and maintenance; removing authorization for use of instructional improvement funds for implementation and maintenance of regional computer information system; removing requirement for fully utilizing applicable provisions of allowances for professional and service personnel before using instructional improvement funds for employment; removing restriction limiting use of new instructional improvement funds for employment except for technology system specialists until certain determination made by state superintendent; authorizing use of instructional technology improvement funds for employment of technology system specialists and requiring amount used to be included and justified in strategic technology plan; specifying when certain debt service payments are to be made into school building capital improvement fund; authorizing use of percentages of allocations for improving instructional programs; for improving instructional technology for facility and equipment repair and maintenance or replacement and other current expense priorities and for emergency purposes; and requiring amounts used to be included and justified in respective strategic plans"; to the Committee on Education then Finance.

**By Delegates G. Foster, Phillips, Kessinger, Blair, Higginbotham, Frich, Zatezalo, Kelly, Summers, White and Marcum:**

**H. B. 2562** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-3-23, relating to make unlawful any employer policy or rule prohibiting an employee from possessing a firearm inside a vehicle; providing criminal penalties; providing civil liability; providing injunctive relief; and providing exceptions”; to the Committee on the Judiciary.

**By Delegates Walters, Howell, Ambler and Hamrick:**

**H. B. 2563** - “A Bill to amend and reenact §11-16-6b of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-16-11a of said code, all relating to permitting licensed brewpubs, Class A retail dealers, Class B retail dealers, private clubs, Class A retail licensees and Class B retail licensees to serve complimentary samples of nonintoxicating beer or nonintoxicating craft beer manufactured in the State of West Virginia; and removing restrictions on Class A retail licensees’ ability to serve complimentary nonintoxicating beer samples to customers”; to the Committee on Small Business, Entrepreneurship and Economic Development then the Judiciary.

**By Delegates Marcum, Phillips, Rodighiero, R. Miller, Eldridge and White:**

**H. B. 2564** - “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 Marcum, Phillips, R. Miller, Sobonya, Summers, Dean, Storch, Eldridge, Frich, Westfall and Isner:**

**H. B. 2565** - “A Bill to amend and reenact §60A-4-409 of the Code of West Virginia, 1931, as amended, relating to increasing the penalties for transporting controlled substances into the state; and exempting marihuana from this provision”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegates Thompson, E. Evans and Baldwin:**

**H. B. 2566** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §1-7-1, relating to requiring all state-funded institutions to purchase a minimum of twenty percent of fresh produce from in-state producers"; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegate Thompson:**

**H. B. 2567** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-4-5a, relating to requiring that state and public roads that have not been maintained for a period of three consecutive years shall be returned to their original tract of land"; to the Committee on Roads and Transportation then the Judiciary.

**By Delegates Eldridge, Rodighiero, Maynard, R. Miller, Marcum, White, Hicks, Storch, Hamilton, Dean and Westfall:**

**H. B. 2568** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §2-2-14, relating to making the Holy Bible the official state book of West Virginia"; to the Committee on the Judiciary.

**By Delegates Marcum, Rodighiero, Eldridge and R. Miller:**

**H. B. 2569** - "A Bill to amend and reenact §18A-4-7a of the Code of West Virginia, 1931, as amended, relating to employment, promotion and transfer of professional personnel by county boards of education and requiring all decisions on reductions in force to be based on qualifications as determined by the county board"; to the Committee on Education.

**By Delegates Marcum, Rodighiero, Eldridge, Lovejoy, Westfall, White, Phillips, Lane and Frich:**

**H. B. 2570** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13DD-1, relating to creating tax credits for new and/or existing small businesses in this state and operating entirely within West Virginia"; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

**By Delegates Rowan, Espinosa, R. Romine, Cooper, Hamilton, Mr. Speaker (Mr. Armstead), Wagner, Moye, Rohrbach, Kelly and Rodighiero:**

**H. B. 2571** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-20-11, relating to selection of language developmental milestones for purposes of developing a resource for use by parents to monitor and track deaf and hard-of-hearing children’s expressive and receptive language acquisition and developmental stages toward English literacy”; to the Committee on Education.

**By Delegates Espinosa, Upson, Cowles, Blair, Overington, Paynter, Fast, Nelson, Walters, Ellington and Higginbotham:**

**H. B. 2572** - “A Bill to amend and reenact §5-16-2 and §5-16-22 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-7A-3 of said code; to amend and reenact §18-7B-2 of said code; to amend and reenact §18-9A-2 of said code; to amend said code by adding thereto a new section, designated §18-9A-12a; to amend and reenact §18-20-5 of said code; to amend said code by adding thereto a new article, designated §18-33-1, §18-33-2, §18-33-3, §18-33-4, §18-33-5, §18-33-6, §18-33-7, §18-33-8, §18-33-9, §18-33-10, §18-33-11, §18-33-12 and §18-33-13; and to amend and reenact §29-12-5a of said code, all relating to providing for the authorization and oversight of public charter schools; providing for charter school employee participation in public employee insurance and applicable Teachers Retirement Systems; including charter school students in net enrollment of county; providing calculation of charter school basic foundation program and corresponding reduction in county’s basic foundation program; defining exceptional child with high cost/high acuity special needs and providing for establishment of method for disbursing state appropriated funds; providing for charter school application for funds; removing certain reports; creating charter school act to establish process for creation, providing for governance and oversight accountability of public charter schools; stating purposes; establishing charter schools as public schools and part of public education system; providing for liberal interpretation; prohibiting conversion of private schools into charter schools

under act; prohibiting establishment of charter virtual schools under act; providing general definitions; limiting county board management and control of charter school; prohibiting state board as authorizing authority; defining terms; providing for authorizations, eligibilities, compliances and prohibitions; providing for general supervision by state board for meeting student performance standards required of other public school students; providing powers of public charter schools; establishing processes for determining capacity and enrolling students; prohibiting discrimination in enrollment decisions; providing for credit transfers; authorizing charter student participation in state and school district sponsored interscholastic leagues, competitions, awards, scholarships and recognition programs and specifying parameters; requiring access to and requiring utilization of electronic education information system for reporting certain information and subject to student data accessibility, transparency and accountability; providing for certification of charter school enrollment, attendance and program participation to county board and department; providing for distribution of charter school basic foundation program funds and allowing authorizer charge for oversight costs; providing for payment of special education and federal funds to charter schools; requiring charter school submission of budget and sources of funds to state board and requiring public availability; creating public charter school oversight and authorizer board and specifying mission, agency status and degree of oversight and supervision by state board; providing for appointment of members, qualifications, terms, removal, civil liability and limited scope of acts of ex officio members; requiring appointment of executive director and duties and qualifications; setting forth meetings. expenses, powers and duties of board; requiring annual report to state board and availability to public and Legislature; granting authority to require annual reports from charter schools; establishing limitations on regulation by state board, oversight and authorizer board and county board authorizers; requiring annual request for proposals; providing contents of requests for proposals; providing for application for authorization of public charter school; requiring notice of intent to establish by organizers; requiring timelines for notice and submission of application; providing option for county



board to proceed as authorizer or forward application to oversight and authorizer board; establishing process for application review and evaluation; granting period for applicant response to authorizer decision prior to final determination; requiring report of final action; setting forth registration of approved charters by state superintendent; stating effect of approved application; providing authorizer powers and duties respecting charter contracts; providing timelines for execution of charter contract and authorization to appeal to executive director to finalize terms; providing minimum provisions of contract, including performance provisions; prohibiting delegation and assignment of powers; setting forth obligations and responsibilities set forth in charter contract; requiring performance report prior to contract renewal and period to rectify weaknesses; requiring offer of contract application renewal guidance; requiring timelines for submission of renewal application; provisions for authorizer decisions on renewals; permitting authorizer report of renewal decisions; prohibition on contract renewal of school given failing level of accreditation during final operating year; authorizing contract revocation at any time or nonrenewal for certain violations and failures; requiring report of revocation and nonrenewal with statement of reasons; providing for options of county board for disposition of school when contract revoked or not renewed; duties of authorizer when contract revoked or not renewed; establishing supremacy of article when inconsistent with any other laws rules or regulations; granting authorization for one or more schools under single contract; granting authorization of one or more contracts for single governing board; providing that local education agency status when charter school authorized county board and local education agency status when charter school authorized oversight and authorizer board; providing for county board accreditation accountability for charter school authorized by county board; prohibition on county board requiring employee to be employed in charter school; prohibition on any retaliatory action against district employee involved in application to establish charter school; prohibiting discrimination against charter school in district advertising of educational options; providing for accrual of seniority with the county board of personnel employed in charter school; and authorizing charter school liability coverage through

Board of Risk and Insurance Management”; to the Committee on Education.

**By Delegates G. Foster, Higginbotham, Fast, Zatezalo, Kelly, Hanshaw, Hamrick, Wilson and Harshbarger:**

**H. B. 2573** - “A Bill to amend and reenact §7-18-14 of the Code of West Virginia, 1931, as amended, relating to ensuring that local Convention and Visitor Center Bureaus have a board that is elected by a governing body”; to the Committee on Political Subdivisions then Government Organization.

**By Delegates Robinson, Thompson, Lovejoy, Cooper, Rowan, Hartman, Statler, Blair, Rohrbach, Canestraro and Espinosa:**

**H. B. 2574** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-21A-1, §18-21A-2, §18-21A-3, §18-21A-4, §18-21A-5, §18-21A-6 and §18-21A-7, all relating to creating a special pilot program to introduce middle school students to Career and Technical Education opportunities in the State of West Virginia and to better prepare students for postsecondary education and participation in the workforce”; to the Committee on Education then Finance.

**By Delegates Cowles, Moore, Westfall, N. Foster and Marcum:**

**H. B. 2575** - “A Bill to amend and reenact §21A-6-3 of the Code of West Virginia, 1931, as amended, relating to disqualification for unemployment benefits; providing that an individual is disqualified for benefits for any week or portion of a week in which he or she left or lost his or her job as a result of a strike; clarifying that a lockout is not a strike; providing that workers replaced with new prepayment employees are not eligible for unemployment benefits; establishing the circumstances when a worker is determined to leave or lose employment by reason of a lockout; providing the circumstances when a worker is determined to be permanently replaced by another employee; and providing that contractor employees who perform the work of a striking worker are not to be determined to have permanently replaced a striking worker”; to the Committee on the Judiciary.

**By Delegates Hamrick, Howell, Ward, Walters, Wilson, Barrett and G. Foster:**

**H. B. 2576** - “A Bill to amend and reenact §17B-1-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §17B-2-7b of said code; to amend said code by adding thereto a new section, designated §17C-1-69; and to amend and reenact §17C-15-44 of said code, all relating to autocycles; defining ‘autocycle’; creating an autocycle exemption from motorcycle examination, licensing and endorsement requirements; allowing a person with a valid driver’s license to operate an autocycle; creating an autocycle exemption from helmet and certain other motorcycle or motor-driven cycle safety requirements; deleting obsolete language regarding the motorcycle safety and education committee; and making technical corrections”; to the Committee on Roads and Transportation then the Judiciary.

**By Delegates Hamrick, Storch, Zatezalo, McGeehan and Dean:**

**H. B. 2577** - “A Bill to amend and reenact §29-3E-10 of the Code of West Virginia, 1931, relating to fireworks safety; and prohibiting counties from regulating the sale and use of consumer fireworks within their boundaries”; to the Committee on Political Subdivisions then the Judiciary.

**By Delegates Hamrick, Storch, Folk, Paynter, Zatezalo, Overington, Statler, Westfall, Wilson, McGeehan and G. Foster:**

**H. B. 2578** - “A Bill to amend and reenact §46A-6-107 of the Code of West Virginia, 1931, as amended, relating to disclaimers of warranties with respect to goods which are the subject of or are intended to become the subject of a consumer transaction; prohibition against exclusion, modification or limitation of any warranty or remedy; waiver of warranty on used motor vehicle as to particular defect or malfunction which dealer has disclosed; conditions permitting as-is sale of used motor vehicle; conspicuous disclosure of as-is sale; as-is sale does not waive express warranties made by dealer; and dealer to conform to federal regulations”; to the Committee on Roads and Transportation then the Judiciary.

## House Calendar

### Third Reading

**Com. Sub. for H. B. 2303**, Increasing criminal penalties for littering; 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. 3**), and there were—yeas 95, nays 3, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Bates, McGeehan and Wilson.

Absent and Not Voting: Ellington and Zatezalo.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2303) 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. 2319**, Relating to candidates or candidate committees for legislative office disclosing contributions; 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. 4**), 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: Ellington and Zatezalo.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2319) passed.

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

### **First Reading**

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

**Com. Sub. for H. B. 2167**, Creating a Silver Alert program for senior citizens,

**H. B. 2300**, Regulating step therapy protocols,

**Com. Sub. for H. B. 2301**, Relating to direct primary care,

**Com. Sub. for H. B. 2318**, Relating generally to human trafficking,

**Com. Sub. for H. B. 2347**, Allowing schools licensed to provide barber, cosmetology and related training to hold theory classes and clinical classes at different locations,

**H. B. 2348**, Eliminating any requirement that class hours of students be consecutive,

And,

**H. B. 2431**, Allowing influenza immunizations to be offered to patients and residents of specified facilities.

### **Leaves of Absence**

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

### **Remarks by Members**

Delegate Hollen asked and obtained unanimous consent that the remarks of Delegate Deem regarding optometrists be printed in the Appendix to the Journal.

### **Miscellaneous Business**

Delegates Hanshaw and Shott filed forms with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2028.

Delegate Pyles filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2187.

Delegate Sobonya filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2383.

Delegate O'Neal filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2447.

Delegate Baldwin filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2457.

Delegate Sobonya filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2465.

Delegates Hicks, Marcum and Rodighiero filed forms with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2535.

Delegate Sobonya filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2541.

Delegate Sobonya filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2543.

Delegate Frich filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2547.

At 12:30 p.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, February 21, 2017.

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Tuesday, February 21, 2017

**FOURTEENTH 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 20, 2017, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

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

Your Committee on Education has had under consideration:

**H. B. 2420**, Providing that the State Board of Education may delegate its Medicaid provider status and subsequent reimbursement to regional educational service agencies or county boards,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2420) was referred to the Committee on Health and Human Resources.

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

Your Committee on Government Organization has had under consideration:

**H. B. 2236**, Athletic Commission, W.Va. State Administrative Rules of the WV State Athletic Commission,

**H. B. 2246**, Counseling, W.Va. Board of Examiners in Marriage and Family Therapists Fees,

And,

**H. B. 2247**, Counseling, W.Va. Board of Examiners in Marriage and Family Therapist License Renewal and Continuing Professional Education Requirements,

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. 2236, H. B. 2246 and H. B. 2247) 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:

**H. B. 2232**, Physical Therapy, W.Va. Board of, Fees for Physical Therapist and Physical Therapist Assistant,

**H. B. 2235**, Architects, W.Va. Board of, Registration of Architects,

**H. B. 2237**, Athletic Commission, W.Va. State Regulation of Mixed Martial Arts,

**H. B. 2244**, Counseling, W.Va. Board of Examiners in Licensed Professional Counselor Fees,

**H. B. 2245**, Counseling, W.Va. Board of Examiners in Licensed Professional Counselor License Renewal and Continuing Professional Education Requirements,



**H. B. 2250**, Ethics Commission, W.Va. State Private Gain,

**H. B. 2278**, Public Service Commission, W.Va. Telephone Conduit Occupancy,

**H. B. 2285**, Sanitarians, W.Va. State Board of Practice of Public Health Sanitation,

**H. B. 2286**, Secretary of State Voter Registration at the Division of Motor Vehicles,

**H. B. 2287**, Secretary of State Voter Registration List Maintenance by the Secretary of State,

**H. B. 2288**, Social Work, W.Va. Board of Continuing Education for Social Workers and Providers,

And,

**H. B. 2289**, Speech Language Pathology and Audiology, WV Board of Examiners for Licensure of Speech-Pathology and Audiology,

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. 2232, H. B. 2235, H. B. 2237, H. B. 2244, H. B. 2245, H. B. 2250, H. B. 2278, H. B. 2285, H. B. 2286, H. B. 2287, H. B. 2288 and H. B. 2289) were each 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:

**H. B. 2279**, Racing Commission, W.Va. Thoroughbred Racing,

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. 2279) 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:

**H. B. 2280**, Racing Commission, W.Va. Pari-Mutuel Wagering,

And,

**H. B. 2297**, Auditor, W.Va. State, Standards for Requisitions for Payment Issued by State Officers on the Auditor,

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. 2280 and H. B. 2297) were each 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. 116** - "A Bill to amend and reenact §64-6-1 and §64-6-2 of the Code of West Virginia, 1931, as amended, all relating to authorizing the Governor's Committee on Crime, Delinquency and Correction to promulgate a legislative rule relating to law-enforcement training and certification standards; and authorizing the State Fire Marshal to promulgate a legislative rule relating to the regulation of fireworks and related explosive materials"; which was referred to the Committee on Government Organization then the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2017, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 172** - “A Bill to amend and reenact §22C-1-4 of the Code of West Virginia, 1931, as amended, relating to the Water Development Authority; and eliminating the salary for board members”; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

**S. B. 215** - “A Bill to amend and reenact §16-13A-9 of the Code of West Virginia, 1931, as amended, relating to giving county commissions the authority to amend the proposed rates, fees and charges, in its sole discretion, proposed by public service districts”; which was referred to the Committee on Political Subdivisions then 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. 247** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §52-2-11, relating generally to grand juries; authorizing prosecuting attorneys to designate law-enforcement officers and investigators to receive evidence subpoenaed and received by a prosecuting attorney under the authority of a grand jury and to serve as custodians thereof; authorizing designated custodians to use subpoenaed material for legitimate investigative purposes; requiring custodians to preserve grand jury confidentiality and to execute nondisclosure statements to affirm same; authorizing designated custodian to share subpoenaed material with other law-enforcement officers and agencies under limited circumstances;

limiting law-enforcement use of such subpoenaed material to legitimate investigative purposes; allowing designated custodians to retain subpoenaed material until conclusion of investigation or prosecution; and defining terms”; 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

**Com. Sub. for S. B. 248** - “A Bill to amend and reenact §4-5-1, §4-5-2, §4-5-3, §4-5-4 and §4-5-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §4-5-7 and §4-5-8, all relating to the Commission on Special Investigations; clarifying composition and chairmanship of commission; redefining what constitutes a quorum for voting procedures of commission; clarifying contents of commission’s annual report; listing existing and necessary commission staff positions; granting power to conduct interviews and request production from agencies of the state and its political subdivisions of books, records, documents, papers or any other tangible thing, computers, laptops, computer hard drives, electronic records including, but not limited to, emails, files, documents and metadata, or any other thing, in any form in which they may exist; requiring compliance with such requests; authorizing the commission and director to order or direct that all or a portion of the information communicated to the commission at the commission’s request, including the existence of the investigation, be confidential and not made public; establishing requirements for commission to enter into executive session; establishing procedures for conducting executive session; removing requirement that Joint Committee on Government and Finance approve expenses of commission; establishing procedure for commission retention and disposal of records; defining new offense of impersonating a commission member or staff member and of obstructing a commission member or staff; establishing penalties; allowing the commission to award duty weapons to certain members on retirement; exempting the commission from

the jurisdiction of the agency for surplus property within the Purchasing Division of the Department of Administration with respect to the disposal of the commission's primary and secondary duty weapons; and authorizing sale of surplus weapons to active and retired members of the commission's investigative staff"; which was referred to the Committee on the Judiciary.

### **Resolutions Introduced**

Delegates C. Miller, Sobonya, McGeehan, Storch, Deem, Wagner, Rohrbach, Kelly, Zatezalo and Westfall offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 15** – “Requesting Congress to fully support the National Park Service’s recommendations to extend the Lewis and Clark National Historic Trail to include additional sites along the Expedition’s Eastern Legacy.”

Whereas, The Lewis and Clark Expedition (“Expedition”) and the Corps of Discovery are nationally significant for their exploration of the Louisiana Territory and search for an all water route to the Pacific Ocean. Under orders by President Thomas Jefferson, the Expedition was responsible for mapping the territory explored, as well as documenting new species of plants and animals, and engaging with the American Indian tribes they encountered. Although part of the route was unmapped territory, the Lewis and Clark Expedition was able to use maps provided to them by American Indians, European explorers, and fur traders. Ultimately, the Expedition was able to link routes and maps together to find passage from St. Louis to the Pacific Ocean, a feat which had never before been accomplished; and

Whereas, In order to recognize the historic significance of the Lewis and Clark Expedition, the National Park Service previously designated a trail which runs from Wood River, Illinois to the West Coast in Oregon and Washington; and

Whereas, Public Law 110-229, passed by the United States Congress in 2008, authorized the Secretary of the Interior to study

additional sites associated with the preparation and return phases of the Expedition, located in Virginia, the District of Columbia, Maryland, Delaware, Pennsylvania, West Virginia, Ohio, Kentucky, Tennessee, Indiana, Missouri and Illinois. Those sites were to be considered for inclusion in the “Eastern Legacy” of the Expedition; and

Whereas, The National Park Service evaluated 25 distinct route segments used by the Corps of Discovery for the Expedition to determine if they met the criteria for national significance established by the National Trails System Act; and

Whereas, In August 2016, the National Park Service published its draft Lewis and Clark National Trail Extension Study, finding that three sections meet the criteria established for inclusion in the Lewis and Clark National Historic Trail. Those segments include the Ohio River, from Pittsburgh, Pennsylvania to Louisville, Kentucky, from Louisville, Kentucky to the confluence with the Mississippi River, and from the Mississippi River’s confluence with the Ohio River at Cairo, Illinois, to Wood River, Illinois; and

Whereas, A portion of the proposed extension of the Lewis and Clark National Historic Trail includes sites along the Ohio River in West Virginia. The inclusion of this segment along the Lewis and Clark National Trail is not only historically significant and appropriate, but may have a positive economic impact on those sites; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Legislature requests Congress to adopt the National Park Service’s recommendations as to the additional segments for inclusion in the Lewis and Clark National Historic Trail; and, be it

*Further Resolved,* That the Clerk of the House is hereby directed to forward a copy of this resolution to the President and Secretary of the United States Senate, the Speaker and Clerk of the House of Representatives and to the members of West Virginia’s congressional delegation.

Delegates C. Miller, Maynard, Butler, Rohrbach, Sobonya, C. Romine, Hornbuckle and Higginbotham offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

**H. C. R. 16** – “Requesting the Division of Highways to name Bridge Number 06-64-29.44 EBWB (06A158-06A203) (38.42408, -82.09272), locally known as Lee Creek I-64 Bridge, carrying Interstate 64 over Lee Creek and County Route 60/19 in Cabell County the ‘Charles Ranald Bannerman & Beatrice “Billy” Bannerman Memorial Bridge’.”

Whereas, Charles Ranald and Beatrice “Billy” Bannerman settled in the Lee Creek area of Cabell County in 1950, purchasing 60 acres, upon which they made improvements and made their home for more than 60 years; and

Whereas, Ranald Bannerman was employed at Union Carbide Corporation as a purchasing agent and engineer during his nearly twenty years of employment there and contributed greatly to the intellectual property and economic development of the company by developing new technologies; and

Whereas, Ranald Bannerman was civically minded and involved in the growth and development of the Milton area through his involvement with the Milton Lions Club, Boy Scout Pack #96 as a scout leader, and served a Neighborhood Commissioner for the Tri-State Area Council, BSA; and

Whereas, “Billy” Bannerman independently pursued the knowledge and skills needed to perpetuate the heritage arts of weaving, spinning, natural dying, and processing flax to linen, mentoring many others in this important cultural tradition; and

Whereas, “Billy” Bannerman participated in and was a significant influence in the development and growth of the Mountain State Arts & Craft Fair in Ripley, WV for more than thirty-five years, where she is honored in the Hall of Fame; and

Whereas, Ranald and “Billy” Bannerman donated, time, energy, and resources in support of various cave rescue operations

throughout Southern West Virginia, often working long hours preparing meals to feed the many volunteers and hosted rescue training sessions on their property; and

Whereas, Ranald and “Billy” Bannerman were organizing members and actively involved in the building of St. Stephen Catholic Church in Ona, WV; and

Whereas, Ranald and “Billy” Bannerman relinquished approximately eighteen acres of their property for the construction of I-64, which ultimately bisected their property at milepost 29.44; and

Whereas, Ranald and “Billy” Bannerman adopted the city of Milton, county of Cabell, and the State of West Virginia as their home, embracing the rich, cultural heritage and natural resources of the area and were proud to call themselves West Virginians; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Legislature hereby requests the Division of Highways to name Bridge Number 06-64-29.44 EBWB (06A158-06A203) (38.42408, -82.09272), locally known as Lee Creek I-64 Bridge, carrying Interstate 64 over Lee Creek and County Route 60/19 in Cabell County the “Charles Ranald Bannerman & Beatrice ‘Billy’ Bannerman 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 “Charles Ranald Bannerman & Beatrice ‘Billy’ Bannerman Memorial Bridge”; and, be it

*Further Resolved*, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation.

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



**H. C. R. 17** – “Requesting that bridge number 23-14-0.05 (23A368) at latitude 37.80975 and longitude -81.93394, locally known as Rum Creek Connector over Guyandotte River, carrying County Route 14 over Guyandotte River in Logan County, be named the ‘Betty Jo Delong Memorial Bridge’.”

Whereas, Betty Jo Chambers Delong, the daughter of coal miner Harry Chambers and postmaster Geraldine Lowe Chambers, attended Dehue-Chambers Grade School, in Dehue, Logan County, West Virginia; and

Whereas, Betty Jo Chambers was a Golden Horseshoe winner and graduated from Logan High School in Logan County; and

Whereas, Miss Chambers married Don Thomas Delong from Lyburn, West Virginia, and the couple had two children, Donnetta Rainwater, a teacher at Logan Middle School, and Donald Rex Delong, owner of Eastern Petroleum; and

Whereas, Betty Jo Delong grew up with brothers and sisters Donna Lou Hipshire, Dorothy Young, Grover Chambers, Thelma Willis Eplin, Harry Chambers, Gerri Ball, Cora Tooley and Alice Price; and

Whereas, Betty Jo Delong was proud of the Chambers family’s long association with the Rum Creek area; and

Whereas, At one time the Chambers family owned property reaching from Rum Creek to Lowe’s Mountain; and

Whereas, Betty Jo Delong worked at several jobs in Logan County but later in her career was employed at the Logan County Court House, where she worked in the record room and was in charge of the deed books; and

Whereas, Betty Jo Delong is still remembered for updating the county’s system of obtaining deeds and land proposals; and

Whereas, Betty Jo Delong worked tirelessly to help members of her community, especially the elderly; and

Whereas, Betty Jo Delong assisted with the visit to Logan County of John F. Kennedy when he was a presidential candidate; and

Whereas, Betty Jo Delong died of cancer at the age of 42; and

Whereas, At the time of her death, all offices of the courthouse were closed out of respect for Betty Jo Delong's service to the many people of Logan County; and

Whereas, It is fitting that an enduring memorial be established in the name of Betty Jo Delong in an area where she and her family have for so long been a part of the fabric of the community; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 23-14-0.05 (23A368) at latitude 37.80975 and longitude -81.93394, locally known as Rum Creek Connector over Guyandotte River, carrying County Route 14 over Guyandotte River in Logan County, the "Betty Jo Delong 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 "Betty Jo Delong Memorial 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.

Delegates Walters and Howell offered the following resolution, which was read by its title and referred to the Committee on the Judiciary:

**H. C. R. 18** – "Declaring that should a convention for proposing amendments under Article V of the United States Constitution be called, the State of West Virginia shall recognize

the attached rules from the Assembly of State Legislatures as the official rules for such a convention.”

Whereas, The founders of this great nation set forth on the earth an enduring republic and charged future generations with the solemn duty of its preservation; and

Whereas, The Constitution of these United States, which is the cornerstone of this republic, establishes the process to propose and ratify amendments to itself, including a process reserved for the state legislatures in Article V; and

Whereas, The State of West Virginia recognizes that this process to amend should by right be held in esteem, worthy of the sacrifice of our founders; and

Whereas, The State of West Virginia recognizes that a pre-existing set of rules and procedures for a convention for proposing amendments under Article V of the United States Constitution (“convention”) is desirable to ensure that such a convention will be able to function effectively and decisively; and

Whereas, The State of West Virginia recognizes that the Assembly of State Legislatures, made up of a bi-partisan group of state legislators from 45 states, has met over a period of four years to carefully craft and consider rules and procedures for a convention, said rules and procedures being attached hereto and made a part of this resolution; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Legislature of the State of West Virginia declares that should a convention for proposing amendments under Article V of the United States Constitution be called, the State of West Virginia shall recognize the attached rules from the Assembly of State Legislatures as the official rules for such a convention.

**RULES FOR AN ARTICLE V  
CONVENTION FOR PROPOSING AMENDMENT(S)**

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## **PREAMBLE**

Pursuant to Article V of the United States Constitution, we the delegates of the several sovereign States, grateful to Almighty God, do assemble in this convention of the States, called by Congress, for the purpose of proposing amendments to the Constitution. We pledge to conduct the people's business in a fair, collegial, and impartial manner, to work in good faith, and to honor both the letter and spirit of the Constitution and these rules.

## **ARTICLE 1 Officers of the Convention and Rules**

### **1.1 List of Officers**

**Temporary:** A temporary presiding President shall be a delegate selected by the State delegation from the State randomly drawn from the first 34 States that passed a resolution calling for a Convention for proposing amendments under the authority of Article V of the United States Constitution.

**Permanent:** The officers of the Convention shall be a President, a Vice President, a Secretary, a Sergeant-at-Arms, and a Parliamentarian. The President and Vice-President shall be elected by "qualified simple majority" vote of the Convention by secret

ballot and shall not be from the same political party. The Secretary, Sergeant-at-Arms, and the Parliamentarian shall be appointed by the President, in consultation with the Vice-President. No more than one officer shall be selected from the same State.

## 1.2 Election of President

The election of President shall be conducted by the temporary presiding President.

## 1.3 Adoption of Rules

### 1.3.1 Rules Adoption

Immediately following the election of President the delegates recognized with credentials shall determine the rules which will govern the proceedings of the Convention. Adoption shall be by “qualified simple majority.” Each State is granted one vote.

### 1.3.2 Rules Continuity

The rules of the Convention remain in effect until amended or rescinded by the Convention. Upon the convening of a new Convention, the rules of the Convention in effect at the conclusion of the preceding Convention remain in force until superseded by Convention rules adopted in the new Convention.

### 1.3.3 Amend or Suspend Rules

A motion to suspend or amend the rules may be made at any time when no question is pending; provided the motion pertains to the question before the body. The motion must be seconded, is non-debatable, and sustained by a vote of a “qualified super majority”. It yields to all the privileged motions, except a call for the orders of the day and to incidental motions arising out of itself. It cannot be amended or have any other subsidiary motion applied to it, nor can a vote on it be reconsidered, nor can a motion to suspend the rules for the same purpose be renewed at the same meeting except by unanimous consent, though it may be renewed after an adjournment, even if the next meeting is held the same day. The



provision of this section shall not apply to Section 5.6., which shall not be amended or suspended.

#### 1.4 The President

##### 1.4.1 Calling the Convention to Order

The President shall take the chair each day at the hour to which the Convention shall have previously adjourned. The President shall call the Convention to order, and, except in the absence of a quorum, as prescribed by these rules, shall proceed to business in the manner prescribed by these rules.

##### 1.4.2 Duty to Preserve Decorum

The President shall preserve order and decorum, and during debate, the President shall confine delegates to the question under discussion. The President shall have general control of the Convention chamber, unless otherwise ordered by the Convention, and in cases of disturbance or disorderly conduct on the floor or in the public areas outside the bar of the Convention, has the power to order the same cleared.

##### 1.4.3 Points of Order

All questions of order shall be decided by the President, subject to appeal of the Convention. On every appeal, the President shall have the right to assign the reason for the decision. In case of such appeal, no delegate shall speak more than once. All questions and points of order shall be noted by the Secretary with the decision thereon.

##### 1.4.4 Committee Membership

The President shall be an ex officio member of all committees of the Convention to which he or she shall not have been specifically appointed, for the purpose of a quorum and discussion, but shall have no vote unless a duly appointed member of such committee.

#### 1.4.5 Appointments of Committees

The President shall appoint all committees, unless otherwise ordered by the Convention.

#### 1.4.6 Certification of Official Acts

When necessary or required, all official acts of the Convention shall be certified by the President and Vice President and attested by the Secretary, with the date thereof.

#### 1.4.7 General Supervision of Appointees

In the performance of their duties, the Secretary, the Sergeant-at-Arms, the Parliamentarian and all employees shall be under the general supervision of the President.

#### 1.4.8 Vacancy in Office

In the event of a vacancy in the office of President by death, resignation or otherwise, the Convention, by a “qualified simple majority” vote, shall elect a new President.

### 1.5 The Vice President

#### 1.5.1 Absence of President or Inability to Preside

In the event of the temporary absence or inability to preside as a President, not to exceed two Convention days, the Vice-President shall assume the duties of the President, and the Convention shall, by “qualified simple majority” vote to elect a new Vice President.

#### 1.5.2 Vacancy in Office

In the event of a vacancy in the office of Vice President by death, resignation or otherwise, the Convention, by a “qualified simple majority” vote shall elect a new Vice President.

### 1.6 The Secretary of the Convention

### 1.6.1 Journal Record of Proceedings

The Secretary shall keep a journal of the proceedings of the Convention and shall provide to each delegate a copy of the proceedings of the previous day.

### 1.6.2 Duties of the Secretary

Subject to the control of the President, the Secretary shall be custodian of the records of the Convention. Under the direction of the President, the Secretary shall perform the customary duties of clerks or secretaries of deliberative assemblies, and such other duties as shall be ordered by the Convention or the President.

### 1.6.3 Numbering of Proposals

The Secretary shall give to every proposal when introduced a number, and the numbers shall be in sequential order.

### 1.6.4 Preparation of Calendar

The Secretary shall prepare and provide to each delegate each day a calendar of the business of the convention, as provided by these Rules.

### 1.6.5 Preservation of Records

As soon as possible after the final adjournment of the Convention, the Secretary shall file with the Archivist of the United States for keeping in the manner provided by law the records, books, documents, and other papers of the Convention.

## 1.7 The Sergeant-at-Arms

Subject to the direction of the President, the Sergeant-at-Arms shall enforce the rules of the Convention. The Sergeant-at-Arms shall be charged with enforcing the rules as to admission of the Convention floor. The Sergeant-at-Arms shall not be required to be a delegate.

## 1.8 Parliamentary

### 1.8.1 Duties

A Parliamentarian shall be appointed by the President and shall be responsible for assisting the President and any other presiding officers and the standing committees in the making of parliamentary rulings.

### 1.8.2 Credentials and Experience

The parliamentarian shall be a current or former member of the Mason's Manual Commission. The Parliamentarian shall have previously served as the chief or head parliamentarian of a state legislative body. The Parliamentarian shall not be required to be a delegate.

## **ARTICLE 2 Delegates**

### 2.1 Presentation of Credentials or Commissions

Each delegate shall present a certified copy of a document announcing his or her credentials or commission to the Secretary who shall promptly inform the Chairperson of the Committee on Credentials and enter the delegate's name in the Journal. The Chairperson of the Committee on Credentials shall confirm each delegate's credentials or commission. Unless challenged as provided under Section 2.3, the delegate shall be deemed qualified to serve as a delegate in the Convention. Each State Legislature is responsible for determining the delegate selection process and number of delegates to be sent to the Convention by the respective State.

### 2.2 Questions of Privilege

The presentation of credentials or commissions of delegates to the Convention and other questions of privilege shall always be in order, except during the reading and correction of the Journal, while a question of order or a motion to adjourn is pending, or while the Convention is voting or ascertaining the presence of a quorum; and all questions and motions arising or made upon the presentation of such credentials shall be proceeded with until disposed.

### 2.3 Contest of Credentials or Commissions

No protest or petition concerning the credentials or commissions of any delegate shall be received or considered unless filed with the Secretary within five (5) convention days of the delegate's name being made public through the publication of the Journal. All protests or petitions shall be referred to the Committee on Credentials and Privileges for consideration. The President or Vice President may at any time petition the Committee on Credentials and Privileges to reconsider the credentials or commission of any delegate.

### 2.4 Absence of Members

No delegate shall absent himself or herself from the sessions of the Convention unless he or she has leave, is ill, or his or her absence is otherwise unavoidable.

### 2.5 Floor Access and Speaking Privilege

Each state delegation is limited to 10 delegates at any one time to have access to the floor and have speaking privileges.

### 2.6 Recall Action of Delegate

#### 2.6.1 Recall Authority

The Convention shall recognize the recall authority of each State Legislature to recall the credentials of the delegates from that respective state, and to suspend such delegate's authority to attend the Convention. The recall instructions shall be provided to the Convention Secretary in writing in order to be recognized and shall identify the persons, committee, commission or office having recall authority. Upon reception of a recall order originating from a proper recall authority, the Chair of the Committee on Credentials and Privileges shall confirm the recall order, and notify the delegate of the recall order who may within three (3) days of such notice request and receive a hearing before the Committee on Credentials and Privileges regarding the recall order of the delegate which may be rebutted but shall otherwise be presumed valid. If no challenge is filed, the name of the recalled delegate shall be entered into the

Journal. Upon receipt of a recall order, the delegate in question shall have his or her convention credentials suspended and floor access revoked unless the delegate's authority is restored.

### 2.6.2 Suspension of Credentials

The Convention may, by action of its member delegates, vote to suspend the credentials of any delegate. A motion for suspension shall be approved by a three-fourths majority of the state delegations seated pursuant to Article 2.1.

## **ARTICLE 3 Sessions of the Convention**

### 3.1 Time of Meeting and Procedure

The Convention shall meet at 8:00 a.m. unless otherwise ordered by the Convention.

### 3.2 Reading of the Journal

Immediately after the President shall have taken the roll call vote, the Journal of the preceding day shall be read by the Secretary, unless dispensed with by the consent of the Convention, and published to the public.

### 3.3 Order of Business

At meetings of the Convention, the order of business shall be as follows:

1. Call Convention to Order.
2. Prayer.
3. Pledge.
4. Roll Call.
5. Reading of the Journal.
6. Presentation of petitions, memorials and remonstrance.

7. Reports of committees.
8. Introduction and first reading of proposals.
9. Reference of proposals.
10. Motions and resolutions.
11. Orders of the day.
12. Committee notices.

## **ARTICLE 4 Voting and Quorum Calls**

### 4.1 Voting

#### 4.1.1 Voting by State

In determining all questions in the Convention, all votes shall be taken by State, and each State shall have one vote. Votes may be taken by voice, call of the roll, or by use of an electronic voting system under the supervision of the President at his or her direction. The decision shall be entered in the journal. Any delegation can request a division of the Convention and any delegation has the authority to request a roll call vote.

#### 4.1.2 Qualified Super Majority

In matters requiring a “qualified super majority”, this shall be defined as two-thirds of the eligible membership, which at this time is 34 States. Qualified is defined as those States that have met the requirements of Article 2.1.

#### 4.1.3 Qualified Simple Majority

In matters requiring a “qualified simple majority”, this shall be defined as greater than one-half of the eligible membership, which at this time is 26 States. Qualified is defined as those States that have meet the requirements of Article 2.1.

#### 4.1.4 Simple Majority

Unless otherwise directed, all other votes and procedural questions shall be decided by the affirmative vote of a “simple majority”, defined as greater than one-half of the voting members present.

#### 4.2 Call of the Roll

In determining questions or upon a call of the Convention, the following mode shall be observed: The Secretary shall call the names of the States alphabetically, and the absentees noted, after which the names of the absent States shall again be called.

#### 4.3 Vote Tellers

Each State delegation shall name one person to be the teller for the delegation. The designated teller of that delegation shall report the vote for that state. The delegation of each State shall be the sole judge of determining the vote of the State. In case the vote of the State delegation cannot be resolved for submission, the teller shall declare the vote as an “abstention”.

#### 4.4 Third Reading and Final Passage

Final action on any proposed amendment shall be decided by an affirmative vote of at least 36 States. No State shall be allowed to cast or change its vote after the Convention’s action on said question is announced by the President.

#### 4.5 Call of the Convention and Quorum

A call of the Convention may be made for the purpose of obtaining a quorum or for the purpose of securing the attendance of absent delegates, even though a quorum may be present. A “qualified simple majority”, as defined in Article 4.1.3, shall be a quorum to conduct business, but a smaller number may adjourn from day to day and compel the attendance of absent delegates.

#### 4.6 Quorum in Committee of the Whole

A “qualified simple majority”, as defined in Article 4.1.3, shall be a quorum for the Committee of the Whole to do business,



and if the committee finds itself without a quorum, the chair shall cause the roll of the Convention to be called and thereupon the committee shall rise, the President resume the chair and the chair report the cause of the rising of the Convention and the names of the absentee States to the Convention shall be entered in the Journal.

#### 4.7 Quorum for all other Committees

A “simple majority”, as defined in Article 4.1.4, constitutes a quorum. No committee shall take final action on a proposal unless a quorum is present.

### **ARTICLE 5 Resolutions and Proposals**

#### 5.1 Action on Resolutions

Resolutions shall be referred to the proper committee for consideration immediately upon introduction, except those resolutions which relate to the disposition of business immediately before the Convention or adjournments or recesses, and except those that, in the opinion of the President, should be considered at the time of their introduction.

#### 5.2 Time for Consideration

Resolutions reported by a committee shall lay over one (1) day for consideration, after which they may be called up under the appropriate order of business.

#### 5.3 Expenditures

All resolutions authorizing or contemplating the expenditure of money shall be referred to the standing committee on Administration and Accounts, for its report thereon before final action by the Convention.

#### 5.4 Introduction of Proposals

All proposals for an amendment of the present Constitution of the United States of America shall be introduced by one or more

state delegations, or by a committee of the Convention either by a proposal or committee substitute for a proposal or a report.

The President may, with unanimous consent, refer Proposals that are of a substantially similar nature to the appropriate committee as a “Consolidated” Proposal. A Consolidated Proposal shall be assigned a new number, shall contain the bundle of Proposals, shall be considered and debated by the assigned committee as a single proposal and the introducers of the individual Proposals shall be listed as introducers on the new Proposal. The original individual Proposals shall be tabled indefinitely.

### 5.5 Form of Proposals

Each Constitutional amendment proposal shall be printed, endorsed with the signatures of all State delegates introducing it, or by the Chair of the committee introducing it or reporting it. The caption of all proposals shall be:

“Proposal No. \_\_\_\_\_ in the (year)\_\_\_ Amendment Convention of the United States of America.” Introduced by \_\_\_\_\_ (a listing of the State(s), delegate(s), or committee).”

Following the caption there shall be a short title concisely stating the general nature of its subject matter, followed by the words: “BE IT RESOLVED THAT THE FOLLOWING PROPOSED AMENDMENT BE SUBMITTED TO THE SEVERAL STATES FOR RATIFICATION AS AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES OF AMERICA:”

### 5.6 Subject of Proposals

#### 5.6.1 Introduction of Proposals

The Convention derives its authority by way of the resolutions to call for a convention pursuant to Article V of the Constitution of the United States passed by at least two-thirds of the Legislatures of the several States. Each State with delegates in attendance may introduce any proposed amendment to the Constitution both consistent with the subject(s) contained in its State’s application

and subject to this rule. The Convention is limited to proposing only an amendment or amendments to the Constitution of the United States whose subject(s) were specifically included in the resolutions of at least two-thirds of the several States. This Convention has no authority to consider any other subject or entertain any motion to consider any other subjects. Any motion not within the scope authorized by each and every one of the resolutions passed by at least two-thirds of the Legislatures of the several States shall be ruled out of order. Such a ruling shall only be appealed as to whether the motion is germane to the subject of the call.

### 5.7 Limitation on Introduction of Proposals

After the fifth (5th) day of the Convention, no Constitutional amendment proposal shall be introduced, except on the report or recommendation of a standing or select committee, or by unanimous consent. No delegation is required to submit a proposal.

### 5.8 Reading on Two Different Days

Every proposal shall be read in its entirety on two (2) different Convention days.

### 5.9 Regular Order for Proposals

The regular order to be taken by proposals shall be as follows:

1. Introduction, first reading, reference to a committee by the President, and printing of copies of each proposal.
2. Report of committee of the proposal with amendments or a committee substitute, printing of copies, and placing on general orders.
3. Consideration by Convention and action on amendments offered by delegations.
4. Second Reading.
5. Reference to the Committee on Style.

6. Report of the Committee on Style, and printing of copies.
7. Action on report of Style.
8. Reference to the Committee on Style for arrangement of sections, and for form of engrossment.
9. Report of Committee on Style for arrangement of sections, and printing of copies.
10. Order for engrossment and printing. The engrossed copy of the proposal shall be printed in a form designated by the Convention Body.
11. Third reading and final passage without amendment.

## **ARTICLE 6 Decorum and Debate**

### 6.1 Recognition of Delegates and Right to the Floor

Every delegate rising to speak shall address the President, and no delegate shall proceed until he or she shall have been recognized by the President as entitled to the floor. Two delegates rising at the same time, the President shall name the member who shall be first heard, the other seeking recognition having preference next to speak.

### 6.2 Disrupting Debate

While a delegate shall be speaking, none shall pass between the delegate and President, or entertain disruptive private discourse with another delegate on the floor with the exception of silent electronic communication.

### 6.3 Motion to Adjourn or Recess

When a motion to adjourn, or for recess, shall have carried, no delegate shall leave his or her place until adjournment or recess shall be declared by the President.

### 6.4 Limits on Debate

#### 6.4.1 Right of Delegate to Debate

No delegate shall speak more often than once upon the same question, without special leave of the Convention, and not a second time, until every other state delegation shall have an opportunity to speak on the question. No delegate shall speak for more than twelve minutes upon the same question, and no State delegation shall speak for more than forty-eight minutes total upon the same question. No delegate shall impeach or impugn motives of any other's argument or vote. No delegate shall be permitted to indulge in personalities, use language personally offensive, or charge deliberate misrepresentation of another delegate.

#### 6.4.2 Closing Debate

So that no member shall abuse his or her privileges, the previous question may be used to close debate on any debatable question. The previous question shall be in the form: "Shall the main question now be put?" It shall only be admitted on written demand of 13 States, and sustained by a vote of a "qualified simple majority", as defined in Article 4.1.3.

#### 6.5 Calling another Delegate to Order

Any delegate, as well as the President, may call to order any other delegate, subject to appeal to the Convention, and the delegate called to order may be allowed to explain his or her conduct or expressions supposed to be objectionable. If there is no appeal, the decision of the President shall prevail. If the decision of the President favors the delegate called to order, he or she shall be at liberty to proceed.

### **ARTICLE 7 Committee of the Whole**

#### 7.1 Standing Order of the Day

Upon a motion supported by a "qualified simple majority", the Convention may resolve itself into a Committee of the Whole for consideration of proposals. It shall be a standing order of the day for the Convention to resolve itself into a Committee of the Whole.

#### 7.2 Chairman

When the Convention shall resolve itself into a Committee of the Whole, the President shall name a Chair to preside in the committee.

### 7.3 Method of Acting on Proposals

Upon a proposal being committed to the Committee of the Whole, it shall be read by the Secretary and then read and debated by clauses or sections, as determined by the committee. After the report, the bill shall be subject to be debated and amended by clauses or sections on the floor of the Convention before a vote on the question to perfect and print is taken.

### 7.4 Rules in Committee of the Whole

The rules of the Convention shall be observed in the Committee of the Whole as far as may be applicable.

### 7.5 Motion to Rise

A motion for the rising of the Committee of the Whole shall always be in order unless a member of the committee is speaking or a vote is being taken, and shall be decided without debate.

### 7.6 Powers of the Committee of the Whole

The Committee of the Whole shall have the same powers as the Convention to enforce the attendance of members; and the Secretary and Sergeant-at-Arms of the Convention shall be the Secretary and Sergeant-at-Arms of the Committee of the Whole.

## **ARTICLE 8 Committees of the Convention**

### 8.1 Number and Appointment of Committees

The standing committees of the Convention shall be seven in number. The President shall appoint all committees, unless otherwise ordered by the Convention. Each standing committee shall be chaired by a Chair, appointed by the President pursuant to Article 1.4.5.

### 8.2 Standing Committees of the Convention and Duties

### 8.2.1 Committee on Administration and Accounts

The Committee on Administration and Accounts shall consider matters relating to Convention expenditures; set up such safeguards and procedures as may be necessary to protect the Convention and its members in all expenditures which may be made; to provide methods by which all expenditures can be checked and audited; and recommend to the Convention the methods to be used for that purpose. The committee shall further have supervision of the general staff of the Convention and be authorized to prescribe, in addition to those already provided, rules and regulations in regard to their activities and duties. The committee shall prepare and submit to the Convention from time to time appropriation resolutions for the appropriation of funds from the State Assessment Account to the Operations Account, as noted in section 9.4.1, for the operation of the Convention.

In submitting said resolutions, the committee shall accompany the proposal with estimates of the Convention requirements, represented in the proposed appropriations. Subject to the approval of the Convention, the committee shall be authorized to contract for, and purchase such supplies and services as the Convention may require and provide for the proper distribution of the same. It shall be further the duty of the committee to report to the Convention, from time to time, as it may deem desirable, giving the Convention information about the expenditures of the Convention and methods established to protect the same.

### 8.2.2 Committee on Convention Research

The committee on Convention Research shall assemble, at a conducive location for the purpose of information gathering and research in order to address problems under consideration. This location should have internet access, as well as a private meeting space to preserve confidentiality. From time to time, the committee may recommend the purchase or acquisition of such materials as may be needed by the Convention.

### 8.2.3 Committee on Credentials and Privileges

The Committee on Credentials and Privileges shall examine the commissions, credentials, and instructions of all delegates to the Convention and report a list of all the delegates who are entitled to serve as members of the Convention. The committee shall further consider matters relating to the floor privileges of members of the Convention.

#### 8.2.4 Committee on Information, Submission, and Address to the States and Congress

The Committee on Information, Submission, and Address to the States and Congress shall present information to the public in a timely manner concerning the proceedings of the Convention. The committee shall also consider and make recommendations to the Convention and Congress as to the method of submission of the proposal(s) of the Convention to the various States after the adjournment of the Convention. The committee shall further prepare and present to the Convention, for its approval, an address to the States and Congress outlining the results of the Convention's work.

#### 8.2.5 Committee on Printing and Publications

The Committee on Printing and Publications shall consider all matters having to do with Convention printing, reporting of the proceedings, and the publications which may be incidental to those proceedings. The committee shall be charged with the responsibility of determining the amount of printing to be done, the nature and character of publications to be made, and, in general, recommend any and all measures which it may deem useful for the economical and proper management of the printing, reporting, and publications of the Convention.

#### 8.2.6 Committee on Rules and Procedures

The Committee on Rules and Procedures shall consider all matters relating to the rules for the Convention.

#### 8.2.7 Committee on Style



The Committee on Style shall examine and correct the proposals which are referred to it, for the purpose of avoiding inaccuracies, repetitions and inconsistencies. It shall also carefully examine the order in which the proposals shall be directed by the Convention to be engrossed for third reading, examine all proposals so engrossed, and see that the same are correctly engrossed, and shall immediately report the same in like order to the Convention before they are read the third time. The committee shall not have authority to change the sense or purpose of any proposal referred to it, and if any thirteen (13) State delegations shall object in a timely manner to any report of said committee on the ground that said report has changed the sense or purpose of any such proposal, the proposal shall be referred to a select committee consisting of fifteen (15) delegates, which shall include not less than seven (7) of the thirteen (13) State delegations objecting to the report.

### 8.3 Composition of Committees

The membership of all standing committees and of all other committees, unless otherwise provided by these rules or by the resolution creating them, shall be composed of ten members. No major political party shall be represented on the committee by more than six members, nor shall more than one member be from any one State.

### 8.4 Administration and Accounts

The Committee on Administration and Accounts shall be composed of two members; the President and the Vice President.

### 8.5 Reference to Committees

When motions are made to refer any proposal or matter, and different committees are proposed, the question of reference shall be in the following order: a Standing Committee, a Select Committee, the Committee of the Whole.

### 8.6 Time of Sitting

No committee shall sit during the sessions of the Convention without leave of the Convention.

### 8.7 Committee Quorum

A majority of the members of a committee constitutes a quorum. No committee shall take final action on a proposal unless a quorum is present.

### 8.8 Committee Hearings

When any proposal is about to be considered by a committee, the introducers of such proposal shall be notified of the time and place where such proposal shall be considered by such committee. Each committee shall keep a record of the members present when a proposal is finally considered; and this record and the record of the votes cast shall be filed by the Committee Chair with its report.

### 8.9 Committee Reports

No proposal shall be reported from a committee unless such action is approved by affirmative vote by a “simple majority”. The committee report must be signed by the Chair. In the event any committee is evenly divided on any matter pending before it, the Chair shall refer such matter back to the Convention without recommendation.

### 8.10 Discharge of Proposal

In the event any committee considering proposals shall fail or refuse to report to the Convention on the same within the period of time fixed by these rules, any member delegate may file a request in open convention for a report upon the specified proposal to the floor of the Convention, and in the event the committee shall fail to make a report within three convention days thereafter, the proposal shall be placed on the calendar for consideration.

### 8.11 Rules of the Convention

The rules of the Convention shall be observed in all committees as far as may be applicable, and each committee shall keep a record of its proceedings.

## **ARTICLE 9 Miscellaneous**

### 9.1 Guide on Parliamentary Practice

The rules of parliamentary practice laid down in the latest edition of Mason's Manual of Legislative Procedure shall govern in all cases in which they are not inconsistent with the rules and orders of the Convention.

### 9.2 Communication with Congress and the States

When it is appropriate the Secretary of the Convention shall provide communication with the United States Congress and the States.

### 9.3 Openness of the Convention Sessions

All general sessions and Committee meetings of the Convention shall be open to the public.

### 9.4 Funding of the Convention

9.4.1 A State assessment account shall be established and managed by the Committee on Administration and Accounts. An initial assessment of equal shares shall be required of each State for whom delegates are seated pursuant to Article 2.1. Subsequent assessments of equal shares may be requested when deemed necessary by the Committee on Administration and Accounts and approved by the Convention by a simple majority vote.

9.4.2 An Operations Account shall be established to utilize for reimbursement of all expenses of the Convention, and shall be funded from time to time, as deemed necessary.

9.4.3 All accounts are to be managed by the Committee on Administration and Accounts, as specified in Article 8.2.1.

9.4.4 Expenses related to the transportation, housing, and meals of delegates are the responsibility of the sending State.

9.4.5 Any accrued assets of the Convention shall be distributed to a qualified 501(c)(3) non-profit organization after any remaining debts are resolved.

## 9.5 Close of the Convention

### 9.5.1 Adjournment

The Convention shall adjourn *Sine Die* upon either: Communication of a proposed amendment to Congress and the States per Article 9.2. or passage of a motion to adjourn *Sine Die* by two-thirds of the attending State delegations.

## 9.6 Article V Applications

### 9.6.1 Application Lifespan

An individual State's Application shall be considered active until such time as either an amendment is ratified under authority of Article V of the United States Constitution that is the result of a Convention called by Congress on the respective Application, or the Application is rescinded by the respective State Legislature prior to the call of the Convention by Congress.

### 9.6.2 Counting of Applications

9.6.2.1 The counting of active Applications is the responsibility of the State Legislatures.

9.6.2.2 An Application shall be counted towards the two-thirds of the States requirement under Article V of the United States Constitution that triggers a Call by Congress if it is of the same subject matter as other Resolutions. As each State is sovereign and independent, the verbiage of an Application does not need to be similar nor can an Application be disqualified from being counted with those of similar subject matter because the verbiage is different, unless the Application is so limited.

9.6.2.3 An Application may specify a single, or multiple, subject matters. The Application can also be considered an Open

Application if it calls for a Convention for Proposing Amendments and does not name any subject matter for an amendment.

9.6.2.4 When counting Applications towards the required two-thirds number specified in Article V of the United States Constitution, an Open Application shall qualify towards the count of Applications for both Open Applications that have been filed among the States and toward the count of Applications for specific subject matters, as it is the intent of a State in filing an Open Application to convene a Convention under any and all subject matters.

### 9.6.3 Call of a Convention

Upon reaching the required two-thirds of the States having filed Applications on the same subject matter, as defined above as a combination of specific subject Applications and Open Applications, the State Legislatures having filed these Applications shall deliver to Congress a document of notification for a Call. This document shall include all information necessary for Congress to make the call in a timely and informed manner, consistent with the intentions of the founders per Federalist 85 which states that nothing be left to the discretion of Congress. This includes:

1. The subject matter, if any, authorized in the Applications.
2. A list of the States that have filed the qualifying Applications with a copy of each of the respective Applications attached.
3. The proposed date and location of convening.
4. Any other information the Convention deems necessary.

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

**By Delegates Wilson, Upson, Sypolt, Kessinger, Phillips, C. Miller, Rodighiero, N. Foster, Hollen, Rowan and Frich:**

**H. J. R. 19** – “Proposing an amendment to the Constitution of the State of West Virginia amending Article III thereof, by adding thereto a new section, designated section 23 relating to defining the word ‘person’ or ‘persons’, as those terms are used in Article III of

the State Constitution, to include every human being from the moment of fertilization, cloning, or the functional equivalent thereof; and, providing a summarized statement of the purpose of such proposed amendment”; to the Committee on the Judiciary.

Delegates Pyles, C. Romine, Lynch, Pethtel, R. Romine, Boggs, Ferro, Hartman, Brewer, Iaquina and Love offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. R. 7** – “Resolution calling on Congress to protect Social Security and Medicare.”

Whereas, Social Security and Medicare represent a covenant between the government and its citizens; and

Whereas, Social Security and Medicare belong to the people who have worked hard all their lives and contributed to these programs with the expectation of having the benefits in their retirement years; and

Whereas, Social Security and Medicare are based on a promise that those who have contributed to these programs have earned the right to guaranteed benefits and the funds established for this purpose should not be used as a piggy bank for other congressional purposes; and

Whereas, 44.7 million seniors have paid into and over 160 million workers are currently paying their hard earned money into Social Security and Medicare; therefore, be it

*Resolved by the House of Delegates of West Virginia:*

That Social Security and Medicare should be preserved for current working people and future generations and protected from privatization and other proposals that threaten the retirement and health security of working families; and, be it

*Further Resolved,* That the Clerk of the House of Delegates forward a certified copy of this resolution to the West Virginia delegation in the U.S. House of Representatives and the U.S. Senate.

### **Bills Introduced**

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

**By Delegates Sobonya, R. Romine, Upson, G. Foster, N. Foster, Summers, Storch, Arvon, C. Miller, Rohrbach and Zatezalo:**

**H. B. 2579** - "A Bill to amend and reenact §60A-4-409 of the Code of West Virginia, 1931, as amended, relating to increasing the penalties for transporting controlled substances into the state"; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegates Higginbotham, Householder, Cooper, Arvon, Anderson, Deem, Ellington, N. Foster, Moore, Overington and Westfall:**

**H. B. 2580** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-31, relating to damages for medical monitoring; establishing requirements for an order for payment of medical monitoring expenses; and providing that an increased risk of disease is not a compensable basis for damages in any civil action"; to the Committee on the Judiciary.

**By Delegates Anderson, Paynter, Overington, Harshbarger, Frich, Westfall, Cowles, Blair, Higginbotham and Atkinson:**

**H. B. 2581** - "A Bill to amend and reenact §17C-15-49 of the Code of West Virginia, 1931, as amended, relating to admissibility of certain evidence in a civil action for damages; and allowing the admission of the use or nonuse of a safety belt on the issues of negligence, contributory negligence, comparative negligence and failure to mitigate damages"; to the Committee on the Judiciary.

**By Delegates Householder, Walters, R. Romine, Frich, Westfall, Statler, Cowles, Kessinger, Blair, Sypolt and N. Foster:**

**H. B. 2582** - "A Bill to amend and reenact §21A-6-3 of the Code of West Virginia, 1931, as amended, relating to disqualification for unemployment benefits; providing that an

individual is disqualified for benefits for any week, or portion of a week, in which he or she left or lost his or her job as a result of a strike; clarifying that a lockout is not a strike; providing that workers replaced with new prepayment employees are not eligible for unemployment benefits; establishing the circumstances when a worker is determined to leave or lose employment by reason of a lockout; providing the circumstances when a worker is determined to be permanently replaced by another employee; and providing that contractor employees who perform the work of a striking worker is not to be determined to have permanently replaced a striking worker”; to the Committee on the Judiciary.

**By Delegates G. Foster, Blair, Higginbotham, Kessinger, Upson, Householder, Nelson, Espinosa, Overington, Walters and Cowles:**

**H. B. 2583** - “A Bill to amend and reenact §3-8-12 of the Code of West Virginia, 1931, as amended; to amend and reenact §21-1A-4 of said code; and to amend and reenact §21-5-1 of said code, all relating to limitations on the use of wages and agency shop fees by employers and labor organization for political activities; prohibiting any person from coercing or intimidating any employee into making a political contribution or engaging in any form of political activity; prohibiting employers and any other persons responsible for the disbursement of wages and salaries from withholding or diverting any portion of an employee’s wages or salary for political activities without express, written authorization; providing for criminal penalties; setting forth requirements for employees to provide written authorization for disbursement of wages and salaries by an employer or other person for political activities; requiring the Secretary of State to promulgate forms; defining terms ‘political activities’ and ‘agency shop fees’; modifying definition of ‘deductions’ to exclude amounts for union or club dues; and making it an unfair labor practice under the Labor-Management Relations Act for the Private Sector for a labor organization to use agency shop fees paid by nonmembers for political activities, unless expressly authorized by the individual”; to the Committee on the Judiciary.



**By Delegates Cooper, Westfall, Ambler, Hanshaw, Rowan, Hamilton, Dean, Gearheart, Summers, Sypolt and Atkinson:**

**H. B. 2584** - “A Bill to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended, all relating to primary and secondary school instructional terms; removing the word ‘separate’ throughout the section as it relates to the number of instructional days in the school calendar; requiring that the instructional term for students begin no earlier than August 10 and end no later than June 10, except for schools operating on a balanced calendar; removing preparation for opening and closing school from mandatory list of areas for which remaining noninstructional days may be designated by county school board; designating one noninstructional day for teachers as a preparation day; allowing teacher preparation day to be used for other purposes only at teacher’s discretion; increasing number of two-hour blocks for faculty senate meetings from four to six; removing requirement that faculty senate meetings be held once every forty-five days; permitting accrued minutes to be used for lost instructional days; designating time frames within which faculty senate meetings may take place; requiring county boards to first use accrued minutes for early dismissals and late arrivals; and requiring that any remaining student instructional days be exhausted prior to using accrued minutes for lost instructional days”; to the Committee on Education.

**By Delegates Storch, Arvon, R. Romine, A. Evans, Gearheart, Moore, Atkinson, Zatezalo, Shott, Hanshaw and Lewis:**

**H. B. 2585** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-14-1, §61-14-2, §61-14-3, §61-14-4 and §61-14-5, all relating to laundering of proceeds from specified criminal activities; defining terms; creating felony crime of conducting financial transactions involving proceeds of criminal activity; creating felony crime of transporting, transmitting or transferring monetary instruments or property involving proceeds of criminal activity; providing for penalties; providing for seizure and forfeiture of property or monetary instruments; specifying the burden of proof in a forfeiture proceeding; clarifying conduct that constitutes separate

offenses; and setting forth venue for prosecution of offenses”; to the Committee on the Judiciary.

**By Delegates Walters, Folk, Anderson, Hamilton, O’Neal, E. Evans and Pethtel:**

**H. B. 2586** - “A Bill to amend and reenact §5-10-27b of the Code of West Virginia, 1931, as amended; to amend and reenact §7-14D-9b of said code; to amend and reenact §8-22A-11 of said code; to amend and reenact §15-2-45 of said code; to amend and reenact §15-2A-6b of said code; to amend and reenact §16-5V-13 of said code; to amend and reenact §18-7A-28b of said code; to amend and reenact §18-7B-12a of said code; and to amend and reenact §51-9-12b of said code, all relating to required minimum distribution of retirement benefits of plans administered by the Consolidated Public Retirement Board; clarifying treatment of benefits in the event of a members death; and bringing code into conformity with federal law”; to the Committee on Pensions and Retirement then Finance.

**By Delegate Summers:**

**H. B. 2587** - “A Bill to amend and reenact §20-2-5 of the Code of West Virginia, 1931, as amended, relating to carrying a firearm for self defense in a state park, state forest, state recreational area or state wildlife management area under the Division of Natural Resources”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Kessinger, Higginbotham, Hill, Martin, Butler, Arvon, N. Foster, Paynter, Dean, Wilson and Sobonya:**

**H. B. 2588** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-30-26, relating to life-sustaining treatment policies of health care facilities”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Kessinger, Higginbotham, Paynter, Dean, Martin and Wilson:**

**H. B. 2589** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-

15g, relating to requiring county boards of education to permit students who are homeschooled or attend private schools to enroll and take classes at the county's vocational school"; to the Committee on Education.

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

**H. B. 2590** - "A Bill to amend and reenact §11-24-3 of the Code of West Virginia, 1931, as amended, relating to updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act; and specifying effective dates"; to the Committee on Finance.

**By Delegates Atkinson, Hill, Ward, Kelly, Moore,  
Harshbarger, Ambler, Cooper, Hollen, Westfall and  
Kessinger:**

**H. B. 2591** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13DD-1, relating to providing a temporary tax credit for small group employers to cover a tax credit of up to fifty percent of the costs of branding, marketing and advertising of agricultural or manufactured products produced or manufactured in West Virginia; establishing limits; and providing that the credit be available for five years"; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

**By Delegates Canestraro, Isner, Lovejoy and Hollen:**

**H. B. 2592** - "A Bill to amend and reenact §15-2A-7 of the Code of West Virginia, 1931, as amended, relating to the West Virginia State Police Retirement System; and increasing the annual cost of living benefits for retirants from one percent a year to three percent a year"; to the Committee on Pensions and Retirement then Finance.

**By Delegates Canestraro, Isner, Lovejoy and Marcum:**

**H. B. 2593** - "A Bill to amend and reenact §49-4-712 of the Code of West Virginia, 1931, as amended, relating to the placement of juvenile status offenders; providing that a status offender may not be placed in a Division of Juvenile Services facility, unless the status offending child has run away from

placement in a staff secure facility; and providing that the court may then order the juvenile placed in a Division of Juvenile Services facility pending further proceeding in the matter”; to the Committee on the Judiciary.

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

**H. B. 2594** - “A Bill to amend and reenact §11-21-9 of the Code of West Virginia, 1931, as amended, relating to updating the meaning of federal adjusted gross income and certain other terms used in the West Virginia Personal Income Tax Act; and specifying effective dates”; to the Committee on Finance.

**By Delegates Kessinger, Martin, Hill, Arvon, N. Foster,  
Paynter, Dean, Wilson and Sobonya:**

**H. B. 2595** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2A-1, relating to requiring abortions to be performed by a licensed physician”; to the Committee on Health and Human Resources then the Judiciary.

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

**H. B. 2596** - “A Bill to amend and reenact § 11-15B-2a and § 11-15B-32 of the Code of West Virginia, 1931, as amended, all relating to incorporating changes to the Streamlined Sales and Use Tax Agreement; and providing new effective dates”; to the Committee on Finance.

**By Delegates Moye, Hornbuckle, Diserio, Marcum, Isner,  
Baldwin, Canestraro, Lovejoy, Caputo and Lynch:**

**H. B. 2597** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §3-1D-1, §3-1D-2, §3-1D-3 and §3-1D-4, all relating to creating administrative sanction for false statements made against candidates for elective office; providing that all broadcasts, publications or mailings of any information about a candidate for elective office be submitted to the State Election Commission; establishing administrative penalties for failure to submit required information, or for distributing or causing to the distribution un-

true information about a candidate; authorizing the elections commission to conduct investigations, pursue injunctions and propose legislative rules; and providing for appeals for commission decisions”; to the Committee on the Judiciary then Finance.

**By Delegates Marcum, Hicks, Rodighiero, Eldridge, Hamilton, Upson, McGeehan and Canestraro:**

**H. B. 2598** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §51-3-19, relating to requiring that senior status circuit judges only fill vacancies in districts or counties in which they were not previously elected”; to the Committee on the Judiciary.

**By Delegates Statler, Hill and Hanshaw:**

**H. B. 2599** - “A Bill to amend and reenact §17C-15-26 of the Code of West Virginia, 1931, as amended, relating to safety of tow trucks, wreckers, and tilt-bed vehicles; authorizing red flashing warning lights on the vehicles under certain circumstances”; to the Committee on Roads and Transportation then Government Organization.

**By Delegates Walters, Folk, Anderson, Hamilton, O’Neal, E. Evans and Pethtel:**

**H. B. 2600** - “A Bill to amend and reenact §8-22A-2 of the Code of West Virginia, 1931, as amended, to amend and reenact §8-22A-17 and §8-22A-18 of said code, all relating to the Municipal Police and Fire Retirement System; defining terms; clarifying benefits received for duty/non-duty disability under the plan”; to the Committee on Pensions and Retirement then Finance.

**By Delegates Walters, Folk, Anderson, Hamilton, O’Neal, E. Evans and Pethtel:**

**H. B. 2601** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §8-22-27a and §8-22-27b, all relating to municipal policemen’s or municipal firemen’s pension and relief funds; providing mechanism for the correction of errors; and providing criminal penalties”; to the Committee on Pensions and Retirement then Finance.

**By Delegates Canestraro and Lovejoy:**

**H. B. 2602** - “A Bill to amend and reenact §60A-4-409 of the Code of West Virginia, 1931, as amended, be amended, relating to increasing penalties for transportation of controlled substances into the State of West Virginia”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegates Walters, Folk, Anderson, Hamilton, O’Neal, E. Evans and Pethtel:**

**H. B. 2603** - “A Bill to amend and reenact §8-22-20 of the Code of West Virginia, 1931, as amended, relating to municipal policemen’s or firemen’s pension and relief funds that are funded at one hundred and twenty-five percent or more; and authorizing certain costs not be paid”; to the Committee on Pensions and Retirement then Finance.

**By Delegates Walters, Folk, Anderson, Hamilton, O’Neal, E. Evans and Pethtel:**

**H. B. 2604** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10D-12, relating to employee information reported to the Consolidated Public Retirement Board; requiring employers to report all individuals employed; and specifying required minimum reporting requirements”; to the Committee on Pensions and Retirement then Finance.

**By Delegate Walters:**

**H. B. 2605** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-2-20, relating to requiring the Public Service Commission to create a plan within twelve months to consolidate all of the emergency communications centers and emergency telephone centers in the state into not more than six centers; setting scheduling and reporting requirements”; to the Committee on Government Organization.

**By Delegate Walters:**

**H. B. 2606** - “A Bill to amend and reenact §17-16A-18 of the Code of West Virginia, 1931, as amended, relating to Parkways Authority and maintaining status quo in the event bond

indebtedness relative to Parkways Authority is eliminated; continuing tolls; maintaining projects with Parkways Authority; and specifying that certain toll revenues are to be placed into a special revenue account to be used for road projects in counties where the West Virginia Turnpike is located”; to the Committee on Roads and Transportation then Finance.

**By Delegate Canestraro:**

**H. B. 2607** - “A Bill to amend and reenact §62-12-10 of the Code of West Virginia, 1931, as amended, relating to extending the maximum period of confinement a judge may impose for certain, first-time probationary violations from sixty days to six months; and providing judges greater sentencing discretion for certain, subsequent violations of probation”; to the Committee on the Judiciary.

**By Delegate Statler:**

**H. B. 2608** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-8d; and to amend said code by adding thereto a new section, designated §29-6-4a, all relating to requiring the Commissioner of Highways to contract with private providers or contractors for certain emergency maintenance operations if the Division of Highways is unable to complete such operations in a timely manner; creating a provisional appointment procedure for Division of Highway positions necessary for snow and ice removal from roadways; authorizing the Division of Highways to solicit applications and appoint qualified applicants to provisional snow and ice removal positions pending permanent appointment; exempting provisional appointments for snow and ice removal services from State Personnel Board Procedures and oversight; creating a process by which individual provisional snow and ice removal appointees will be converted to permanent employees within the classified service system once certain requirements are met; and requiring the Division of Highways to follow ethical guidelines and certain practices when posting provisional positions and making provisional appointments to snow and ice removal positions”; to the Committee on Roads and Transportation then Finance.

**By Delegates Kessinger, Paynter and Fast:**

**H. B. 2609** - “A Bill to amend and reenact §18-5-9 of the Code of West Virginia, 1931, as amended, relating to requiring county boards of education to conduct regular structural inspections of school facilities and structures; and requiring boards to establish a schedule of rotating inspections for all schools every ten years”; to the Committee on Education then Finance.

**By Delegates Kessinger and Paynter:**

**H. B. 2610** - “A Bill to amend and reenact §18-5-9 of the Code of West Virginia, 1931, as amended, relating to allowing private entities to lease buildings to local school boards in cases of emergency or condemnation”; to the Committee on Education.

**By Delegates Walters and Phillips:**

**H. B. 2611** - “A Bill to amend and reenact §29-22B-503 and §29-22B-504 of the Code of West Virginia, 1931, as amended, all relating to allowing a person to be both a limited video lottery operator and retailer”; to the Committee on Small Business, Entrepreneurship and Economic Development then the Judiciary.

**By Delegates Walters and Howell:**

**H. B. 2612** - “A Bill to repeal §17C-14-1 of the Code of West Virginia, 1931, as amended, relating to unattended motor vehicles; and penalty”; to the Committee on Roads and Transportation then the Judiciary.

**By Delegates Phillips, Frich, G. Foster, Sponaugle, Maynard, Gearheart, R. Miller, McGeehan, Overington, Paynter and Blair:**

**H. B. 2613** - “A Bill to amend and reenact §61-7-11a of the Code of West Virginia, 1931, as amended, relating to allowing state, county or municipal employees with a license to carry a concealed weapon to possess a firearm at any time in this state”; to the Committee on the Judiciary.

**By Delegates Phillips, Eldridge, R. Miller, Barrett, C. Miller, Maynard, Marcum, White, Ellington and Rodighiero:**

**H. B. 2614** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-4-



414, relating to prohibiting health care practitioners from knowingly and in bad faith prescribing or administering drugs, in a manner not in accordance with accepted medical standards in the course of professional practice; providing felony criminal penalties for violations; and creating a defense to alleged violations”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegates Pushkin, Rowe, Caputo and Robinson:**

**H. B. 2615** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-24-11c, relating to providing a tax credit for obtaining certain certifications by the United States Green Building Council Leadership in Energy and Environmental Design green building rating system or the Green Globes Building Initiative green building rating standard; setting forth the amount of the credit; establishing who may take the credit; establishing the amount of the credit; establishing the criteria for taking the credit; providing rule-making authority; and defining terms”; to the Committee on Government Organization then the Judiciary.

**By Delegates Brewer, Ferro, Pethel, Moye, Longstreth, Caputo, Hartman, E. Evans, Sponaugle, Diserio and Pyles:**

**H. B. 2616** - “A Bill to amend and reenact §11-21-4e of the Code of West Virginia, 1931, as amended, relating to decreasing the personal income tax rates for certain taxpayers and raising the personal income tax rates for certain other taxpayers”; to the Committee on Finance.

**By Delegate Westfall:**

**H. B. 2617** - “A Bill to amend and reenact §33-6-31d of the Code of West Virginia, 1931, as amended, relating to outlining the process by which certain insurance agencies may place the insured with an affiliate of the insurer”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegates Summers, Sypolt, Ellington, Blair, Kessinger, N. Foster and McGeehan:**

**H. B. 2618** - “A Bill to amend and reenact §18-2-7a of the Code of West Virginia, 1931, as amended, all relating to body mass

index”; to the Committee on Education then Health and Human Resources.

**By Delegates Westfall, C. Romine, White and Frich:**

**H. B. 2619** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-40B-1, §33-40B-2, §33-40B-3, §33-40B-4, §33-40B-5, §33-40B-6, §33-40B-7, §33-40B-8, §33-40B-9 and §33-40B-10, all relating to insurer risk management and solvency assessment; defining terms; setting forth requirements for the own risk and assessment summary report; providing for the requirements of the summary report; providing exemptions to the summary report; providing confidentiality requirements related to the summary report; and providing sanctions for failing to submit the summary report”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegates Frich, Ellington, Shott, Howell, Householder, Storch, Hanshaw, Kessinger, Hollen, Sobonya and Mr. Speaker (Mr. Armstead):**

**H. B. 2620** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9-10-1, §9-10-2, §9-10-3, §9-10-4, §9-10-5 and §9-10-6, all relating to the creation of a central repository of drug overdose information in West Virginia; establishing the program and purpose; establishing the reporting system requirements; establishing responsibility of entities to report information; establishing information required to be reported; providing for data collection and reporting; providing for rule-making authority; and providing criminal and administrative penalties for noncompliance”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegates Marcum, Rodighiero, Eldridge, Phillips, Thompson and Hicks:**

**H. B. 2621** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-22-9b, relating to the state lottery; providing for a scratch-off game to fund a drug treatment facility on post-mine land in Mingo and Logan Counties; creating a special fund within the State Treasury; authorizing the Legislature to appropriate the special lottery funds to construct and operate the drug treatment facility on post-mine

land in Mingo and Logan Counties; requiring the lottery commission to change the design or theme of game on a regular basis; requiring the health care authority to conduct a survey to determine need for beds at the prospective drug treatment facility in Mingo and Logan Counties; and requiring the authority to report its findings to the Joint Committee on Government and Finance”; to the Committee on the Judiciary then Finance.

**By Delegates Howell, Arvon, Atkinson, Blair, Hamrick, Hartman, Lynch, Pushkin, Ferro and Eldridge:**

**H. B. 2622** - “A Bill to repeal §5A-3-49 of the Code of West Virginia, 1931, as amended; to amend and reenact §5A-1-2 of said code; to amend and reenact §5A-3-52 of said code; to amend said code by adding thereto a new article, designated §5A-12-1, §5A-12-2, §5A-12-3, §5A-12-4, §5A-12-5, §5A-12-6, §5A-12-7, §5A-12-8, §5A-12-9, §5A-12-10 and §5A-12-11; to amend and reenact §17A-3-23 of said code; to amend said code by adding thereto three new sections, designated §17A-3-25, §17A-3-26 and §17A-3-27; to amend said code by adding thereto a new section, designated §29-12-15; and to amend and reenact §29B-1-4 of said code, all relating to creating and maintaining a centralized state vehicle inventory system; establishing the Fleet Management Office within the Department of Administration; creating the state Vehicle Title, Registration and Relicensing Project of 2017; requiring reporting by spending units utilizing state vehicles; providing the new article’s scope and establishing exemptions; providing for new officers and establishing their powers, duties and responsibilities; defining terms; continuing the Fleet Management Office Fund; requiring the Fleet Management Office to coordinate with other agencies; providing for annual reports of vehicle use by spending units; requiring annual reports to the Governor and the Joint Committee on Government and Finance; establishing operator requirements and training; providing for enforcement; providing for notice; requiring legislative compliance audits; providing a deadline date for the expiration of current state vehicle license plates; creating new state vehicle license plates; providing for notice to spending units regarding the expiration of title, registrations and license plates; requiring a standardized naming convention for the title, registration and licensing of all state

vehicles; requiring annual renewal of the state vehicle registrations; providing exemptions from reporting for certain undercover vehicles; requiring insurance cards in state vehicles; and authorizing rule-making and emergency rule-making”; to the Committee on Government Organization then the Judiciary.

**By Delegates Fleischauer, Pyles, Brewer, Hornbuckle, Byrd, Rowe, Robinson, Blair, Harshbarger, Pethtel and Maynard:**

**H. B. 2623** - “A Bill to amend and reenact §5-11-2, §5-11-3, §5-11-4, §5-11-8, §5-11-9 and §5-11-13 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5-11A-3, §5-11A-5, §5-11A-6 and §5-11A-7 of said code, all relating to unlawful discriminatory practices; prohibiting discrimination based upon age or sexual orientation; and defining sexual orientation”; to the Committee on Government Organization then the Judiciary.

**By Delegates Howell, Martin, Hill, Arvon, Lewis, Criss, Hamrick and Wilson:**

**H. B. 2624** - “A Bill to amend and reenact §16-2-11 of the Code of West Virginia, 1931, as amended, to amend said code by adding thereto a new section, designated §30-17-20, all relating generally to certification and qualifications of sanitarians; terminating the State Board of Sanitarians; providing for the State Division of Personnel to establish education standards and qualifications for sanitarians in collaboration with local boards of health; and correcting an erroneous reference”; to the Committee on Health and Human Resources then Government Organization.

**By Delegates Brewer, Ferro, Caputo, McGeehan, Iaquinta, Diserio, Longstreth, Lynch, Williams, Kelly and Hornbuckle:**

**H. B. 2625** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2I-1, §5B-2I-2, §5B-2I-3 and §5B-2I-4, all relating to creating the ‘Returning Veterans and Displaced Miners Jobs Act’; providing a short title and legislative findings and declaration; establishing a Veterans Job Coordinating Team and composition of the team; powers and duties, including reporting a plan to the Legislature;

and providing for termination of the Veterans Job Coordinating Team unless the Legislature determines otherwise”; to the Committee on Industry and Labor then Finance.

**By Delegates Ferro, Hamilton, Cooper, Canestraro, Brewer, Storch, Iaquina, Lynch, Longstreth and A. Evans:**

**H. B. 2626** - “A Bill to amend and reenact §17B-2-12 of the Code of West Virginia, 1931, as amended, relating to extending the expiration of driver’s licenses for active military members’ spouses; permitting the spouse to renew his or her license from wherever they are located and need not be in person; and authorizing rule making”; to the Committee on Roads and Transportation then Finance.

**By Delegates Statler, Phillips, Lewis, Dean, Wagner and McGeehan:**

**H. B. 2627** - “A Bill to amend and reenact §20-1-7 of the Code of West Virginia, 1931, as amended; and to amend and reenact §20-2-5 of said code, all relating to requiring that open hunting season for big game begin on a Saturday; removing certain restrictions on hunting; permitting Sunday hunting on private property throughout the state with written consent of the landowner; creating a ballot measure permitting counties to prohibit Sunday hunting on private land if a majority of voters within the county approve the prohibition; and permitting Sunday hunting on certain public lands in counties where private hunting on Sunday is permitted”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Howell, Hamrick, Summers, Ellington, Arvon, Rohrbach, Shott, C. Miller, Storch, Lewis and Maynard:**

**H. B. 2628** - “A Bill to amend and reenact §30-3-12 and §30-3-14 of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-14-11 and §30-14-12a of said code, all relating generally to the powers and duties of the Board of Medicine and the Board of Osteopathic Medicine with regard to evidence of serious misconduct of individuals subject to the boards’ jurisdiction; authorizing the Board of Medicine to deny a license to any applicant who has been convicted of a felony;

requiring the Board of Osteopathic Medicine to revoke a license when an osteopathic physician or physician's assistant is convicted of a felony involving prescription drugs; authorizing the Board of Medicine to order a permanent revocation of license when warranted by evidence; specifying additional disciplinary and restorative powers for the Board of Osteopathic Medicine; clarifying that these boards may impose disciplinary sanctions when license knowingly fails to report the gross misconduct of another licensee; and requiring the boards to refer information to law enforcement and prosecuting authorities when a board has reason to believe a crime has occurred"; to the Committee on Health and Human Resources then Government Organization.

**By Delegates N. Foster, Higginbotham, G. Foster, Hill, Shott, Butler, Westfall, Phillips, Moore and Wilson:**

**H. B. 2629** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §56-4-63a, relating to permitting a corporation to be represented by an officer of that corporation who shall have all the rights and privileges given an individual to represent, plead, and try a case without an attorney"; to the Committee on the Judiciary.

**By Delegates Howell, Arvon, Rohrbach, Summers, Pushkin, Householder, Storch, Martin, Ellington, Longstreth and Ferro:**

**H. B. 2630** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §30-3-18; and to amend said code by adding thereto a new section, designated §30-14-16, all relating to authorizing the West Virginia Board of Medicine and the West Virginia Board of Osteopathic Medicine to share staff for functions common to both boards"; to the Committee on Government Organization.

**By Delegates Howell, Martin, Hill, Arvon, Shott, Hanshaw, Lewis, Criss, Hamrick, Paynter and Hollen:**

**H. B. 2631** - "A Bill to amend and reenact §30-1-5 of the Code of West Virginia, 1931, as amended, relating to time standards for disposition of complaint proceedings and tolling the time periods for delays attributable to the accused"; to the Committee on Government Organization then the Judiciary.

**By Delegates Rodighiero, Westfall, R. Miller, Thompson, Eldridge, Lovejoy, Hicks, Marcum, Baldwin and Canestraro:**

**H. B. 2632** - “A Bill to amend and reenact §20-2-27 of the Code of West Virginia, 1931, as amended, relating to allowing children in the custody of the state in any foster home, group home or other facility or residence to hunt and fish without a license”; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegates Folk, McGeehan, Paynter, Hamrick, Miley, Barrett, Phillips, Summers and Wilson:**

**H. B. 2633** - “A Bill to amend of the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-18B-3, relating to requiring state institutions of higher education to conduct Phase 3 clinical research studies for any cancer treatment or technology that has been approved for Phase 3 study by the United States Food and Drug Administration”; to the Committee on Education then Health and Human Resources.

**By Delegates Marcum, Phillips, Hicks, Eldridge, Westfall, Deem, Hollen, Hamilton and Dean:**

**H. B. 2634** - “A Bill to amend and reenact §56-6-19 of the Code of West Virginia, as amended, relating to instructions to a jury; and prohibiting a court from giving a jury an instruction commonly known as the ‘Allen Charge’ to break a deadlock in jury deliberation to reach a verdict”; to the Committee on the Judiciary.

**By Delegate Deem:**

**H. B. 2635** - “A Bill to amend and reenact §3-1-16 of the Code of West Virginia, 1931, as amended, relating to nonpartisan election of justices of the Supreme Court of Appeals; and providing that when no candidate receives a majority of votes cast, then a runoff election is to be held within thirty days”; to the Committee on the Judiciary then Finance.

**By Delegates Marcum, O’Neal, Phillips, Gearheart, E. Evans, Ellington, Shott, Hicks, Hamrick, Paynter and Cooper:**

**H. B. 2636** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-

8a, relating to construction of a modern highway from Pikeville, Kentucky to Beckley, West Virginia; requiring the Commissioner of Highways to determine how the highway can be best funded and constructed; and requiring reports"; to the Committee on Roads and Transportation then Government Organization.

**By Delegates Espinosa, Statler, Upson, Blair, Wilson, Westfall, R. Romine, Higginbotham, Harshbarger, Cooper and Folk:**

**H. B. 2637** - "A Bill to amend and reenact §18A-2-3 of the Code of West Virginia, 1931, as amended, relating to employment of retired teachers and prospective employable professional personnel in areas of critical need and shortage; including speech pathologists and school nurses in definition of teacher or substitute teacher for purposes of employment of retired teachers beyond the post-retirement limit; establishing uniform date retirement must become effective for eligibility for employment as critical needs substitute; clarifying reporting requirement to legislative committee; extending date for expiration of provisions related to employment of retired teacher as substitute beyond the post-retirement limit; eliminating requirement that county policy for employment of prospective employable professional personnel be based on areas of critical need and shortage identified by state board; requiring posting of notice of critical need and shortage area positions prior to making offers of employment; limiting employment of prospective employable professional personnel to certain candidates at job fair who will commence employment at the next employment term; changing limit on number of prospective employable professional personnel that may be employed to number required to fill positions posted; clarifying action required for prospective employable professional personnel to obtain regular employment status; and clarifying that provisions relating to prospective employable professional personnel do not prevent filling posted vacancy at any time in accordance with other provisions"; to the Committee on Education then Finance.



**By Delegates Martin, Wilson, Dean, Hamilton, A. Evans, Paynter, Hill and Maynard:**

**H. B. 2638** - “A Bill to amend and reenact §7-1-3d of the Code of West Virginia, 1931, as amended; and to amend and reenact §7-17-12 of said code, all relating to county commissions authorizing reasonable fees charged for fire department or fire company response to fires or other calls for assistance; describing the means to be used for calculating and charging fees for responding to fire or other calls for assistance; prohibiting fire company or fire department from seeking reimbursement where the property is assessed a fire service levy or fire service fee; and establishing the method for revising and reauthorizing the county fire service fee by the county commission”; to the Committee on Political Subdivisions then Finance.

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

**H. B. 2639** - “A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2017, to the Department of Administration, Division of Personnel, fund 2440, fiscal year 2017, organization 0222, by supplementing and amending the appropriations for the fiscal year ending June 30, 2017”; to the Committee on Finance.

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

**H. B. 2640** - “A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2017, to the Department of Health and Human Resources, Division of Health - Laboratory Services Fund, fund 5163, fiscal year 2017, organization 0506, the Department of Health and Human Resources, Division of Health – West Virginia Birth-to-Three Fund, fund 5214, fiscal year 2017, organization 0506, and the Department of Health and Human Resources, Division of Human Services - Medicaid State Share Fund, fund 5090, fiscal year 2017, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2017”; to the Committee on Finance.

**By Delegates Hamilton, A. Evans, Eldridge, Love, Brewer, Ambler, Pethtel, Wagner, Rowan, Wilson and Cooper:**

**H. B. 2641** - "A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §20-7-1 of said code, all relating to pension benefits exempt from state income taxation; and including Division of Natural Resources police into the class of law-enforcement officers exempted"; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegates Hamilton, Ambler, Kessinger, Rowan, Cooper, G. Foster, Howell, Higginbotham, Hartman and N. Foster:**

**H. B. 2642** - "A Bill to repeal §20-2-19a of the Code of West Virginia, 1931, as amended; and to amend and reenact §20-2-5, §20-2-42g and §20-2-42h of said code, all relating to hunting or trapping on private lands; removing restrictions for hunting or trapping on private lands on Sundays; and clarifying that hunting on private land at any time requires the written consent of the landowner"; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates R. Miller, Eldridge, Maynard, Sobonya and Isner:**

**H. B. 2643** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-4-414, relating to creating a felony murder offense in the second degree for delivery of a controlled substance that causes death"; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegate Lewis:**

**H. B. 2644** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §23-4-1h, relating to requiring that Workers' Compensation funds be disbursed to firefighters, emergency medical technicians and first responders when those persons are killed or become injured while responding to emergencies outside their normal geographic area"; to the Committee on Government Organization then Finance.

**By Delegates R. Miller, Eldridge, Maynard, Sobonya and Fleischauer:**

**H. B. 2645** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-4-414, relating to creating a felony for failure to render aid by a culpable person in presence of a drug overdose; and providing penalties"; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

### **House Calendar**

#### **Second Reading**

**Com. Sub. for H. B. 2167**, Creating a Silver Alert program for senior citizens; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2300**, Regulating step therapy protocols; 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. 2301**, Relating to direct primary care; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Summers, the bill was amended on page ten, section two, line six, after the word "beneficiary", by striking out the colon and the proviso and inserting in lieu thereof a period.

On motion of Delegate Rowe, the bill was amended on page nine, section one, line three, following the word "Medicine", by inserting a comma, and the words "the West Virginia Board of Optometry, West Virginia Board of Chiropractic, West Virginia Board of Dentistry" followed by a semicolon.

And,

On page nine, section one, line eleven, following the word "means", by striking out the words "medical drugs and pharmaceuticals" and inserting in lieu thereof words "any product used to diagnose or manage a disease, including any medical device, treatment or drug" and a period.

There being no further amendments, the bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 2318**, Relating generally to human trafficking; 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. 2347**, Allowing schools licensed to provide barber, cosmetology and related training to hold theory classes and clinical classes at different locations; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2348**, Eliminating any requirement that class hours of students be consecutive; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2431**, Allowing influenza immunizations to be offered to patients and residents of specified facilities; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Health and Human Resources, was reported by the Clerk, on page one, section four-a, line one, by striking out everything after the enacting section and inserting lieu thereof the following:

**“ARTICLE 3. PREVENTION AND CONTROL OF COMMUNICABLE AND OTHER INFECTIOUS DISEASES.**

**§16-3-4a. Influenza Immunizations.**

(a) A hospital licensed pursuant to the provisions of article five-b of this chapter shall offer to an inpatient who is sixty-five years of age or older an influenza immunization prior to discharge from October 1 of every year and continuing through March 1 of the following year.

(b) A nursing home licensed pursuant to article five-c and an assisted living residence licensed pursuant to the provisions of

article five-d of this chapter shall offer to a resident who is sixty-five years of age or older an influenza immunization from October 1 of every year and continuing through March 1 of the following year.

(c) The immunizations set forth in subsections (a) and (b) may not be offered in cases where the immunization is contraindicated.

(d) The requirements of this section are subject to the availability for sufficient influenza immunizations.

(e) Nothing in this section may be construed to require an influenza immunization as a condition of receiving any type of service from the facilities listed in subsection (a) and (b) or as a condition of discharge.”

On motion of Delegate Summers, the amendment was amended on page one, section four-a, by striking out subsection (b) in its entirety.

On page one, section four-a, subsection (c), after the word “immunizations”, by striking out the words “set forth in subsections (a) and (b)”.

On page one, section four-a, subsection (e), after the word “service”, by striking out the words “from the facilities listed in subsection (a) and (b)”.

And,

By re-lettering the subsections accordingly.

The amendment recommended by the Committee on Health and Human Resources, as amended, was then adopted.

The bill was then ordered to engrossment and third reading.

#### **First Reading**

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

**Com. Sub. for H. B. 2404**, Barring persons who are convicted of certain criminal offenses from acquiring property from their victims,

**Com. Sub. for H. B. 2447**, Renaming the Court of Claims the state Claims Commission,

And,

**Com. Sub. for H. B. 2465**, Modifying the requirements that allow a child witness to testify by closed circuit television.

### **Miscellaneous Business**

Delegates Butler, Dean, Fleischauer, Fluharty, McGeehan, Paynter, Martin and Wilson filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2028.

Delegates Canestraro, Fleischauer and Hanshaw filed forms with the Clerk's Office per House Rule 94b to be added as cosponsors of H. B. 2037.

Delegates Householder and C. Miller filed forms with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2380.

Delegate Frich filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2460.

Delegate Frich filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2471.

Delegates Canestraro, Ferro, Fleischauer, Isner, Longstreth, Lovejoy, McGeehan and Pushkin filed forms with the Clerk's Office per House Rule 94b to be added as cosponsors of H. B. 2479.

Delegate White filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2529.

Delegate Sobonya filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2544.

Delegate Kelly filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2529.

Delegate Baldwin filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2551.

Delegate R. Miller filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2568.

Delegate White filed forms with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2529, H. B. 2548, H. B. 2562 and H. B. 2568.

Delegate Maynard filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2623.

Delegate Lynch filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2670.

At 11:40 a.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, February 22, 2017.





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Wednesday, February 22, 2017

## FIFTEENTH 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 Tuesday, February 21, 2017, being the first order of business, when the further reading thereof was dispensed with and the same approved.

### Committee Reports

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2037**, Relating to juvenile proceedings,

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. 2037) was referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2359**, Relating to offenses and penalties for practicing osteopathic medicine without a license,

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

**Com. Sub. for H. B. 2359** – “A Bill to amend and reenact §30-14-12 of the Code of West Virginia, 1931, as amended, relating to offenses and penalties for practicing osteopathic medicine without a license,”

With the recommendation that the committee substitute do pass.

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2028**, Relating to the venue for suits and other actions against the state,

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

**Com. Sub. for H. B. 2028** – “A Bill to amend and reenact §14-2-2 of the Code of West Virginia, 1931, as amended, relating to the venue for suits and other actions against the state; allowing a plaintiff or petitioner to file a claim or petition against the state, a state officer, or state agency in the circuit court of a county in which the plaintiff or petitioner resides or in which a claim arose or, alternatively, in the circuit court of Kanawha County,”

**H. B. 2001**, Relating to ethics and transparency in government,

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

**Com. Sub. for H. B. 2001** - “A Bill to amend and reenact §6B-2-1, §6B-2-2, §6B-2-2a, §6B-2-3a, §6B-2-4, §6B-2-5, §6B-2-6 and §6B-2-10 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new chapter, designated §6D-1-1, §6D-1-2 and §6D-1-3, all relating to ethics and transparency in government generally; providing for the disclosure of interested

parties to a government contract; defining terms; prohibiting contracting with a state agency unless business entity submits disclosure of interested parties; requiring submission of supplemental disclosure within thirty days of completion or termination of the contract; providing exceptions to the disclosure requirement for certain contracts; requiring the Ethics Commission create disclosure form; specifying contents to be included in the disclosure form; requiring state agencies to submit completed forms to the Ethics Commission; requiring the Ethics Commission to make disclosures publicly available; requiring the Ethics Commission to post disclosures on the commission website when technologically able; authorizing members of the Ethics Commission and members of the Probable Cause Review Board to participate and vote via video conferencing; clarifying and expanding the violations in which a complaint may be referred to the Probable Cause Review Board; clarifying that the Probable Cause Review Board conducts investigations and not hearings to determine probable cause; clarifying and expanding the violations in which a complaint may be initiated by the Ethics Commission; clarifying that the Probable Cause Review Board is the entity to receive evidence bearing on the issue of probable cause; clarifying that the commission and review board may ask a respondent to disclose specific amounts received from a source and request other detailed information; clarifying that both the Ethics Commission and the Probable Cause Review Board have subpoena power; clarifying that confidentiality provisions apply to both the commission and the review board; specifying that at least five members of the commission approve of a decision on the truth or falsity of the charges against a respondent and a decision to impose sanctions; clarifying and expanding the violations in which sanctions may be imposed by the Ethics Commission; prohibiting a public official or public employee from knowingly and intentionally influencing, attempting to influence, showing favoritism or granting patronage in the employment or working conditions of his or her relative or a person with whom he or she resides; eliminating the voting prohibition on personnel matters involving a public official's spouse or relative; prohibiting public officials, except certain members of the Legislature, from voting on the employment or working conditions of the public official's

relative or person with whom the public official resides; prohibiting public officials, except certain members of the Legislature, from voting on the appropriation of moneys or award of contract to a nonprofit corporation if the public official or an immediate family member is employed by or an officer or board member of the nonprofit, whether compensated or not; clarifying the timeframe in which a candidate for public office must file a financial disclosure statement and providing an exception to filing such a financial disclosure statement if the candidate has previously filed a statement for the previous calendar year; and amending statutory cross-references to reflect proper reference to other statutes.”

And,

**H. B. 2479**, Uniform Deployed Parents Custody and Visitation Act,

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

**Com. Sub. for H. B. 2479** – “A Bill to repeal §48-1-233.3, §48-1-233.4 and §48-9-404 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §48-31-101, §48-31-102, §48-31-103, §48-31-104, §48-31-105, §48-31-106, §48-31-107, §48-31-201, §48-31-202, §48-31-203, §48-31-204, §48-31-205, §48-31-301, §48-31-302, §48-31-303, §48-31-304, §48-31-305, §48-31-306, §48-31-307, §48-31-308, §48-31-309, §48-31-310, §48-31-311, §48-31-401, §48-31-402, §48-31-403, §48-31-404, §48-31-501, §48-31-502 and §48-31-503, all relating to adoption of the ‘Uniform Deployed Parents Custody and Visitation Act’; defining terms; providing for enforcement through assessment of attorney fees and costs; establishing procedures to determine matters of child custody and visitation when parents are deployed in military or other national service; requiring notices from deployed parent; providing for out-of-court agreements and establishing minimum requirements therefor; prohibiting consideration of past or future deployments in determining the best interest of the child; authorizing orders for payment of child support during deployment; providing for

modification and termination of orders and agreements; and giving guidance for interpretation and construction in conjunction with other laws and orders,”

With the recommendation that the committee substitutes each do pass.

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

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

**H. B. 2234**, Agriculture, Department of, Captive Cervid,

And,

**H. B. 2296**, Veterinary Medicine, WV Board of Standards of Practice,

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. 2234 and H. B. 2296) were each referred to the Committee on the Judiciary.

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

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

**H. B. 2231**, Natural Resources, Division of, Point System for the Revocation of Hunting – Repeal,

**H. B. 2248**, Dangerous Wild Animals, WV Board of Dangerous Wild Animals,

**H. B. 2268**, Natural Resources, WV Division of Revocation of Hunting and Fishing Licenses,

**H. B. 2269**, Natural Resources, WV Division of Special Waterfowl Hunting,

**H. B. 2270**, Natural Resources, WV Division of Commercial Sale of Wild Life,

And,

**H. B. 2271**, Natural Resources, WV Division of Miscellaneous Permits and Licenses,

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. 2231, H. B. 2248, H. B. 2268, H. B. 2269, H. B. 2270 and H. B. 2271) were each referred to the Committee on the Judiciary.

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

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

**H. B. 2218**, Agriculture, Department of, Dangerous Wild Animals,

**H. B. 2219**, Agriculture, Department of, Livestock Care Standards,

And,

**H. B. 2233**, Agriculture, Department of, Animal Disease Control,

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. 2218, H. B. 2219 and H. B. 2233) were each referred to the Committee on the Judiciary.

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. B. 2027**, Providing for the transfer of ownership, operation and maintenance of certain assets of the West Virginia Parkways Authority to the Division of Highways,

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. 2027) was referred to the Committee on Finance.

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

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

**H. B. 2579**, Increasing the penalties for transporting controlled substances,

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. 2579) was referred to the Committee on the Judiciary.

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

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

**H. B. 2257**, Health and Human Resources, WV Department of Medication - Assisted Treatment - Opioid Treatment Programs,

And,

**H. B. 2258**, Health and Human Resources, WV Department of Medication - Assisted Treatment - Office - Based Medication Assisted Treatment,

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. 2257 and H. B. 2258) were each 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. 2259**, Health Care Authority, WV State Exemption from Certificate of Need,

**H. B. 2260**, Health Care Authority, WV State Rural Health Systems Grant Program,

**H. B. 2261**, Health Care Authority, WV State Hospital Assistance Grant Program,

**H. B. 2262**, Health Care Authority, WV State Certificate of Need Rule,



**H. B. 2275**, Pharmacy, WV Board of Licensure and Practice of Pharmacy,

And,

**H. B. 2276**, Pharmacy, WV Board of Mail-Order and Non-Resident Pharmacies,

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. 2259, H. B. 2260, H. B. 2261, H. B. 2262, H. B. 2275 and H. B. 2276) were each 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. 2376**, Relating to the organizational structure of state government,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2376) was referred to the Committee on Government Organization.

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

Your Committee on Government Organization has had under consideration:

**H. B. 2004**, Creating and maintaining a centralized state vehicle inventory 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 Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 2004) was referred to the Committee on Finance.

### **Messages from the Senate**

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. 134** - “A Bill to amend and reenact §64-10-1 and §64-10-2 of the Code of West Virginia, 1931, as amended, all relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to the point system for the revocation of hunting – repeal; authorizing the Division of Natural Resources to promulgate a legislative rule relating to revocation of hunting and fishing licenses; authorizing the Division of Natural Resources to promulgate a legislative rule relating to special waterfowl hunting; authorizing the Division of Natural Resources to promulgate a legislative rule relating to the commercial sale of wildlife; authorizing the Division of Natural Resources to promulgate a legislative rule relating to miscellaneous permits and licenses; and authorizing the Office of Miners’ Health, Safety and Training to promulgate a legislative rule relating to certification, recertification and training of EMT-Miners and the certification of EMT-M instructors”; 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. 202** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §47-26-2a, relating generally to pawnbrokers;

prohibiting pawnbrokers from purchasing, accepting in pawn, receiving in trade, accepting in exchange for goods any general-use prepaid card, gift certificate or store gift card; creating misdemeanor offense of pawnbrokers purchasing, accepting in pawn, receiving in trade or exchanging for goods a general-use prepaid card, gift certificate or store gift card; defining terms; creating exceptions; and establishing penalties”; 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. 249** - “A Bill to amend and reenact §38-3-4 of the Code of West Virginia, 1931, as amended, relating generally to the information required in an abstract of judgment; including, to the extent possible, the present address and date of birth of the judgment debtor in abstract of judgment; and clarifying that compliance with this section does not constitute a violation of state law or create a civil cause of action”; which was referred to the Committee on the Judiciary.

### **Resolutions Introduced**

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

**H. C. R. 19** – “Requesting the Division of Highways to name the portion of West Virginia Route 36 in Lincoln County, from the intersection of Sheridan Road, continuing 1.4 miles southeast, to the Greystone Branch sign, the ‘U.S. Army PFC Freeman Ray Meade Memorial Road’.”

Whereas, Private First Class Freeman Ray Meade of Branchland, West Virginia, was born on November 15, 1929, to Ruth A. Hatfield and Leander J. Meade; and

Whereas, Private First Class Freeman Ray Meade was killed in action in Korea on November 14, 1950; and

Whereas, It is fitting that an appropriate memorial recognizing this soldier's service and sacrifice be established in the area where he lived; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name the portion of West Virginia Route 36 in Lincoln County, from the intersection of Sheridan Road, continuing 1.4 miles southeast, to the Greystone Branch sign, the "U.S. Army PFC Freeman Ray Meade Memorial Road"; and, be it

*Further Resolved,* That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the designated roadway containing bold and prominent letters proclaiming the designated roadway the "U.S. Army PFC Freeman Ray Meade Memorial Road"; and, be it

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

Delegates Phillips, Eldridge, R. Miller, Rodighiero, Marcum and Maynard offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 20** – "Requesting the Division of Highways to name bridge number 23-10/19-0.01 (23A221) (37.82788, -81.94412), locally known as the Logan Vo-Tech Bridge, carrying County Route 10/19 over the Guyandotte River in Logan County, West Virginia, the 'US Army PVT James Earl Pelfrey Memorial Bridge'."

Whereas, James Earl Pelfrey of Cyclone, West Virginia, was born February 2, 1949, at Man, West Virginia, the son of Nell (Jerry) Taddes of Toms River, New Jersey and the late James Edward Pelfrey; and

Whereas, James Earl Pelfrey is survived by a widow, Gladys M. Pelfrey and son Jason Tye, and sisters Barbara Carratozzole of Barnegat, New Jersey and Denise Taddes of Florham Park, New Jersey; and

Whereas, James Earl Pelfrey was a member of the Davin Baptist Church in Logan County, West Virginia; and

Whereas, James Earl Pelfrey spent his youth with his grandparents, Lon and Emma Gibson of Bruno, West Virginia; and

Whereas, James Earl Pelfrey was inducted into the United States Army March 19, 1969, and served in Vietnam; and

Whereas, PVT James Earl Pelfrey was awarded the National Defense Service Medal, Vietnam Campaign Medal, Vietnam Service Medal, Army Commendation Medal and the Combat Infantryman's Badge; and

Whereas, PVT James Earl Pelfrey died July 5, 2014; and

Whereas, The bridge leading to the Ralph R. Willis Career and Technical Center in Logan County would be a fitting memorial to PVT James Earl Pelfrey; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 23-10/19-0.01 (23A221) (37.82788, -81.94412), locally known as the Logan Vo-Tech Bridge, carrying County Route 10/19 over the Guyandotte River in Logan County, West Virginia, the "US Army PVT James Earl Pelfrey 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 "US Army PVT James Earl Pelfrey Memorial 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.

Delegates Phillips, Eldridge, Maynard and Rodighiero offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 21** – “Requesting the Division of Highways to name the Rossmore By-Pass starting at Rossmore and running to Monaville on Route 119/42, in Logan County, the ‘1SG Carl J. Crabtree Memorial Road’.”

Whereas, Carl J. Crabtree was born on November 8, 1917, in Branchland, Lincoln County, West Virginia. He was raised and educated in Logan County and worked there until he enlisted in the military on August 27, 1940. He served in WW II in the 325 Glider Infantry Regiment, 82<sup>nd</sup> Airborne Division as a 1st Sergeant. He was wounded on June 8, 1944, in France and was a prisoner of war. His decorations and citations included the American Defense, American Theater, Good Conduct, Purple Heart, European African Middle Eastern Theater Ribbon with one Bronze Star, Distinguished Unit Badge, Croix De Guerre, Belgium Fourragère and Victory Medal. Carl J. Crabtree served honorably in the United States Army, ending his active service on May 24, 1946. Returning to Logan County and Rossmore, he raised a family and was employed among, other occupations, in the coal mines. Carl J. Crabtree died on December 6, 2004, survived by three daughters, Connie Herndon of Switzer, West Virginia, Janet Cook and Carolyn Greene of Rossmore, West Virginia. He was preceded in death by his wife and a daughter, Patricia Molnar; and

Whereas, Naming the Rossmore By-Pass starting at Rossmore and running to Monaville on Route 119/42, in Logan County, the “1SG. Carl J. Crabtree Memorial Road” is an appropriate recognition of his contributions to his country, state, community and Logan County; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name the Rossmore By-Pass starting at Rossmore and running to Monaville on Route 119/42, in Logan County, the “1SG Carl J. Crabtree 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 Rossmore By-Pass starting at Rossmore and running to Monaville on Route 119/42, in Logan County, the “1SG Carl J. Crabtree Memorial Road”; and, be it

*Further Resolved*, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation.

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

**H. C. R. 22** – “Requesting the Division of Highways to name bridge number 23-44-4.86 (23A105), (37.70670, -81.98848), (locally known as Crystal Block Concrete Bridge, carrying WV44 over Island Creek in Logan County, the ‘U.S. Air Force MSgt Johnny Baxter Clark and U.S. Air Force MSgt Carl Richard (Dick) Clark Memorial Bridge’.”

Whereas, Johnny Baxter Clark and Carl Richard (Dick) Clark, were sons of Carl Aubrey Clark and Garnette Louise Rice Clark, of Logan County; and

Whereas, Both brothers attended Pine Creek, Switzer, Omar and Logan High School; and

Whereas, The brothers had a sister, Rheba Jayne Clarke Browning; and

Whereas, Both brothers have been recognized for distinguished service with the United States Air Force, each having reached the rank of Master Sergeant; and

Whereas, Johnny Baxter Clark was born August 5, 1934, in Naugatuck, West Virginia, and died April 2, 2004, in Colorado; and

Whereas, Master Sergeant Johnny Baxter Clark served one tour of duty in Vietnam and two tours in Thailand; and

Whereas, Johnny Baxter Clark was awarded the Air Force Commendation Medal, Armed Forces Expeditionary Medal, National Defense Service Medal, Vietnam Service Medal with one Oakleaf Cluster, Air Force Outstanding Unit Award with one Oakleaf Cluster, Republic of Vietnam Campaign Medal, Republic of Vietnam Gallantry Cross, Air Force Good Conduct Medal with one Silverleaf and one Oakleaf Cluster, Air Force Longevity Service Award Ribbon with one Silverleaf Cluster, and NCOAG Ribbon; and

Whereas, Master Sergeant Johnny Baxter Clark, at the time of retirement from the Air Force, was cited for loyal and dedicated performance with the 37<sup>th</sup> Equipment Maintenance Squadron; and

Whereas, Carl Richard (Dick) Clark was born July 21, 1938, in Delbarton, West Virginia, and died May 22, 2013, in Florida; and

Whereas, Carl Richard (Dick) Clark served as an aircraft maintenance technician in Vietnam and was retired from the Air Force November 30, 1978, after serving more than twenty-one years; and

Whereas, It is fitting and proper that the military service of these brothers be recognized by a memorial in their home community; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 23-44-4.86 (23A105) (37.70670, -81.98848), locally known as Crystal Block Concrete Bridge, carrying WV44 over Island Creek in Logan County, the “U.S. Air Force MSgt Johnny Baxter Clark and U.S. Air Force MSgt Carl Richard (Dick) Clark 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 “U.S. Air Force MSgt Johnny Baxter Clark and U.S. Air Force MSgt Carl Richard (Dick) Clark Memorial 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.

Delegates Phillips, Eldridge, R. Miller, Rodighiero, Marcum and Maynard offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 23** – “Requesting the Division of Highways to name the portion of Route 119/19, beginning at a point where it intersects with Route 17 and ending at a point where it intersects with Route 28/2, in Logan County, as the ‘U.S. Army SSG Styish R. Morris Memorial Road’.”

Whereas, Staff Sergeant Morris was born September 17, 1923, to John Morris and Rosie Morris of Clothier, West Virginia, the fifth of ten children; and

Whereas, Staff Sergeant Morris began work as an underground coal miner in Logan County, West Virginia. When World War II erupted, he enlisted, rather than being drafted, in the U.S. Army on January 23, 1942, and served in the 145<sup>th</sup> Infantry Regiment, 37<sup>th</sup> Infantry Division; and

Whereas, Staff Sergeant Morris was a very proud, patriotic first-generation American of Polish descent. His career was one of great honor and valor as shown by his numerous decorations which he earned while serving in the Pacific Theater; and

Whereas, Staff Sergeant Morris was decorated for his actions with the following awards: the Combat Infantry Badge, the Philippine Liberation Ribbon with one Bronze Star, the Asiatic-Pacific Theater Ribbon with two Bronze Stars, the Distinguished Unit Citation, two Purple Heart Awards, and the Good Conduct Ribbon; and

Whereas, Most notably, on September 22, 1945, Staff Sergeant Morris was awarded the Silver Star by President Truman. The citation reads: “The President of the United States, authorized by Act of Congress, July 9, 1918, takes pleasure in presenting the Silver Star to Staff Sergeant (then Sergeant) Styish R. Morris United States Army, for conspicuous gallantry and intrepidity in action against the enemy while serving with the 145<sup>th</sup> Infantry Regiment, 37<sup>th</sup> Infantry Division in the Philippine Islands. Staff Sergeant Morris’ squad was preparing for an attack at Mount Pacawagan on April 30, 1945, when an enemy soldier ran out of one of the many caves infesting the area. Catching the squad completely by surprise, the enemy knocked a soldier to the ground, tore a Browning Automatic Rifle from his hands and swung the weapon into position to fire on the squad. Staff Sergeant Morris, although unarmed, rushed the enemy so quickly that he was unable to fire the weapon. After a bitter struggle for possession of the gun, Staff Sergeant Morris with superior strength and weight overpowered the Japanese and forced him back into a deep foxhole, causing him to lose his grip on the rifle. Staff Sergeant Morris then managed to kill the enemy. Sergeant Morris’ alertness, quick thinking and courageous action eliminated a dangerous menace to his squad and earned the complete confidence of his men. Staff Sergeant Morris’ actions, without regard for his own safety, were in keeping with the highest traditions of military service, reflecting great credit on himself, the 37<sup>th</sup> Infantry Division, and the United States Army”; and

Whereas, Following his Honorable Discharge on October 3, 1945, Staff Sergeant Morris returned home to Clothier, where he went back to work in the underground coal mines of Boone and Logan counties and supported his aging parents. He never married and chose to take care of his parents until their deaths. He continued to work in the mining industry until he became disabled in the early 1970s from wounds he received during the war. He remained active by raising a garden and farm animals and he shared his plentiful harvests with his neighbors; and

Whereas, On April 3, 1987, Staff Sergeant Morris was called for his final and glorious award in the arms of his Lord; and

Whereas, Staff Sergeant Morris is survived by his sister-in-law JoAnn Morris, his nephews Edward S. Morris, Mark A. Morris, Thomas Morris, Joe A. Morris, Randy Bently, John F. Morris, John Trammell, Paul Trammell and Joe L. Morris, and his nieces, Teresa Way, Katrina Mosman, Mary Collins, Kathy Weathersby, Rose Ann Reed and Mary Morris Cobbs; and

Whereas, It is fitting that an enduring memorial be established to commemorate Staff Sergeant Styish R. Morris, a native son who served his state and his country with great honor, by naming the portion of Route 119/19 beginning at a point where it intersects with Route 17 and ending at a point where it intersects with Route 28/2, in Logan County, as the “U.S. Army SSG Styish R. Morris Memorial Road”; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Legislature hereby requests the Division of Highways to name the portion of Route 119/19, beginning at a point where it intersects with Route 17 and ending at a point where it intersects with Route 28/2, in Logan County, as the “U.S. Army SSG Styish R. Morris Memorial Road”; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the portion of road as the “U.S. Army SSG Styish R. Morris Memorial Road”; and, be it

*Further Resolved*, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation.

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

**By Delegates Espinosa, Howell, Deem, Butler, Ward, Sobonya, Dean, Hamrick, Blair, Wilson and Mr. Speaker (Mr. Armstead):**

**H. J. R. 20** – “Proposing an amendment to the Constitution of the State of West Virginia amending section one, article twelve, relating to the responsibilities of the Legislature as to education

generally; and section five, article twelve, relating to the responsibility of the Legislature to provide for a system of free schools and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Education then Judiciary.

### Motions

The Clerk read a written motion pursuant to House Rule 65, heretofore filed with him by Delegates Sponaugle and Caputo, as follows:

Delegates Sponaugle and Caputo move, pursuant to House Rule 82, and to combat against the war on workers, that H. B. 2355, a bill to repeal Right to Work, be discharged from the Committee on Industry and Labor.

Delegate Cowles moved that the motion be tabled.

Delegate Caputo arose to inquire of the Chair regarding whether the motion to table was not debatable and whether Members would need to defeat the motion to continue to debate the issue on the floor today. The Speaker replied that the Delegate was correct.

On the motion to table the motion, Delegate Caputo demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 5**), and there were—yeas 61, nays 39, absent and not voting none, with the nays being as follows:

Nays: Baldwin, Barrett, Bates, Boggs, Brewer, Byrd, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Folk, Hartman, Hicks, Hornbuckle, Jaquinta, Isner, Longstreth, Lovejoy, Lynch, Marcum, McGeehan, Miley, R. Miller, Moye, Paynter, Pethtel, Phillips, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaugle, Thompson and Williams.

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

The Clerk read a written motion pursuant to House Rule 65, heretofore filed with him by Delegates Sponaugle and Caputo, as follows:

Delegates Sponaugle and Caputo move, pursuant to House Rule 82, to restore fair wages to workers of this state, that H. B. 2372, by reestablishing prevailing wages, be discharged from the Committee on Industry and Labor.

Delegate Cowles moved that the motion be tabled.

Delegate Caputo arose to inquire of the Chair regarding whether the motion to table was not debatable and whether Members would need to defeat the motion to continue to debate the issue on the floor today. The Speaker replied that the Delegate was correct.

On the motion to table the motion, Delegate Caputo demanded the yeas and nays, which demand was sustained.

Delegate Folk arose to inquire of the Chair regarding whether Members would need to defeat the motion to continue to debate the issue on the floor today. The Speaker replied that the Delegate was correct.

The yeas and nays having been ordered, they were taken (**Roll No. 6**), and there were—yeas 59, nays 41, absent and not voting none, with the nays being as follows:

Nays: Baldwin, Barrett, Bates, Boggs, Brewer, Byrd, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Folk, Hartman, Hicks, Hornbuckle, Jaquinta, Isner, Longstreth, Love, Lovejoy, Lynch, Marcum, Maynard, McGeehan, Miley, R. Miller, Moye, Pethtel, Phillips, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaugle, Thompson, Ward and Williams.

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

### **Bills Introduced**

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

**By Delegates Kessinger, N. Foster, Sypolt, Summers, Blair, Arvon, Rowan and C. Miller:**

**H. B. 2646** - "A Bill to repeal §29-20-2, §29-20-3, §29-20-4, §29-20-5 and §29-20-6 of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-20-1 of said code, all relating to termination of the Women's Commission"; to the Committee on Government Organization.

**By Delegates Westfall, Frich, Arvon, Butler, Espinosa, Hill, Kessinger, Higginbotham, Paynter, Overington and Anderson:**

**H. B. 2647** - "A Bill to amend and reenact §57-5-4j of the Code of West Virginia, 1931, as amended, relating to preventing compensatory damage awards for medical expenses from including sums that the claimant has not and will not pay for medical care or treatment"; to the Committee on the Judiciary.

**By Delegates Sypolt, Rowan, Westfall, A. Evans, Upson, C. Miller, Sobonya, Storch, Rohrbach and Hollen:**

**H. B. 2648** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-4-406a, relating to increased penalties for manufacturing or transportation of a controlled substance in the presence of a minor; providing for increased penalty for adult persons convicted of manufacturing, delivering, or possessing with the intent to manufacture or deliver a controlled substance in the presence of a minor; and providing for increased penalty for adult persons convicted of transporting a controlled substance into this state with the intent to deliver or manufacture a controlled substance while being in the presence of a minor at the time of the offense"; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegates Hamilton, Walters, Cooper, Maynard, Wilson, Moore, Hamrick, Frich, Hill, Shott and Sypolt:**

**H. B. 2649** - “A Bill to amend and reenact §5-10A-2 of the Code of West Virginia, 1931, as amended, relating to adding violations of law upon which a public servant’s retirement plan may be forfeited; changing the definition of less than honorable service; removing the exception of a misdemeanor from the definition of less than honorable service relating to impeachment and conviction of a participant or former participant under the Constitution; removing the exception for certain lesser included crimes to constitute less than honorable service; and adding additional violations of law which constitute less than honorable service”; to the Committee on Pensions and Retirement then the Judiciary.

**By Delegates Shott, Fluharty, Hamilton, Walters, Maynard, Hill, Lane, Moore, Higginbotham, Westfall and Blair:**

**H. B. 2650** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-12-1, §47-12-2, §47-12-3, §47-12-4, §47-12-5, §47-12-6 and §47-12-7, all relating to the Youth Mental Health Protection Act; legislative findings; purpose; definitions; prohibition on conversion therapy; referral services; and discipline”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Espinosa, R. Romine, Westfall, Dean, Upson, Higginbotham, Kelly, Harshbarger, Cooper, Wagner and Rohrbach:**

**H. B. 2651** - “A Bill to amend and reenact §18-28-3 of the Code of West Virginia, 1931, as amended, relating generally to standardized testing requirements for nonpublic schools; removing outdated language; requiring standardized test to be administered to nonpublic students between the ages of seven and seventeen; requiring the test administered to be a nationally normed standardized achievement test; requiring that the test administered by published or normed within ten years from the date of administration; and providing testing alternatives to nonpublic students between the ages of seven and seventeen with learning disabilities”; to the Committee on Education.

**By Delegates Espinosa, Westfall, R. Romine, Dean, Blair, Upson, Higginbotham, Wilson, Rohrbach and Statler:**

**H. B. 2652** - “A Bill to amend and reenact §18-5-13a of the Code of West Virginia, 1931, as amended, relating generally to school closing or consolidation requirements”; to the Committee on Education.

**By Delegates Ellington, Sobonya and Cooper:**

**H. B. 2653** – “A Bill to amend and reenact §60A-10-16 of the Code of West Virginia, 1931, as amended, relating to extending the Multi State Real-Time Tracking System”; to the Committee on Health and Human Resources then Finance.

**By Delegates Statler, Miley, Lewis, E. Evans, Pethtel, Williams and Upson:**

**H. B. 2654** - “A Bill to amend and reenact §7-3-3 of the Code of West Virginia, 1931, as amended, relating to expanding county commissions’ ability to dispose of county or district property; and eliminating requirement that property conveyed to volunteer fire department or volunteer ambulance service reverts back to county commission following termination of use”; to the Committee on Political Subdivisions then the Judiciary.

**By Delegates Upson, Blair, Espinosa, Householder, Longstreth, Robinson, Sobonya, Phillips, Hill, Ellington and Higginbotham:**

**H. B. 2655** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-3C-14c, relating to defining and establishing the crime of cyberbullying; imposing penalties; defining terms; establishing a criminal penalty; and authorizing the section to be known as ‘Grace’s Law’”; to the Committee on the Judiciary.

**By Delegates Westfall, Lane, N. Foster, Frich and White:**

**H. B. 2656** - “A Bill to amend and reenact §57-5-4j of the Code of West Virginia, 1931, as amended, relating to compensatory damage awards arising out of charges for medical, hospital and doctor services or treatment”; to the Committee on the Judiciary.



**By Delegate Miley****[By Request of the Executive]:**

**H. B. 2657** - “A Bill to amend and reenact §61-11-26 of the Code of West Virginia, 1931, as amended, relating to the creation of the West Virginia Second Chance Act; defining terms; expanding eligibility for expungement to persons convicted of nonviolent felonies; defining ‘nonviolent felony’; providing exceptions to eligibility and timing of filing a petition for expungement; creating petition requirements and court procedure for evaluating preliminary and final orders of expungement for nonviolent felonies; providing limitations on preliminary orders of expungement; clarifying disclosure requirements with respect to the information sealed pursuant to an order of expungement, including exemptions; providing standard for inspection of sealed records; and making technical changes”; to the Committee on the Judiciary.

**By Delegates Marcum, Phillips, Hicks, Dean, Criss, McGeehan, A. Evans, Rowan, Lewis, Folk and Hamilton:**

**H. B. 2658** - “A Bill to repeal §48-1-210 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto four new sections, designated §48-1-239a, §48-1-239b, §48-1-239c and §48-1-239d; to amend and reenact §48-9-102, §48-9-203, §48-9-204, §48-9-206, §48-9-207, §48-9-209, §48-9-403 and §48-9-601 of said code; to amend said code by adding thereto a new section designated §48-9-204a; and to amend said code by adding thereto a new section, designated §48-13-502a, all relating to establishing that shared legal and physical custody of a child in cases of divorce is presumed to be in the best interests of the child”; to the Committee on the Judiciary.

**By Delegates Brewer, Diserio, Pethtel, Ferro, Iaquina, R. Miller, Boggs, Rodighiero, Caputo, Miley and Moye:**

**H. B. 2659** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5A-1, §21-5A-2, §21-5A-3, §21-5A-4, §21-5A-5, §21-5A-6, §21-5A-7 §21-5A-8, §21-5A-9 and §21-5A-10, all relating to reestablishing prevailing wages for certain state government contracts; declaring policy; defining terms; requiring regular determinations of

prevailing wage rates; providing for objection, hearing and judicial review of determinations of prevailing wages; requiring prevailing wage rates as an element of bid requests and public contracts; providing for posting of rates and record-keeping; establishing criminal penalties; and providing for prospective application of this article”; to the Committee on Industry and Labor then the Judiciary.

**By Delegates Marcum, Hicks, Thompson, Frich, Baldwin, Deem, Cooper and Eldridge:**

**H. B. 2660** - “A Bill to amend and reenact §60A-4-409 of the Code of West Virginia, 1931, as amended, relating to increasing criminal incarceration penalties for the transportation of controlled substances into the state”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegates Eldridge, Maynard, Diserio, Ambler, Rodighiero, Westfall, Dean, Storch, Marcum, R. Miller and Phillips:**

**H. B. 2661** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-8-5, relating to permitting recreational gold mining”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Ambler, Cooper, Paynter, Westfall, Maynard, Householder, A. Evans, Hamilton, Hicks, Eldridge and Rodighiero:**

**H. B. 2662** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-5i, relating to prohibiting the waste of game animals, game birds or game fish; and providing criminal penalties”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Ambler, Paynter, Cooper, Westfall, Maynard, Householder, A. Evans, Hamilton, Eldridge, Rodighiero and Hicks:**

**H. B. 2663** - “A Bill to amend and reenact §20-7-1a and §20-7-1c of the Code of West Virginia, 1931, as amended, all relating to increasing the compensation for natural resources police

officers”; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegates Kessinger, Paynter, Overington, N. Foster, Martin and Isner:**

**H. B. 2664** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8-32, relating to the criminal offense of bestiality; prohibiting activities connected with bestiality; establishing criminal penalties; providing for forfeiture of animals, payment of associated costs, and restrictions on owning animals upon conviction; and requiring psychiatric evaluation and counseling”; to the Committee on the Judiciary.

**By Delegates A. Evans and R. Romine:**

**H. B. 2665** - “A Bill to amend and reenact §27-2-3 of the Code of West Virginia, 1931, as amended, relating to requiring a person restraining a mentally ill or mentally challenged person in a ‘four-point restraint’ to administer sedation by injection at the time the patient is secured in the ‘four-point restraint’; providing guidelines for handling the patient after initial restraint and sedation; and establishing a criminal penalty for failure to sedate by injection upon use of the ‘four-point restraint’”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Hicks, Rohrbach, R. Miller, Eldridge, Thompson, Marcum, Lovejoy and Hornbuckle:**

**H. B. 2666** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-5-14b, relating to providing for security of private, employer-sponsored insurance and/or retirement plans”; to the Committee on Banking and Insurance then Finance.

**By Delegates Hamrick, Dean, Walters, Wilson, McGeehan and Folk:**

**H. B. 2667** – “A Bill to repeal §30-7-5 of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-7-1 and §30-7-6 of said code, all relating to accreditation of nursing schools; and providing a new definition”; 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. 2668** - “A Bill to amend and reenact §60A-4-409 of the Code of West Virginia, 1931, as amended, relating to increasing the minimum criminal penalty for transportation of a Schedule I or II narcotic drug into the state from one year to three years”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegates O’Neal, Overington, Moore, Cowles, Hanshaw, Zatezalo, Kessinger, Fast, Sobonya, Wilson and G. Foster:**

**H. B. 2669** - “A Bill to amend and reenact §3-2-2 of the Code of West Virginia, 1931, as amended, relating to eligibility to register to vote; and altering the terms for registration for voters from legal residence to legal domicile”; to the Committee on the Judiciary.

**By Delegates Lane, Fluharty, R. Miller, Canestraro, Diserio, E. Evans, Love, Barrett, Spoungle, Baldwin and Caputo:**

**H. B. 2670** - “A Bill to amend and reenact §5-11-2, §5-11-3, §5-11-4, §5-11-8, §5-11-9 and §5-11-13 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5-11A-3, §5-11A-5, §5-11A-6 and §5-11A-7 of said code, all relating to unlawful discriminatory practices; prohibiting discrimination based upon age or sexual orientation; and defining sexual orientation”; to the Committee on Industry and Labor then the Judiciary.

**By Delegates R. Miller, Lovejoy, Sobonya and Maynard:**

**H. B. 2671** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-4-414, relating to providing that the manufacture, possession, or distribution of a controlled substance that is subsequently delivered is deemed delivery pursuant to the Controlled Substances Act”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegates Frich, Westfall, Upson and White:**

**H. B. 2672** - “A Bill to amend and reenact §46A-2-115 of the Code of West Virginia, 1931, as amended; and to amend and reenact §46A-3-111, §46A-3-112 and §46A-3-113, all relating to application of payments and partial payments on a consumer credit sale and consumer loans and the assessment of delinquency charges on such loans”; to the Committee on Banking and Insurance then Finance.

**By Delegates Howell, Walters, Fast, Sobonya, Nelson and Storch:**

**H. B. 2673** - “A Bill to amend and reenact §5A-1-2 of the Code of West Virginia, 1931, as amended, relating to granting Department of Administration authority and responsibility of all personnel and human resources matters that are currently provided by personnel sections or divisions within other state departments and agencies; and eliminating those other personnel sections or divisions”; to the Committee on Government Organization then Finance.

**By Delegates Shott, Hanshaw, Arvon, Zatezalo, Sobonya, O’Neal, Fleischauer and Kessinger:**

**H. B. 2674** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §44A-3-17 and §44A-3-18, all relating to access to and receipt of certain information regarding a protected person by certain relatives of the protected person; authorizing relatives of a protected person to petition the circuit court for access and information about a protected person; defining ‘relative’; providing a relative may petition the court for an order granting access to a protected person; setting forth time standards in which to conduct a hearing after a petition is filed; providing for an emergency hearing under particular circumstances; providing for service of a petition upon a guardian and setting time standards for service thereof; providing for the entry of an order by the court following notice and hearing conducted thereon; providing standards for a court to observe and implement in issuing a ruling on a petition; providing the court may award attorney’s fees and costs be paid to a prevailing party; setting forth particular duties for a guardian to provide relatives notice

about a protected person's condition and circumstances; authorizing court to retain jurisdiction; regarding dissemination of information about a protected person to relatives; and providing a guardian method whereby may be relieved of responsibility for providing information regarding a protected person to a relative"; to the Committee on the Judiciary.

**By Delegates O'Neal, Hanshaw, Shott, Cowles, Sobonya, Phillips, N. Foster, Zatezalo, Kessinger, Hill and Fast:**

**H. B. 2675** - "A Bill to amend and reenact §3-5-13 and §3-5-13a of the Code of West Virginia, 1931, as amended, all relating to primary elections and nominating procedures; and designating the placement of nonpartisan judicial offices on the primary election ballot"; to the Committee on the Judiciary.

**By Delegates White, Dean, Westfall, Blair, Paynter, Maynard, G. Foster, Hill, Harshbarger, Phillips and Higginbotham:**

**H. B. 2676** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-1-15, relating to authorizing the Director of Security and security officers who are employed by the Division of Culture and History to carry a firearm or concealed weapon upon the West Virginia State Capitol Complex and State Property"; to the Committee on the Judiciary.

**By Delegate Pushkin:**

**H. B. 2677** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-8A-1, §16-8A-2, §16-8A-3, §16-8A-4, §16-8A-5, §16-8A-6, §16-8A-7, §16-8A-8, §16-8A-9, §16-8A-10, §16-8A-11, §16-8A-12, §16-8A-13, §16-8A-14, §16-8A-15, §16-8A-16, §16-8A-17, §16-8A-18, §16-8A-19, §16-8A-20, §16-8A-21, §16-8A-22 and §16-8A-23, all relating to creating the 'Patient Freedom Act'; providing a regulatory scheme for the production, distribution and use of medical cannabis; providing protections for the medical use of cannabis; providing legislative findings; prohibiting discrimination for medical use of cannabis; providing medical conditions eligible for medical cannabis and process for addition of medical conditions; requiring registration of qualifying patients and designated caregivers; providing selection

processes for permitting registered cannabis distribution centers and registered safety compliance facilities and its agents; providing for application and permit fees issuance of registry identification cards; providing protections for licensed and permitted persons; creates affirmative defense and for dismissal for medical cannabis activities; providing misdemeanor offense and criminal penalties for disclosing certain information; imposing sales tax on sales of medical cannabis, and otherwise providing for the enforcement of this article”; to the Committee on Prevention and Treatment of Substance Abuse then Health and Human Resources then the Judiciary.

## House Calendar

### Third Reading

**Com. Sub. for H. B. 2167**, Creating a Silver Alert program for senior citizens; 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. 7**), and there were—yeas 99, nays 1, absent and not voting none, with the nays being as follows:

Nays: McGeehan.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2167) 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. 2300**, Regulating step therapy protocols; 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. 8**), and there were—yeas 99, nays 1, absent and not voting none, with the nays being as follows:

Nays: McGeehan.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2300) 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. 2301**, Relating to direct primary care; 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. 9**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2301) 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. 2318**, Relating generally to human trafficking; 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. 10**), 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: A. Evans.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2318) 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. 2347**, Allowing schools licensed to provide barber, cosmetology and related training to hold theory classes and clinical classes at different locations; 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. 11**), and there were—yeas 98, nays 2, absent and not voting none, with the nays being as follows:

Nays: Fluharty and Hornbuckle.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2347) 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. 2348**, Eliminating any requirement that class hours of students be consecutive; 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. 12**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2348) 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. 2431**, Allowing influenza immunizations to be offered to patients and residents of specified 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. 13**), and there were—yeas 89, nays 11, absent and not voting none, with the nays being as follows:

Nays: E. Evans, Folk, Marcum, Maynard, McGeehan, Moore, Paynter, Summers, Wagner, Walters and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2431) passed.

An amendment to the title of the bill, recommended by the Committee on Health and Human Resources, was reported by the Clerk and adopted, amending the title to read as follows:

**H. B. 2431** — “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-3-4a, relating to allowing influenza immunizations to be offered to patients and residents of specified facilities on a voluntary basis.”

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

### Second Reading

**Com. Sub. for H. B. 2404**, Barring persons who are convicted of certain criminal offenses from acquiring property from their victims; 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. 2447**, Renaming the Court of Claims the State Claims Commission; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Shott, the bill was amended on page six, section eleven, line one, before the word “The”, by inserting “Unless expressly exempted in the code” and a comma.

On page six, section eleven, line one, by striking out the word “The” and inserting in lieu thereof “the”.

On page nine, section seventeen, line five, by striking out “\$3,000” and inserting in lieu thereof “\$1,000”.

And,

On page ten, section seventeen-a, line nine, by striking out “\$1,000” and inserting in lieu thereof “\$3,000”.

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 2465**, Modifying the requirements that allow a child witness to testify by closed circuit television; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

### **Miscellaneous Business**

Delegate Sponaugle asked and obtained unanimous consent that all remarks made during Remarks by Members today be printed in the Appendix to the Journal.

Delegate A. Evans announced that he was absent on today when the vote was taken on Roll No. 10, and that had he been present, he would have voted “Yea” thereon.

Delegate Ellington filed a form with the Clerk’s Office per House Rule 94b to be added as a cosponsor of H. B. 2387.

Delegate Sobonya filed a form with the Clerk’s Office per House Rule 94b to be added as a cosponsor of H. B. 2195.

Delegate Hollen filed a form with the Clerk’s Office per House Rule 94b to be added as a cosponsor of H. B. 2459.

Delegate Ward filed a form with the Clerk’s Office per House Rule 94b to be added as a cosponsor of H. B. 2532.

Delegate Frich filed a form with the Clerk’s Office per House Rule 94b to be added as a cosponsor of H. B. 2568.

Delegate Martin filed a form with the Clerk’s Office per House Rule 94b to be added as a cosponsor of H. B. 2568.

Delegate Caputo filed a form with the Clerk’s Office per House Rule 94b to be added as a cosponsor of H. B. 2670.

Delegate Armstead filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2434.

Delegate Lovejoy filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2551.

Delegate Thompson filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2621.

Delegate Maynard filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2650.

At 12:56 p.m., the House of Delegates adjourned until 11:00 a.m., Thursday, February 23, 2017.

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Thursday, February 23, 2017

**SIXTEENTH 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 Wednesday, February 22, 2017, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

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

Your Committee on Finance has had under consideration:

**H. B. 2123**, Making the West Virginia Schools for the Deaf and Blind eligible to participate in any and all funding administered or distributed by the West Virginia School Building Authority,

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:

**H. B. 2263**, Lottery Commission, WV State Limited Video Lottery,

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. 2263) was referred to the Committee on the Judiciary.

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

Your Committee on Education has had under consideration:

**H. B. 2542**, Relating to public higher education personnel,

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

**Com. Sub. for H. B. 2542** - "A Bill to repeal §18B-7-9, §18B-7-11 and §18B-7-12 of the Code of West Virginia, 1931, as amended; to repeal §18B-9-1, §18B-9-2, §18B-9-3 and §18B-9-4 of said code; to repeal §18B-9A-3 and §18B-9A-8 of said code; to amend and reenact §18B-1B-5 of said code; to amend and reenact §18B-4-1 and §18B-4-2a of said code; to amend and reenact §18B-7-1, §18B-7-2, §18B-7-3, §18B-7-6 and §18B-7-8 of said code; to amend said code by adding thereto a new section, designated §18B-8-7; to amend and reenact §18B-9A-2, §18B-9A-5, §18B-9A-6 and §18B-9A-7 of said code; and to amend said code by adding thereto a new article, designated §18B-9B-1, all relating to public higher education personnel generally; clarifying roles of Higher Education Policy Commission, Council for Community and Technical College Education and state organizations of higher education; eliminating certain human resources review by Higher Education Policy Commission and Council for Community and Technical College Education; eliminating specific references to the Vice Chancellor for Human Resources; eliminating outdated and redundant reporting requirements; eliminating requirement for Higher Education Policy Commission to create certain positions that report to Vice Chancellor for Human Resources; eliminating certain higher education organization employment ratios and requirements; eliminating higher education organization classified employee salary schedule, outdated associated requirements and definitions; eliminating certain requirements related to exercising flexibility in human resources for higher education organizations; eliminating outline of steps for implementation of classification

and compensation system by Higher Education Policy Commission and Council for Community and Technical College Education; providing legislative purposes and intent for higher education personnel; defining terms; providing and revising rules relating to reductions in workforce and hiring preferences; providing for continuing education and professional development; providing for evaluation and reviews of organizations for certain human resource deficiencies, best practices and compliance with state higher education personnel laws; providing for content of certain reports from Higher Education Policy Commission and Council for Community and Technical College Education to Legislative Oversight Commission on Education Accountability; authorizing organizations to adopt rules relating to employment policies and practices for staff and faculty; providing for preemption of Higher Education Policy Commission and Council for Community and Technical Education rules conflicting with a governing board rule on faculty; defining classified and nonclassified employees; clarifying powers and duties of the Compensation Planning and Review Committee; providing that the Higher Education Policy Commission shall develop a model minimum salary schedule using West Virginia Workforce and other relevant data that organizations shall follow except in certain instances; providing that the Higher Education Policy Commission develop classification and compensation rules; providing state organizations of higher education with the ability to propose and implement approved legislative rules relating to classification and compensation with certain exceptions; and requiring any rule proposed by a state organization of higher education incorporate best human resources practices, address areas of accountability, employee classification and compensation and performance evaluation.”

With the recommendation that the committee substitute do pass.

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2083**, Increasing the felony criminal penalties for exposing children to methamphetamine manufacturing,

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

**Com. Sub. for H. B. 2083** – “A Bill to amend and reenact §60A-10-12 of the Code of West Virginia, 1931, as amended, relating to the Methamphetamine Laboratory Eradication Act; and increasing the felony criminal penalty for knowingly causing or permitting a minor to be present in a location where methamphetamine is manufactured or attempted to be manufactured,”

And,

**H. B. 2486**, Providing that when a party’s health condition is at issue in a civil action, medical records and releases for medical information may be requested and required without court order,

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

**Com. Sub. for H. B. 2486** – “A Bill to amend and reenact §33-6F-1 of the Code of West Virginia, 1931, as amended, relating to medical records and medical billing records obtained by insurers in connection with insurance claims or civil litigation; providing that such records shall be confidentially maintained by insurers in accordance with state and federal law, prohibiting restrictions that may be imposed that contradict or are inconsistent with any applicable policy of insurance or the performance of insurance functions permitted or authorized by state and federal law; requiring the State Insurance Commissioner to review the provisions of Title 114, Series 57 of the Code of State Rules and to propose new rules or modify existing rules to the extent deemed necessary,”

With the recommendation that the committee substitutes each do pass.



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

Your Committee on the Judiciary has had under consideration:

**H. B. 2585**, Creating felony crime of conducting financial transactions involving proceeds of criminal activity,

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

**Com. Sub. for H. B. 2585** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-14-1, §61-14-2, §61-14-3, §61-14-4 and §61-14-5, all relating to laundering of proceeds from specified criminal activities; defining terms; creating felony crime of conducting financial transactions involving proceeds of criminal activity; creating felony crime of transporting, transmitting or transferring monetary instruments or property involving proceeds of criminal activity; providing for penalties; providing for seizure and forfeiture of property or monetary instruments; specifying the burden of proof in a forfeiture proceeding; clarifying conduct that constitutes separate offenses; and setting forth venue for prosecution of offenses,”

With the recommendation that the committee substitute do pass.

### **Messages from the Senate**

A message from the Senate, by

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

**S. B. 188** - “A Bill to amend and reenact §16-5Y-2 of the Code of West Virginia, 1931, as amended, relating to clarifying the definition of ‘telehealth’ for purposes of medication-assisted treatment programs”; 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. 222** - “A Bill to amend and reenact §21A-6-3 of the Code of West Virginia, 1931, as amended, relating to disqualification for unemployment benefits; providing that an individual is disqualified for benefits for any week or portion of a week in which he or she left or lost his or her job as a result of a strike; clarifying that a lockout is not a strike; providing that workers replaced with new prepayment employees are not eligible for unemployment benefits; establishing the circumstances when a worker is determined to leave or lose employment by reason of a lockout; providing the circumstances when a worker is determined to be permanently replaced by another employee; and providing that contractor employees who perform the work of a striking worker are not to be determined to have permanently replaced a striking worker”; 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 July 1, 2017, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 242** - “A Bill to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-5A-5 of said code, all relating to school calendars; removing the word ‘separate’ throughout the section as it relates to the number of instructional days in the school calendar; designating one noninstructional day for teachers as a preparation day for opening school and another for teachers as a preparation day for closing school; allowing teacher preparation days to be used for certain other purposes at teacher’s discretion; increasing number of two-hour blocks for faculty senate meetings from four to six; removing requirement that faculty senate meetings be held once every forty-five days; permitting certain accrued minutes to be used for lost instructional days; requiring that any reimagining student instructional days be exhausted prior to using accrued minutes for lost instructional days; and encouraging the use of

reimagining student instructional days to achieve the one hundred eighty instructional day requirement”; which was referred to the Committee on Education.

### **Bills Introduced**

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

**By Delegates Anderson, Arvon, Overington, G. Foster, R. Romine, Householder, Upson and Shott:**

**H. B. 2678** - “A Bill to amend and reenact §56-6-31 of the Code of West Virginia, 1931, as amended, relating to the rate of interest allowed for prejudgment and post-judgment interest”; to the Committee on the Judiciary.

**By Delegates Summers, Frich, Overington, Paynter, Harshbarger, Moore, Dean, G. Foster, Higginbotham, Butler and Fast:**

**H. B. 2679** - “A Bill to amend and reenact §7-11-5 of the Code of West Virginia, 1931, as amended; and to amend and reenact §20-2-5 of said code, 1931, as amended, all relating to the possession of firearms in parks and park facilities generally; prohibiting county parks and recreation commissions from promulgating or enforcing rules which prohibit possession of firearms; providing magistrate courts with concurrent jurisdiction; carrying a firearm for self-defense in state parks and state forests; providing exceptions; and clarifying that nothing in the section authorizes counties or municipalities to limit a person’s ability to possess, transfer over, carry or transport a firearm or ammunition in a state park, state forest, or recreational areas in state wildlife management areas under the Division of Natural Resources, provided that such person is not otherwise prohibited from possessing firearms”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Howell, McGeehan, Folk, Householder, Kessinger, Hill, Blair, Atkinson and Fast:**

**H. B. 2680** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-25-19, relating to termination of the West Virginia Nursing Home

Administrators Licensing Board”; to the Committee on Government Organization.

**By Delegates Hamrick, Kessinger, Howell, Blair, Atkinson, Hollen and Householder:**

**H. B. 2681** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-23-31, relating to termination of the West Virginia Medical Imaging and Radiation Therapy Technology Board of Examiners”; to the Committee on Government Organization.

**By Delegates Ellington, Shott, Cowles, Rowan and Nelson:**

**H. B. 2682** - “A Bill to amend and reenact §55-7B-2, §55-7B-4, §55-7B-10 and §55-7B-11 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §55-7B-9e, all relating to Medical Professional Liability; defining the term ‘occurrence’; providing venue preference; establishing an attorney’s fee schedule based upon amount recovered; establishing the effective date; and providing for severability”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Westfall, White, Hamrick, Hartman and Frich:**

**H. B. 2683** - “A Bill to amend and reenact §33-26-2, §33-26-3, §33-26-4, §33-26-5, §33-26-8, §33-26-9, §33-26-10, §33-26-11, §33-26-12, §33-26-13, §33-26-14 and §33-26-18 of the Code of West Virginia, 1931, as amended, all relating to West Virginia Insurance Guaranty Association Act; modifying scope and construction of act; adding and amending definitions; clarifying and adding powers, duties and rights of association; modifying provisions concerning effect of paid claims, exhaustion of coverage, prevention of insolvencies and stay of proceedings; changing due date of annual financial report; limiting covered claims; expanding association’s right to recover and be reimbursed; providing for confidentiality of financial information; and exempting certain reports and recommendations from Freedom of Information Act”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegates Canestraro, Lovejoy, Hollen, R. Miller, Shott and Isner:**

**H. B. 2684** - “A Bill to amend and reenact §17B-4-3 of the Code of West Virginia, 1931, as amended, relating to imposing penalties for repeat violations of the prohibition against driving under the influence on a suspended license by persons under the age of twenty-one”; to the Committee on the Judiciary.

**By Delegates Sobonya, C. Romine, C. Miller, Westfall, Atkinson, Householder, Frich, Overington, Summers and Folk:**

**H. B. 2685** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §51-4-8, relating to clerks of circuit courts and the duty to publish reports of court cases that have exceeded the time standards for resolution and disposition”; to the Committee on the Judiciary.

**By Delegates Sobonya, Frich, N. Foster, C. Romine, Summers, Butler, Gearheart, Queen, Folk, O’Neal and C. Miller:**

**H. B. 2686** - “A Bill to amend and reenact §4-2-6 of the Code of West Virginia, 1931, as amended, relating to providing a mechanism for the independent evaluation of revenue estimates by West Virginia and Marshall Universities’ business colleges”; to the Committee on Education then Finance.

**By Delegates Robinson, Kessinger, Moore, R. Miller, Williams, Isner, Lovejoy, Canestraro, Wilson, Dean and Thompson:**

**H. B. 2687** - “A Bill to amend and reenact §11-3-9 of the Code of West Virginia, 1931, as amended, relating to property tax assessments; and providing that military veterans with a one hundred percent service related disability are exempt from property taxation”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

**By Delegates Anderson, A. Evans, Deem, R. Romine, Fast, Lewis, Westfall, Lane, Higginbotham, Harshbarger and Zatezalo:**

**H. B. 2688** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §54-1-3b,

relating to permitting natural gas companies to enter private property without prior consent from the owner for the limited purposes of obtaining data to comply with regulatory requirements or to survey land for pipeline or pipeline facility development; requiring natural gas companies to request permission to inspect property prior to entry; requiring natural gas companies to provide owner notice of intent to enter property prior to entry; and preempting entries authorized under this section from being deemed a trespass or a taking"; to the Committee on Energy then the Judiciary.

## House Calendar

### Third Reading

**Com. Sub. for H. B. 2404**, Barring persons who are convicted of certain criminal offenses from acquiring property from their victims; 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. 14**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2404) passed.

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

**Com. Sub. for H. B. 2404** - "A Bill to amend and reenact §36-1-20 of the Code of West Virginia, 1931, as amended; and to amend and reenact §42-4-2 of said code, all relating generally to barring persons who are convicted of certain criminal offenses from acquiring property from their victims through joint tenancy or inheritance; barring a person who has been convicted of an offense causing the death of an incapacitated adult as a principal, aider and abettor, or accessory before the fact from taking or acquiring real or personal property by survivorship when the joint tenant is a victim of the criminal offense; barring a person who has been convicted of an offense of abuse or neglect of an incapacitated adult, or a felony offense of financial exploitation of an elderly person, protected person

or an incapacitated adult from taking or acquiring real or personal property by survivorship when the victim of the criminal offense if the joint holder of the title to the property and providing exceptions therefor; barring a person who has been convicted of an offense causing the death of an incapacitated adult taking or acquiring money, property, or any interest therein by descent and distribution, will, or any policy or certificate of insurance; and barring a person who has been convicted of an offense of abuse or neglect of an incapacitated adult, or a felony offense of financial exploitation of an elderly person, protected person or an incapacitated adult from taking or acquiring money, property, or any interest therein by descent and distribution, will, or any policy or certificate of insurance and providing exceptions therefor.”

*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. 2447**, Renaming the Court of Claims the state Claims Commission; on third reading, coming up in regular order, was read a third time.

Delegate Rowe arose and inquired of the Chair regarding the process to send the bill to the Committee on Government Organization. The Speaker replied and informed the Gentleman that he could make such a motion.

Delegate Rowe moved to commit the bill to the Committee on Government Organization, which motion was rejected.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 15**), and there were—yeas 66, nays 34, absent and not voting none, with the nays being as follows:

Nays: Baldwin, Barrett, Bates, Boggs, Brewer, Byrd, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hornbuckle, Iaquina, Isner, Longstreth, Love, Lovejoy, Lynch, Marcum, Miley, R. Miller, Moye, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaule, Thompson and Williams.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2447) 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. 2465**, Modifying the requirements that allow a child witness to testify by closed circuit television; 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. 16**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2465) passed.

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

#### **First Reading**

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

**Com. Sub. for H. B. 2001**, Relating to ethics and transparency in government,

**Com. Sub. for H. B. 2028**, Relating to the venue for suits and other actions against the state,

**Com. Sub. for H. B. 2359**, Relating to offenses and penalties for practicing osteopathic medicine without a license,

And,

**Com. Sub. for H. B. 2479**, Uniform Deployed Parents Custody and Visitation Act.

#### **Miscellaneous Business**

Delegate Arvon asked and obtained unanimous consent that the remarks of Delegate Kessinger regarding human trafficking be printed in the Appendix to the Journal.



Delegate Marcum asked and obtained unanimous consent that the remarks of Delegate Eldridge regarding Lincoln County be printed in the Appendix to the Journal.

Delegate Isner filed forms with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2048, H. B. 2050, H. B. 2057, H. B. 2149 and H. B. 2642.

Delegates Dean and Moore filed forms with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2387.

Delegate C. Miller filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2458.

Delegate Frich filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2479.

Delegate R. Miller filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2551.

At 12:27 p.m., the House of Delegates adjourned until 11:00 a.m., Friday, February 24, 2017.



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Friday, February 24, 2017

**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, February 23, 2017, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

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

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

**H. B. 2563**, Relating to complimentary samples of nonintoxicating beer or nonintoxicating craft beer,

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. 2563) was referred to the Committee on the Judiciary.

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

Your Committee on Education has had under consideration:

**H. B. 2524**, Improving the focus on school-level continuous improvement processes,

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. 2524) was referred to the Committee on Finance.

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

Your Committee on Banking and Insurance has had under consideration:

**H. B. 2460**, Requiring insurance coverages to ensure telehealth parity,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2460) was referred to the Committee on Health and Human Resources.

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

Your Committee on Banking and Insurance has had under consideration:

**H. B. 2619**, Risk Management and Own Risk and Solvency Assessment Act,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2619) was referred to the Committee on the Judiciary.

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

Your Committee on Banking and Insurance has had under consideration:

**H. B. 2471**, Relating to insurance coverage for breast cancer screening,

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. 2471) was referred to the Committee on Finance.

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

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

**H. B. 2420**, Providing that the State Board of Education may delegate its Medicaid provider status and subsequent reimbursement to regional educational service agencies or county boards,

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

**Com. Sub. for H. B. 2420** - "Bill to amend and reenact §18-2-5b of the Code of West Virginia, 1931, as amended, relating to the State Board of Education and Medicaid eligible children; and providing that the state board may delegate its provider status and subsequent reimbursement to regional educational service agencies or county boards subject to the county board determining that there is a net benefit and no detracting from the educational program of the county,"

With the recommendation that the committee substitute do pass.

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

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

**H. B. 2509**, Relating to the practice of telemedicine,

And,

**H. B. 2526**, Classifying additional drugs to Schedules I, II, IV and V of controlled substances,

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. 2509 and H. B. 2526) were each 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. 2518**, Creating a legislative rule to permit a pharmacist or pharmacy intern to administer certain immunizations,

**H. B. 2519**, Medicaid program compact,

And,

**H. B. 2538**, Relating to the licensure of physician assistants,

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 Government Organization.

In accordance with the former direction of the Speaker, the bills (H. B. 2518, H. B. 2519 and H. B. 2538) were each referred to the Committee on Government Organization.

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. 2628**, Relating generally to the powers and duties of the Board of Medicine and the Board of Osteopathic Medicine,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2628) was referred to the Committee on Government Organization.

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. 2459**, Relating to regulation of health care and the certificate of need process,

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. 2459) was referred to the Committee on the Judiciary.

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

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

**S. B. 169**, Repealing article providing assistance to Korea and Vietnam veterans exposed to certain chemical defoliants,

**S. B. 170**, Repealing state hemophilia program,

And,

**S. B. 171**, Repealing Programs of All-Inclusive Care for Elderly,

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

In accordance with the former direction of the Speaker, the bills (S. B. 169, S. B. 170 and S. B. 171) were each referred to the Committee on Finance.

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

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

**H. B. 2620**, West Virginia Drug Overdose Monitoring Act,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2620) was referred to the Committee on the Judiciary.

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



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

**H. B. 2648**, Increasing penalties for manufacturing or transportation of a controlled substance in the presence of a minor,

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. 2648) was referred to the Committee on the Judiciary.

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2506**, Relating to the implementation of water quality standards for the protection of drinking water,

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

**Com. Sub. for H. B. 2506** – “A Bill to amend and reenact §22-11-7b of the Code of West Virginia, 1931, as amended, all relating to adoption of the Fair Standards Act, the implementation of water quality standards for the protection of drinking water; requiring permit limits to be calculated using the design flows recommended by the United States Environmental Protection Agency for the protection of human health; and allowing overlapping mixing zones for calculating permit limits for drinking water criteria.”

With the recommendation that the committee substitute do pass.

### **Messages from the Senate**

A message from the Senate, by

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

**Com. Sub. for S. B. 182** - “A Bill to amend and reenact §5-22-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §21-1D-5 of said code; and to amend and reenact §21-11-11 of said code, all relating to the submission of bids for government construction contracts; information and documents required for the awarding of certain contracts; providing procedures for the required submission of a list of subcontractors who will perform more than \$25,000 of work on certain projects; providing procedures for the required submission of a drug-free workplace affidavit for any solicitation for a public improvement contract; and providing procedures for the required submission of a contractor’s license number with certain bid documents”; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

**Com. Sub. for S. B. 240** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8-28a, relating to creating the offenses of nonconsensual disclosure of privately taken images of a sexual nature causing or threatening the nonconsensual disclosure of such an image; defining terms; setting forth elements of the crime; and providing for criminal penalties”; which was referred to the Committee on the Judiciary.

### **Resolutions Introduced**

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

**H. C. R. 24** – “Requesting the Division of Highways to name Bridge Number: 49-9-11.77 (49A133) (38.85693, -80.13636), locally known as Queens Spread Box Beam Bridge, carrying County Route 9 over Right Fork of Middle Fork River in Upshur County the ‘SGT. Eugene E. Arbogast Memorial Bridge’.”

Whereas, Eugene E. Arbogast was born June 11, 1931, in Hemlock, West Virginia, one of five children, including his sisters, Virginia Lee, Bonnie May, Frances Kay and Mary Ann; and

Whereas, Eugene answered the call to serve his country, attending basic training in Fort Knox, Kentucky, with the U.S. Army's 32<sup>nd</sup> Infantry Division; and

Whereas, Eugene departed for Japan in May 1950 and for Korea later in the same year; and

Whereas, Eugene assisted in training South Korean troops; and

Whereas, Eugene was killed in combat in Korea on July 2, 1951; and

Whereas, SGT. Eugene E. Arbogast's service to his country honors his family, his community and the entire 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: 49-9-11.77 (49A133) (38.85693, -80.13636), locally known as Queens Spread Box Beam Bridge, carrying County Route 9 over Right Fork of Middle Fork River in Upshur County, the "SGT. Eugene E. Arbogast 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 "SGT. Eugene E. Arbogast Memorial Bridge"; and, be it

*Further Resolved,* That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation and to the family of SGT. Eugene Arbogast, including Mary Tenney of Buckhannon, West Virginia and Virginia Gilmore of Southington, Ohio.

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

**H. C. R. 25** – “Requesting the Division of Highways to name bridge number 50-052-21.27 (50A001), carrying United States Route 52 over Hurricane Creek in Wayne County, beginning at latitude 38.192421, longitude -82.599808 and ending at latitude 38.191797, longitude -82.600180, the ‘U.S. Army PVT Charles E. Ellis and U.S. Army PVT Ira V. Ellis Memorial Bridge’.”

Whereas, Charles Edward Ellis, born January 15, 1922, and Ira Virgil Ellis, born June 29, 1925, were natives of Wayne County, West Virginia, and two of the three sons of Curtis and Esther Ellis, that fought in World War II; and

Whereas, Charles E. Ellis and Ira V. Ellis were both killed in action while serving in the United States Army during World War II. Charles Ellis was killed in Italy on December 30, 1943; and Ira Ellis was killed while making the final push in the war effort in Germany on March 23, 1945; and

Whereas, These young men served their country and their state with honor, valor, and courage and died to ensure a safer world for future generations; and

Whereas, The sacrifice that the Ellis family made in honor of the United States of America and the State of West Virginia should be commemorated in an enduring memorial; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 50-052-21.27 (50A001), carrying United States Route 52 over Hurricane Creek in Wayne County, beginning at latitude 38.192421, longitude -82.599808 and ending at latitude 38.191797, longitude -82.600180, the “U.S. Army PVT Charles E. Ellis and U.S. Army PVT Ira V. Ellis 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 “U.S. Army PVT Charles E. Ellis and U.S. Army PVT Ira V. Ellis Memorial Bridge”; and, be it

*Further Resolved*, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation.

Delegates Pyles, Caputo, Pethtel, Longstreth, Upson, Fleischauer, Lynch, Williams, Summers, Statler and Frich offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 26** – “Urging Congress and NASA to name the NASA IV & V Facility at Fairmont for West Virginia mathematician Katherine Coleman Johnson.”

Whereas, The NASA Independent Verification and Validation Facility was established at Fairmont, West Virginia in 1993 as part of an agency-wide strategy to provide the highest achievable levels of safety and cost effectiveness for mission critical software; and

Whereas, The NASA IV & V Facility was founded under the NASA Office of Safety and Mission Assurance (OSMA) as a direct result of recommendations made by the National Research Council (NRC) and the Report of the Presidential Commission on the Space Shuttle Challenger Accident; and

Whereas, NASA IV & V Facility has 270 permanent employees and high school and college interns during the summer months and makes an important contribution to the Fairmont, Marion County and West Virginia economies; and

Whereas, NASA mathematician Katherine Coleman Goble Johnson was born at White Sulphur Springs, West Virginia in 1918 and graduated from West Virginia State College summa cum laude in 1937 and was the first African American Woman to attend the graduate school at West Virginia University in 1938; and

Whereas, Katherine Johnson worked as a mathematician at the Langley Flight Research Division from 1953 to 1958 where she was an analyst for such topics as gust alleviation for aircraft; and

Whereas, Katherine Johnson worked as an aerospace technologist at the Spacecraft Controls Branch from 1958 to 1986 and was involved in performing calculations for all the important space missions during this period, including the sub-orbital flight of Alan Shepard, the first orbital flight by John Glenn and the 1969 Apollo 11 moon mission; and

Whereas, Katherine Johnson is the subject of a recently released motion picture “Hidden Figures” that highlights her life and career; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Legislature urges Congress and NASA to name the NASA IV & V Facility at Fairmont for West Virginia mathematician Katherine Coleman Johnson; and, be it

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

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

**H. C. R. 27** – “Requesting the Division of Highways to name the bridge on West Virginia Route 10 over Buffalo Creek in Logan County, Bridge Number 23-10-25.88 (23A041), latitude 37.89636, longitude -81.99435, locally known as the Chief Logan State Box Culvert, the ‘U.S. Army 1LT Patricia Simon Bridge’.”

Whereas, First Lieutenant Patricia Simon, known to her family and friends as Pat, served in the United States Army Nurse Corps during World War II, in the African and European Theatres of War; and

Whereas, First Lieutenant Patricia Simon, a great community leader in Logan County, passed away on January 14, 2013, at the age of ninety-five; and

Whereas, It is fitting that an appropriate memorial recognizing First Lieutenant Patricia Simon's service to this country and her community be established near Chief Logan State Park, where she walked every day for years; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name the bridge on West Virginia Route 10 over Buffalo Creek in Logan County, bridge number 23-10-25.88 (23A041), latitude 37.89636, longitude -81.99435, locally known as the Chief Logan Box Culvert, the "U.S. Army 1LT Patricia Simon 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 "U.S. Army 1LT Patricia Simon Bridge"; and, be it

*Further Resolved*, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation.

Delegates Pyles, Lynch, Iaquina, Hartman, Love, Caputo, Ferro, C. Romine, Rowe, Fleischauer and Pethtel offered the following resolution, which was read by its title and referred to the Committee on Senior Citizen Issues then Rules:

**H. R. 8** - "Asking Congress to support legislation increasing the Social Security Cost of Living Adjustment."

Whereas, Social Security payments have failed to keep up with rising retirement costs as a result of an inaccurate Cost of Living Adjustment (COLA); and

Whereas, For the past several years in a row, seniors have received record-low or zero Social Security COLAs and have been denied yet another adequate COLA for 2017; and

Whereas, Even before beneficiaries received a zero COLA in 2016, retirees were already struggling to afford basic needs, including the soaring cost of Medicare out-of-pocket expenses; and

Whereas, More than two-thirds of beneficiaries rely on Social Security for over half of their income and the average retiree receives benefits of only \$16,000 per year, the annual COLA is critically important to millions of Americans who need it to maintain their standard of living and stay above the poverty line; and

Whereas, There is legislation pending in Congress to increase benefits by \$70 per month (\$840 per year) and providing a fair annual COLA reflecting rising costs more accurately; and

Whereas, This pending legislation strengthens Social Security so it can pay benefits for up to 45 years until the year 2062 by closing the loophole in the law that caps contributions at the \$118,500 income level; therefore, be it

*Resolved by the House of Delegates:*

That Congress should take immediate action to increase the COLA for Social Security and make appropriate changes in the Social Security Law to protect it for future generations of wage earners; and, be it

*Further Resolved,* That copies of this resolution be sent to the West Virginia Delegation in the U.S. House of Representatives and the U.S. Senate.

### **Bills Introduced**

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

**By Delegates Espinosa, Statler, Wilson, Higginbotham, Blair and Upson:**

**H. B. 2689** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-31-1, §18-31-2, §18-31-3, §18-31-4, §18-31-5, §18-31-6, §18-31-7 and



§18-31-8, all relating to enacting an Educational Savings Account Program; providing a short title and definitions; qualifying for an educational savings account; amount of the account; responsibilities of the Treasurer; eligibility requirements for participating entities; responsibilities of resident school districts; and legal proceedings”; to the Committee on Education then Finance.

**By Delegates Howell, Arvon, Hill, Hamrick, Queen, Criss, Ward, C. Romine, Atkinson, Lewis and A. Evans:**

**H. B. 2690** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-1A-6; and to amend said code by adding thereto a new section, designated §30-19-18, all relating generally to registration, certification and supervision of the commercial practice of forestry; terminating the West Virginia Board of Registration of Foresters and setting a schedule for disposition of assets, property and records; providing for state registration of professional foresters by the Division of Forestry; authorizing the collection of registration fees; prohibiting the use of certain titles relating to the practice of forestry without appropriate registration; providing criminal penalties for violations; and authorizing the Director of the Division of Forestry to investigate alleged violations and to seek injunctions to prevent continued violations”; to the Committee on Government Organization then the Judiciary.

**By Delegates Hamrick, Martin, Ward, Howell, Boggs, Arvon, Storch, Westfall, Dean, McGeehan and Frich:**

**H. B. 2691** - “A Bill to amend and reenact §30-27-8 and §30-27-10 of the Code of West Virginia, 1931, as amended, all relating to allowing a person who is qualified by training to be a barber and a cosmetologist to elect to practice solely as a barber and maintain licensure through continuing education subjects related to barbering”; to the Committee on Government Organization.

**By Delegates O’Neal, Ellington, Summers, Sobonya, Howell, Arvon, Householder, Upson, Cowles, Rohrbach and Fast:**

**H. B. 2692** - “A Bill to amend and reenact §30-3-10a of the Code of West Virginia, 1931, as amended; to amend said code by

adding thereto a new section designated §30-3E-4a of said code; to amend and reenact §30-4-15 of said code; to amend and reenact §30-5-17 of said code; to amend and reenact §30-7-6a of said code; to amend said code by adding thereto a new section, designated §30-7A-6a; to amend and reenact §30-8-16 of said code; to amend and reenact §30-14-12b of said code; to amend said code by adding thereto a new section designated §30-16-7a; to amend and reenact §30-20-13 of said code; to amend and reenact §30-21-17 of said code; and to amend and reenact §30-28-8a of said code, all relating to allowing licensed professionals to donate time to the care of indigent and needy in a clinical setting”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Hamilton, A. Evans, Paynter, Ambler, Butler, R. Romine, Lewis, Rodighiero, Eldridge, Baldwin and Hornbuckle:**

**H. B. 2693** - “A Bill to amend and reenact §20-2-3 of the Code of West Virginia, 1931, as amended, relating to state ownership of wildlife”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Hamrick, Gearheart, Zatezalo, Howell, Atkinson, Ward, Williams, Statler, Moye, Sobonya and Butler:**

**H. B. 2694** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-4-55, relating to the development and implementation of a program to facilitate commercial sponsorship of rest areas, welcome centers and roads; providing for sponsorship agreements; providing for agreement requirements; providing for disposition of funds received from agreements; providing for the promulgation of emergency or legislative rules; and providing for a report of the status of the program”; to the Committee on Roads and Transportation then Finance.

**By Delegates Hornbuckle, Thompson, Moye, Hamilton, Hicks, Eldridge, Rohrbach, Ellington, C. Miller, Lovejoy and C. Romine:**

**H. B. 2695** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-A 5-

9, relating to creating a pilot program for expansion of school-based mental health and school-based diversion; defining terms; detailing eligibility for schools to take part in the pilot program; setting requirements for schools that participate in the pilot program; authorizing mental health providers to provide certain services; requiring notice to parents and students of the pilot project; authorizing parents to opt-out in certain circumstances; requiring the collection of certain data in relation to the pilot project; explicitly stating that the pilot project does not require additional expenditures; authorizing rule making; and requiring that the pilot project may not begin until the Legislature approves the relevant rules”; to the Committee on Education.

**By Delegates Hamilton, Ambler, R. Romine, A. Evans, Eldridge, Wagner, Rowan, Wilson and Love:**

**H. B. 2696** - “A Bill to amend and reenact §20-2-42a, §20-2-42q, §20-2-42s and §20-2-42v of the Code of West Virginia, 1931, as amended, all relating to crossbow hunting; clarifying that use of crossbows with Class A hunting and trapping license during big game seasons requires additional licenses, stamps or permits; permitting crossbow hunting with Class RB, Class RRV or Class UU licenses; and permitting crossbow hunting with Class BG stamp”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegate Boggs:**

**H. B. 2697** - “A Bill to amend and reenact §20-7-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §20-14A-1, §20-14A-2, §20-14A-3, §20-14A-4, §20-14A-5, §20-14A-6, §20-14A-7, §20-14A-8, §20-14A-9, §20-14A-10 and §20-14A-11; and to amend and reenact §20-15-1, §20-15-2, §20-15-3, §20-15-4 and §20-15-5 of said code, all relating to establishing regional recreation authorities and areas; establishing trails for off-highway recreational vehicle use; providing for reimbursement by authority for natural resources police officers or county sheriffs; authorizing creation of regional recreation authority as joint development entity formed by three or more contiguous counties; setting forth findings and definitions; establishing powers and composition of governing board;

providing for financial review and oversight of public funds; prohibiting certain conduct in regional recreation area; establishing requirements for bidding and purchasing; prohibiting conflicts of interest; limiting liability; clarifying duties and responsibilities of participants to landowners and lessors in the regional recreation area; and establishing criminal penalties and civil remedies”; to the Committee on Political Subdivisions then Government Organization.

**By Delegate Deem:**

**H. B. 2698** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-11B-1, relating to providing certain notice to civil service exempt employees dismissed from employment due to change in administration”; to the Committee on Government Organization then the Judiciary.

**By Delegates Hamilton, A. Evans, Paynter, Ambler, Butler, Lynch, Iaquina, R. Romine, Lewis, Rodighiero and McGeehan:**

**H. B. 2699** - “A Bill to amend and reenact §20-2-27 of the Code of West Virginia, 1931, as amended, relating to making information about Division of Natural Resources licensees exempt from the provisions of the Freedom of Information Act; exceptions”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Eldridge, McGeehan, Folk, Fleischauer, Isner, Baldwin, Marcum, Hornbuckle, Paynter, Iaquina and Maynard:**

**H. B. 2700** - “A Bill to amend and reenact §60A-2-204 of the Code of West Virginia, 1931, as amended, relating to specifically exempting industrial hemp from being a Schedule I drug”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Sobonya, C. Romine, Summers, C. Miller, Westfall, Butler, Atkinson, Hollen, White, Ellington and Householder:**

**H. B. 2701** - “A Bill to amend and reenact §9-3-3 of the Code of West Virginia, 1931, as amended, relating to prohibiting

recipients of public assistance to return items for cash that were purchased with electronic benefit transfer cards; and establishing a penalty”; to the Committee on the Judiciary.

**By Delegates Westfall, Cooper, Ambler, Wagner, Moye, Atkinson, Marcum and Higginbotham:**

**H. B. 2702** - “A Bill to amend and reenact §18-8-4 of the Code of West Virginia, 1931, as amended, relating to truancy intervention; restricting excused absences for personal illness, when involving ‘family members’ of a student, as is currently prescribed in current code, to parents’ or guardians’ illnesses; providing that the parent or guardian must provide a statement from a medical, osteopathic or chiropractic physician, or physician’s assistant, confirming the existence of the illness or injury that is the purported basis for a student’s excused absence; requiring submission of documentation of absences within five days after the occurrence; providing an application for home schooling may be denied by the county superintendent of schools if the student for whom the request is made has ten or more unexcused absences during the school year at the time the application is made; and providing parents denied an application for home schooling may reapply during the next grading period following the denial”; to the Committee on Education.

**By Delegates Upson, Sypolt, Wilson, Householder, Lewis and Dean:**

**H. B. 2703** - “A Bill to amend and reenact §48-9-206 of the Code of West Virginia, 1936, as amended, relating to court ordered allocation of custodial responsibility of children; and providing that the court to allocate time equally between parents, unless equal custody is not consistent with the best interest of the child”; to the Committee on the Judiciary.

**By Delegates Espinosa, Statler, Dean, Rohrbach, Wilson, Rowan, Harshbarger, R. Romine, Wagner, Cooper and Higginbotham:**

**H. B. 2704** - “A Bill to amend and reenact §61-8D-5 of the Code of West Virginia, 1931, as amended, relating to prohibiting persons convicted of sexual offenses against children with whom they hold positions of trust from holding certification or license

valid in public schools; prohibiting persons convicted of sexual offenses against children with whom they hold positions of trust from being employed by any educational, vocational, training, day care, group home, foster care program, or rehabilitation facility in the state; and increasing penalties for persons who are school employees and convicted of sexual offenses against children with whom they hold positions of trust"; to the Committee on Education then the Judiciary.

**By Delegates Espinosa, Moye, Statler, Upson, Dean, Rohrbach, Wilson, R. Romine, Wagner, Cooper and Higginbotham:**

**H. B. 2705** - "A Bill to repeal §18B-1-5a, §18B-1-8b and §18B-1-10 of the Code of West Virginia, 1931, as amended; to repeal §18B-1A-3 of said code; to repeal §18B-1B-10 and §18B-1B-13 of said code; to repeal §18B-1D-1, §18B-1D-2, §18B-1D-3 and §18B-1D-4 of said code; to repeal §18B-2-5 and §18B-2-7 of said code; to repeal §18B-3C-3, §18B-3C-5, §18B-3C-7, §18B-3C-7a, §18B-3C-8, §18B-3C-10 and §18B-3C-12 of said code; to repeal §18B-3E-1 and §18B-3E-2 of said code; to repeal §18B-3F-1, §18B-3F-2, §18B-3F-4, §18B-3F-5, §18B-3F-6, §18B-3F-7, §18B-3F-8, §18B-3F-9 and §18B-3F-10 of said code; to repeal §18B-5-2a of said code; to repeal §18B-7-9 and §18B-7-16 of said code; to repeal §18B-10-4B of said code; to repeal §18B-11-1, §18B-11-2, §18B-11-3 and §18B-11-4 of said code; to repeal §18B-12A-1, §18B-12A-2, §18B-12A-3, §18B-12A-4, §18B-12A-5, §18B-12A-6, §18B-12A-7, §18B-12A-8, §18B-12A-9 and §18B-12A-10 of said code; to repeal §18B-13-1, §18B-13-3, §18B-13-4 and §18B-13-5 of said code; to repeal §18B-14-1 and §18B-14-9 of said code; to repeal §18B-18-1, §18B-18-2, §18B-18-3, §18B-18-4, §18B-18-5, §18B-18-6, §18B-18-7, §18B-18-8, §18B-18-9 and §18B-18-10 of said code; to repeal §18C-2-1, §18C-2-2, §18C-2-3, §18C-2-4, §18C-2-5, §18C-2-6, §18C-2-7, §18C-2-8 and §18C-2-9 of said code, all relating to eliminating obsolete, duplicate or unnecessary code language as it relates to higher education; repealing sections relating to pilot program of delivering educational services via distance learning, Marshall University Graduate College, and Potomac Branch of West Virginia University; repealing section relating to peer institutions;

repealing sections relating to goals of efficiency and effectiveness; findings; reports to commission and legislative oversight commission on education accountability, and study of issues affecting employees in public higher education; repealing sections relating to higher education accountability; legislative intent and purpose; short title; rules required, definitions, state vision for public higher education; findings; establishment of objectives, and responsibilities of Higher Education Policy Commission and Council for Community and Technical College Education; development of public policy agendas; reports; institutional responsibilities; repealing sections relating to establishment and operation of state school of osteopathic medicine; authority and duty to purchase property; expand appropriations and conduct programs of the West Virginia School of Osteopathic Medicine, and Authorization to sell all or part of Potomac State College of West Virginia University parcels of land located in New Creek and Keyser commonly known as the Potomac State College Farm listed on the public lands inventory as 1PSC6. PSC Parcel No.6, 1PSC14. PSC Parcel No. 14 and 1PSC16. PSC Parcel No. 16; repealing sections relating to essential conditions for community and technical college programs and services, appointment of community and technical college presidents, Blue Ridge Community and Technical College, Bridgemont Community and Technical College; Kanawha Valley Community and Technical College; Mountwest Community and Technical College, freestanding community and technical colleges; tuition and fees, and relationship between independent community and technical colleges and former sponsoring institutions; repealing article relating to Eastern West Virginia Community and Technical College; repealing article relating to reorganization of community and technical colleges; repealing section relating to authorizing certain transfers within and among general and special revenue accounts of state institutions of higher education; repealing sections relating to higher education human resources reviews and study of employment practices; repealing section relating to additional fee waivers for health sciences and technology academy programs; repealing sections relating to center for regional progress created; director powers; mission and purpose, institute for public affairs; creation and purposes, institute for international

trade development; creation and purpose, depositories for assistive devices and services; repealing article relating to centers for economic development and technology advancement; repealing article relating to higher education-industry partnerships; repealing sections relating to sections relating to select committee on outcomes-based funding models in higher education and legislative findings; establishment of study committee; membership; recommendations on higher education facilities; repealing article relating to eminent scholars endowment trust fund act; and repealing article relating to guaranteed student loan program”; to the Committee on Education.

**By Delegates Espinosa, Statler, Upson, Dean, Rohrbach, Wilson, Rowan, Harshbarger, R. Romine, Higginbotham and Kelly:**

**H. B. 2706** - “A Bill to amend and reenact §18B-17-2 and §18B-17-3 of the Code of West Virginia, 1931, as amended, all relating to authorizing legislative rules regarding higher education; authorizing legislative rules for the Higher Education Policy Commission regarding the West Virginia Higher Education Grant Program, Providing Real Opportunities for Maximizing In-state Student Excellence (PROMISE), Research Trust Fund Program, and Annual Reauthorization of Degree-Granting Institutions; and authorizing legislative rules for the Council for Community and Technical College Education regarding the Annual Reauthorization of Degree-Granting Institutions, and Business, Occupational and Trade Schools”; to the Committee on Education.

**By Delegates Hamilton, A. Evans, Paynter, Ambler, Butler, Lynch, Brewer, Iaquina, R. Romine, Lewis and Rodighiero:**

**H. B. 2707** - “A Bill to amend and reenact §20-2-4 and §20-2-11 of the Code of West Virginia, as amended, all relating to the collection, possession and sale of naturally shed deer antlers; and clarifying the trade or barter of wildlife or parts thereof”; to the Committee on Agriculture and Natural Resource then the Judiciary.



**By Delegates Hamilton, A. Evans, Paynter, Ambler, Butler, Brewer, Iaquinta, R. Romine, Lewis, Rowan and Eldridge:**

**H. B. 2708** - “A Bill to amend and reenact §20-2-30a of the Code of West Virginia, 1931, as amended, relating to a lawful method for a developmentally disabled person to purchase a base hunting license when that person attends an on-site hunter training course and successfully completes all nonwritten aspects of the course to receive a certificate but is unable to successfully complete the required course for the certificate of training; providing that the developmentally disabled person possessing the base hunting license may hunt when accompanied and directly supervised by a person over the age of eighteen years; and providing criminal penalties for violations”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates E. Nelson, Lane, Byrd, Walters, N. Foster, Rowe, Robinson, White, Pushkin, Capito and Mr. Speaker (Mr. Armstead):**

**H. B. 2709** - “A Bill to amend and reenact §8-38-9 of the Code of West Virginia, 1931, as amended, relating to the Legislature’s authorizing the City of South Charleston to levy a special district excise tax for the benefit of the South Charleston Park Place Economic Opportunity Development District”; to the Committee on Political Subdivisions then Finance.

## **House Calendar**

### **Second Reading**

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

**Com. Sub. for H. B. 2001**, Relating to ethics and transparency in government,

**Com. Sub. for H. B. 2028**, Relating to the venue for suits and other actions against the state,

**Com. Sub. for H. B. 2359**, Relating to offenses and penalties for practicing osteopathic medicine without a license,

And,

**Com. Sub. for H. B. 2479**, Uniform Deployed Parents Custody and Visitation Act.

### **First Reading**

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

**Com. Sub. for H. B. 2083**, Increasing the felony criminal penalties for exposing children to methamphetamine manufacturing,

**H. B. 2123**, Making the West Virginia Schools for the Deaf and Blind eligible to participate in any and all funding administered or distributed by the West Virginia School Building Authority,

**Com. Sub. for H. B. 2486**, Providing that when a party's health condition is at issue in a civil action, medical records and releases for medical information may be requested and required without court order,

**Com. Sub. for H. B. 2542**, Relating to public higher education personnel,

And,

**Com. Sub. for H. B. 2585**, Creating felony crime of conducting financial transactions involving proceeds of criminal activity.

### **Miscellaneous Business**

Delegate Canestraro filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2329.

Delegate Maynard filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2420.

Delegate Frich filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2648.

Delegate Lewis filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2688.

At 11:40 a.m., the House of Delegates adjourned until 11:00 a.m., Monday, February 27, 2017.



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Monday, February 27, 2017

**TWENTIETH 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 Friday, February 24, 2017, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

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

Your Committee on Government Organization has had under consideration:

**H. B. 2646**, Terminating the Women’s Commission and discontinuing its functions,

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

**Com. Sub. for H. B. 2646** – “A Bill to repeal §29-20-2, §29-20-3, §29-20-4, §29-20-5 and §29-20-6 of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-20-1 of said code, all relating to termination of the Women’s Commission,”

With the recommendation that the committee substitute do pass.

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2329**, Prohibiting the production, manufacture or possession of fentanyl,

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

**Com. Sub. for H. B. 2329** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-4-414, relating to prohibiting the manufacture, delivery, possession with intent to manufacture or deliver, and transport into state of fentanyl; defining terms; establishing increased penalties for manufacturing, delivering, possessing with intent to manufacture or deliver, and transporting into state with intent to deliver or manufacture in which fentanyl is a controlled substance involved in the offense; and establishing criminal penalties,”

**H. B. 2620**, West Virginia Drug Overdose Monitoring Act,

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

**Com. Sub. for H. B. 2620** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-9C-1, §15-9C-2, §15-9C-3 and §15-9C-4, all relating to the collection of data pertaining to the prosecutions and overdoses of controlled substances; establishing an office of drug control policy; establishing the purpose and responsibilities of the office; declaring the office to be a law enforcement entity capable of receiving and sharing law enforcement information; directing that the office be operated, supervised and controlled by the Director of the Division of Justice and Community Services; setting for the staffing of the office, including the availability of future staffing, resources and equipment upon obtaining grant funding, federal funds, or other funding; setting forth the executive and administrative responsibilities of the office of drug control

policy; establishing a reporting program for collection of criminal statistics; setting forth legislative purpose for collection of data; requiring the prosecuting attorney for each county to compile data relating to the criminal matters involving a violation of the uniform controlled substances act; directing the Division of Justice and Community Services to establish a reporting form to allow for reporting of information; setting forth information required to be reported; providing for data collection and reporting to the Division of Justice and Community Services; requiring that certain personally identifiable information about a specific defendant not be reported; establishing a reporting program for collection of data on overdoses; setting forth legislative purpose for collection of data; establishing a reporting program for collection of fatal and nonfatal overdoses in the state; directing the office of drug control policy establish a central repository for collection of data; directing the office to consult with affected entities in implementing the data collection program; establishing information required to be reported; directing the Division of Justice and Community Services to establish a reporting form to allow for reporting of information; setting forth information required to be reported; setting forth the entities required to report information; providing for data collection and reporting to the Division of Justice and Community Services through legislative rule; requiring that certain personally identifiable information about a specific defendant not be reported; and providing for rule-making authority.”

And,

**H. B. 2648**, Increasing penalties for manufacturing or transportation of a controlled substance in the presence of a minor,

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

**Com. Sub. for H. B. 2648** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-4-406a; and to amend and reenact §61-8D-1 and §61-8D-4 of said code, all relating to increased penalties for manufacturing or transportation of a controlled substance in the presence of a minor; providing for mandatory minimum period of

incarceration for adult persons convicted of manufacturing, delivering, or possessing with the intent to manufacture or deliver a controlled substance, which is a Schedule I or II narcotic, in the presence of a minor; providing for mandatory minimum period of incarceration for adult persons convicted of manufacturing, delivering, or possessing with the intent to manufacture or deliver a controlled substance, which is a Schedule I, II or III non-narcotic, in the presence of a minor; providing for mandatory minimum period of incarceration for adult persons convicted of transporting a controlled substance into this state with the intent to deliver or manufacture a controlled substance, which is a Schedule I or II narcotic, while being in the presence of a minor at the time of the offense; providing for mandatory minimum period of incarceration for adult persons convicted of transporting a controlled substance into this state with the intent to deliver or manufacture a controlled substance, which is a Schedule I, II or III non-narcotic, while being in the presence of a minor at the time of the offense; requiring certain information and findings to be included in indictment or presentment; requiring certain facts to be determined by the court or jury; adding to the definition of ‘neglect’; creating a crime of neglect by a parent, guardian or custodian in which the parent, guardian or custodian is under the influence of a controlled substance and knowingly causes or permits a minor to be present in a location with the parent, guardian or custodian, and no bodily injury occurs to the minor child; and establishing criminal penalties,”

With the recommendation that the committee substitutes each do pass.

### **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

**S. B. 41** - “A Bill to amend and reenact §62-12-11 of the Code of West Virginia, 1931, as amended, relating to extending the total number of years that a person may be subject to a period of probation”; 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

**Com. Sub. for S. B. 113** - “A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to awarding of matching grants for local litter control programs; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to alternative emission limitations during startup, shutdown and maintenance operations; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to permits for construction, modification, relocation and operation of stationary sources of air pollutants, notification requirements, administrative updates, temporary permits, general permits, permission to commence construction and procedures for evaluation; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to permits for construction and major modification of major stationary sources for the prevention of significant deterioration of air quality; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to standards of performance for new stationary sources; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the control of air pollution from hazardous waste treatment, storage and disposal facilities; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to emission standards for hazardous air pollutants; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to ambient air quality standards; and authorizing the Department of Environmental Protection to promulgate a legislative rule relating to voluntary remediation and redevelopment”; 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. 325** – “A Bill to amend and reenact §20-2-42a, §20-2-42q, §20-2-42s and §20-2-42v of the Code of West Virginia, 1931, as amended, all relating to crossbow hunting; and clarifying use of crossbows with certain licenses and stamps”; which was referred to the Committee on Agriculture and Natural Resources then the Judiciary.

### **Resolutions Introduced**

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

**By Delegates Wilson, Paynter, Dean, Maynard, Higginbotham, Folk, N. Foster and Bates:**

**H. J. R. 21** – “Proposing an amendment to the Constitution of the State of West Virginia, amending section three, article VI thereof, all relating to limiting the number of years Senators and Delegates may serve; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on the Judiciary.

Mr. Speaker, Mr. Armstead and Delegate Rowan, on Behalf of all Members of the House of Delegates, offered the following resolution, which was read by the Clerk as follows:

**H. R. 9** – “Memorializing the life and lamenting the death of Dr. Ken Hechler.”

Whereas, Ken Hechler was born on September 20, 1914, in Roslyn, New York, the son of Charles Henry and Catherine Elizabeth Hauhart Hechler and the grandson of German immigrant, George Hechler; and

Whereas, Ken Hechler received a bachelor’s degree from Swarthmore College in 1935, where he helped organize campus support for President Franklin D. Roosevelt’s New Deal, much to

the chagrin of his staunchly Republican parents. He earned a master's degree in 1936 and Ph.D. in political science in 1940, both from Columbia University; and

Whereas, Dr. Hechler was drafted into the United States Army in 1942 and was originally trained as an infantryman and then as a tank commander. He was eventually assigned as an Army combat historian in Europe and rose to the rank of Colonel; and

Whereas, After the war, Dr. Hechler taught politics at Princeton University before joining President Harry Truman's administration as an adviser on local-level issues. He stayed throughout Truman's administration and into the administration of President Dwight D. Eisenhower; and

Whereas, From 1953 to 1957, Dr. Hechler was Associate Director of the American Political Science Association in Washington, D.C.; and

Whereas, Ken Hechler was then appointed to the faculty of Marshall College (now Marshall University) where he was a longtime presence on campus; and

Whereas, In 1958, he ran for, and won, a seat in the United States House of Representatives where he served nine terms before running for governor in 1976 but lost to a fellow New York transplant, Jay Rockefeller; and

Whereas, In 1984, Dr. Hechler ran for, and was elected Secretary of State where he served for sixteen years; and

Whereas, In addition to his public service, Dr. Ken Hechler was an accomplished author whose works included "The Bridge at Remagen", "Goering and His Gang", "West Virginia Memories of President Kennedy", and "Working with Truman: A Personal Memoir of the White House Years"; and

Whereas, In his later years, Ken Hechler was a political activist in support of workplace safety and environmental issues. On June 23, 2009, then aged 94, Dr. Hechler participated in a protest near

mountaintop removal mining sites in the West Virginia coalfields; and

Whereas, Unmarried for almost all of his life, Dr. Ken Hechler married Carol Kitzmiller, a longtime friend and fellow mountaintop removal protestor, on August 12, 2013; therefore, be it

*Resolved by the House of Delegates:*

That the members of the House of Delegates hereby publicly memorialize the life of Dr. Ken Hechler, and collectively mourn his death, while remembering that he leaves behind a legacy of success and accomplishment; that this House of Delegates proclaims that although Dr. Ken Hechler has passed from this earthly life, he will continue to live in the hearts and minds of those who knew him; and, be it

*Further Resolved,* That the Clerk of the House of Delegates prepare a certified copy of this resolution for his wife.

At the request of Delegate Cowles, and by unanimous consent, reference of the resolution (H. R. 9) to a committee was dispensed with, and it was taken up for immediate consideration.

The question now being on the adoption of the resolution, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 17**), 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: Ellington and Lewis.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the resolution (H. R. 9) adopted.

### **Bills Introduced**

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

**By Delegates Hill, Kessinger, N. Foster, Martin, Dean, Wilson, Sobonya, Arvon, Blair and C. Miller:**

**H. B. 2710** - “A Bill to amend and reenact §61-8D-4a of the Code of West Virginia, 1931, as amended, relating to including unborn child or fetus in statute setting criminal penalties for child neglect resulting in death”; to the Committee on the Judiciary.

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

**H. B. 2711** - “A Bill to amend and reenact §18-2-5b, §18-2-24, §18-2-26 and §18-2-26a of the Code of West Virginia, 1931, as amended; to amend and reenact §18-2E-5 of said code; to amend and reenact §18-5-13 and §18-5-45 of said code; to amend and reenact §18-9A-8a of said code; to amend and reenact §18-9D-16 of said code; to amend and reenact §18A-4-2 and §18A-4-14 of said code; and to amend and reenact §30-31-11 of said code, all relating generally to education; abolishing regional educational service agencies and providing for the transfer of property and records; establishing the County Superintendents’ Advisory Council; setting forth the council’s authority and responsibilities, including the formation of four geographic quadrants to carry out the work of the council; requiring reports; removing requirement of county boards within regional educational service agency areas RESA to meet to identify areas of shared services; removing the requirement of the West Virginia School Board Association submit annual reports on recommended county level shared services and functions to the Legislative Oversight Committee on Education Accountability; requiring state summative assessments in English Language Arts and Math to be administered in grades three through eight and once in grades nine through twelve; requiring state summative assessment in science to be administered once in grades three through eight, six through nine and ten through twelve; requiring the State Board of Education to review or develop and approve a college-and career readiness assessment to be administered in eleventh grade; eliminating the office of Education Performance Audits and transitioning to a process of continuous improvement and performance measures; amending school accreditation, accountability and school performance to include multiple measures; preventing the use of one measure for

accreditation of schools and school systems; including student growth as a measure that may be used for school and school system accreditation; eliminating intervention at the school level; changing the county level intervention process by the State Board of Education; transferring coordination functions of RESA to county school systems; requiring the State Board of Education to set a minimum number of hours or minutes of instructional time per year to use to meet one hundred eighty separate days of instruction; providing up to five days in the school calendar that may be ‘reimagined’ and used to meet the one hundred eighty separate days of instruction requirement; reducing funding allowance for RESA; removing ‘economies of scale’ language from guidelines for the School Building Authority project proposals; providing for a pay raise for classroom teachers; requiring uninterrupted time for planning periods each week to be used for instructional planning; and removing the outdated requirement for the State Board of Education to conduct a study on planning periods and report findings to the Legislative Oversight Committee on Education Accountability”; to the Committee on Education then Finance.

**By Delegates Wilson, Paynter, Maynard, Criss, Kelly, Dean and Folk:**

**H. B. 2712** - “A Bill to amend and reenact §61-6-19 of the Code of West Virginia, 1931, as amended, relating to permitting persons who have been issued state licenses to carry concealed deadly weapons to carry those weapons on the grounds of the State Capitol Complex, except for the third and fourth floors of the east wing of Building One”; to the Committee on the Judiciary.

**By Delegates Wilson, Paynter, N. Foster, Hill, Kelly, Higginbotham, Dean, Folk, Gearheart and Maynard:**

**H. B. 2713** - “A Bill to amend and reenact §18B-4-5a of the Code of West Virginia, 1931, as amended, relating to permitting the carrying of concealed weapons on the campus of a state institution of higher education”; to the Committee on Education then the Judiciary.

**By Delegates Wilson, Paynter, Maynard, N. Foster, Hill, Criss, Higginbotham, Dean and Folk:**

**H. B. 2714** - “A Bill to amend and reenact §61-7-11a of the Code of West Virginia, 1931, as amended, relating to permitting persons who have been issued state licenses to carry concealed deadly weapons pursuant to section four, article seven, chapter sixty-one of this code to possess a firearm or other deadly weapon on or in a private primary or secondary education building, structure or facility”; to the Committee on Education then the Judiciary.

**By Delegates Wilson, Phillips, Paynter, Higginbotham, Dean and Maynard:**

**H. B. 2715** - “A Bill to repeal §61-11-2 of the Code of West Virginia, 1931, as amended; to repeal §62-3-15 of said code; to amend and reenact §61-2-2 of said code; to amend said code by adding thereto seven new sections, designated §61-2-2a, §61-2-2b, §61-2-2c, §61-2-2d, §61-2-2e, §61-2-2f and §61-2-2g; and to amend said code by adding thereto four new sections, designated §62-7-4, §62-7-5, §62-7-6 and §62-7-6a, all relating to the death penalty for first degree murder; procedures, standards and findings applicable to imposition thereof in certain instances including aggravating and mitigating circumstances; sentencing; providing automatic review of the death penalty by the Supreme Court of Appeals; providing for forensic deoxyribonucleic acid (‘DNA’) testing of biological material in death penalty cases; providing for execution of the death sentence by lethal injection; providing for delivery of sentence of death to officer retaining custody of person so sentenced; providing for transmission of indictment, order of conviction, sentence and judgment entered thereon to the warden of the state correctional facility; transfer of person sentenced to death to the state correctional facility; execution; providing presence of certain persons be requested for the execution; providing for certification that sentence of death has been executed; and providing for disposition of the body”; to the Committee on the Judiciary then Finance.

**By Delegates Ward, Howell, McGeehan, Hamrick, Miley, Wilson, Hollen, Paynter, Frich, Butler and Arvon:**

**H. B. 2716** - “A Bill to amend and reenact §8-13-5 of the Code of West Virginia, 1931, as amended, relating to imposing an indefinite moratorium on new business and occupancy or privilege taxes in West Virginia municipalities; prohibiting municipalities that annex new territory from imposing preexisting business and occupancy or privilege taxes on businesses within the annexed territory; prohibiting municipalities from raising preexisting business and occupancy or privilege taxes; and permitting municipalities to lower preexisting business and occupancy or privilege taxes”; to the Committee on Political Subdivisions then Finance.

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

**H. B. 2717** - “A Bill to repeal §17-16B-1, §17-16B-2, §17-16B-3, §17-16B-4, §17-16B-5, §17-16B-6, §17-16B-7, §17-16B-7a, §17-16B-7b, §17-16B-8, §17-16B-9, §17-16B-10, §17-16B-11, §17-16B-12, §17-16B-13, §17-16B-14, §17-16B-15, §17-16B-16, §17-16B-17, §17-16B-18, §17-16B-19, §17-16B-20, §17-16B-21, and §17-16B-22 of the Code of West Virginia, 1931, as amended; to repeal §29-2A-1, §29-2A-2, §29-2A-3, §29-2A-3a, §29-2A-4, §29-2A-5, §29-2A-6, §29-2A-7, §29-2A-8, §29-2A-9, §29-2A-10, §29-2A-11, §29-2A-11a, §29-2A-11b, §29-2A-11c, §29-2A-11d, §29-2A-11e, §29-2A-11f, §29-2A-12, §29-2A-13, §29-2A-14, §29-2A-17, §29-2A-18, §29-2A-19, §29-2A-20, §29-2A-21, §29-2A-22, §29-2A-23, §29-2A-24, §29-2A-25, §29-2A-26, §29-2A-27 and §29-2A-28 of said code; to repeal §29-18-1, §29-18-2, §29-18-3, §29-18-4, §29-18-4a, §29-18-5, §29-18-6, §29-18-7, §29-18-8, §29-18-9, §29-18-10, §29-18-11, §29-18-12, §29-18-13, §29-18-14, §29-18-15, §29-18-16, §29-18-17, §29-18-18, §29-18-19, §29-18-20, §29-18-21, and §29-18-22, §29-18-23, §29-18-24, and §29-18-25 of said code; to amend and reenact §5F-2-1 of said code, and to amend said code by adding thereto a new article, designated §17-16F-1, §17-16F-2, §17-16F-3, §17-16F-4, §17-16F-5, §17-16F-6, §17-16F-7, §17-16F-8, §17-16F-9, §17-16F-10, §17-16F-11, §17-16F-12, §17-16F-13, §17-16F-14, §17-16F-15, §17-16F-16, §17-16F-17, §17-16F-18, §17-16F-19, §17-



16F-20, §17-16F-21, §17-16F-22, §17-16F-23, §17-16F-24, §17-16F-25, §17-16F-26, §17-16F-27, §17-16F-28, §17-16F-29, §17-16F-30, §17-16F-31 and §17-16F-32, all relating to the creation of the division of multimodal transportation; combining the powers and duties and eliminating certain references to the Public Port Authority, the West Virginia State Rail Authority and the state Aeronautics Commission; providing for legislative findings and creation of the division; transferring employees, equipment, assets, liabilities, contracts, agreements, functions and duties to the division; providing for all property currently held by the Public Port Authority, the West Virginia State Rail Authority and the state Aeronautics Commission to be transferred to the division; authorizing the Secretary of the Department of Transportation to appoint the director; providing for qualifications for the director; establishing general powers and duties of the director; defining terms; establishing the powers and duties of the division generally; requiring division to promote, supervise and support safe, adequate and efficient transportation, preserve rail, water, highway and airway facilities and promote economic development and tourism; authorizing division to work cooperatively with similar entities within and without the state; providing for siting, development and operation of facilities; authorizing employment of trained and qualified staff and consultants and compensating therefor; providing the right to enter into contracts and agreements; authorizing acquisition of various types and interests in property to be held in the name of the state; authorizing use of eminent domain; authorizing acquisition and disposal of property by various means; authorizing interagency cooperation; authorizing division to act on behalf of the state in planning, financing, development, construction, and operation of port, railroad and aeronautic projects or facilities; reporting annually to Legislature on status of projects, operations, finances and related information; authorizing study and assessment of state transportation needs; authorizing use of various financing options including issuing revenue bonds and receipt of grants and loans; authorizing division to make grants and loans to governmental agencies and persons for multimodal transportation projects; permitting collection of reasonable fees and charges connected to making and servicing loans, notes, bonds and other obligations; granting rule-making authority to the division;

continuing all rules, policies and orders of the combined entities until revised and reissued by the division; requiring strategic plan and reports to the Governor and the Legislature; requiring collection and analysis of shipping through state ports; providing for confidentiality of collected information and providing criminal penalty for violation; providing that division employees may not have direct or indirect financial interest in contracts, sale of property of the division and providing criminal penalty for violation; providing that activities of division are for public purpose; authorizing the division to use certain property or facilities of a public utility, common carrier, public road, highway or railroad for certain public projects; requiring the division to relocate any such property or facilities; providing for rules regarding relocation or removal of railroad or public utility located on division property; requiring the division to pay for said relocation or removal; encouraging participation of private enterprise in construction and operation of facilities; authorizing lease back to division; authorizing development of foreign trade zones, free trade zones, ports of entry, and customs zones; providing for specific duties related to port projects; authorizing the division to act on behalf of the state in developing, operating, improving and maintaining ports; authorizing the division to coordinate and cooperate with other port entities; creating the West Virginia Multimodal Operations Fund and transference of funds and liabilities of the West Virginia Public Port Authority Operations Fund; eliminating local port authority districts; providing for specific duties related to rail projects; authorizing the exercise of powers necessary to qualify for federal subsidies; authorizing various means to carry out rail projects that are consistent with state plan with other entities; providing authority for the division to establish, fund, construct, reconstruct, acquire, repair, replace, operate, maintain and make available to other entities railroad projects; providing that research and development of railroads may be conducted; providing that contracts may be entered into to acquire various rolling stock, equipment or trackage and providing the requirements therefor; providing for the authority to enter into agreements that are beneficial to railroad projects notwithstanding other code provisions, including the authority to reject bids; authorizing division to purchase various

types of insurance; authorizing the collection of fees for use of rail projects; providing for the administration and coordination of a state plan, including the distribution of federal subsidies; providing for investigation, research, promotion and development with public participation; authorizing the provision of fiscal assurances and adoption of accounting procedures necessary to continue subsidies; authorizing compliance with applicable federal regulations; authorizing all actions necessary to maximize federal assistance for rail subsidies; providing powers necessary to coordinate with the Maryland Transit Administration for continued operation in the state, including negotiation and contracting authority; providing that any commuter rail operation agreement will meet certain service standards; providing that any track access fees to be paid pursuant to the agreement shall be paid from the West Virginia Commuter Rail Access Fund; authorizing sale or transfer of interest in rail other property with federal approval when required; authorizing assistance to entities seeking federal railroad service certification, including the provision of any necessary assurances or guarantees; authorizing division to retain attorney or others to title ownership of rail properties within the state; requiring rail properties offered for sale within the state to be offered first to the state; providing that division may acquire railroad rights in other states and may cooperate with other states in so purchasing any rail properties; providing for the division to give consideration to county or municipality interest in acquiring abandoned property interest and providing for the division to acquire any such abandoned property for subsequent conveyance to a county or municipality; authorizing the division to apply for and utilize federal funds or loans in carrying out its purposes of this article; authorizing the purchase of any railroad rolling stock, equipment and machinery necessary for the operation and maintenance of state rail properties and authorizing contracts with the Division of Highways for maintenance or purchase of vehicles; authorizing maintenance, rebuilding or relocation of state rail properties and authorizing expenditures for the modernization, rebuilding and relocation of any rail properties owned by the state or private carrier; providing for contracting with domestic or foreign entities to provide, maintain or improve rail transportation service on state rail properties; providing for transfer of rail properties to other

entities within the state when permitted by the Governor; authorizing the division to resolve conflicts when multiple entities want to utilize the same rail property; providing for proceeds from the sale of state rail property to be deposited in Railroad Maintenance Fund; terminating Railroad Maintenance Authority Fund and creating a Railroad Maintenance Fund for proceeds and expenditures related to division's purpose; authorizing expenditure from any fund for study of proposed rail projects and use of funds from Railroad Maintenance Fund for study and engineering costs; authorizing the issuance of railroad maintenance revenue bonds and notes for costs of rail projects, including issuance of renewal notes and bond refund, with aggregate amount of all issues of bonds and notes outstanding at one time not exceeding amount capable of being serviced by revenues received; providing that issues of bonds or notes are negotiable instruments and are obligations of the division and are payable out of the its revenues which are pledged for such payment; providing for maturity date, terms of execution, sale, redemption and delivery; authorizing the establishment of various conditions necessary to secure sufficient funds to protect bonds or notes; providing that person executing bonds or notes is not personally liable therefor; providing for trust agreement to secure bonds issued by division and creating conditions therefor, not including mortgage of any rail project; allocating expenses of bond issuance or trust agreement to rail projects; providing for civil action for bondholders seeking to enforce rights granted; providing that bonds are payable from division revenues and are not a debt of state or political subdivision; restricting division from incurring debt on behalf of state or political subdivision; authorizing use of proceeds from bonds to carry out divisions powers and prohibiting commingling with other funds; providing for the investment of excess funds by West Virginia State Board of Investments; authorizing division to collect rents or revenues for use of rail projects; providing for cooperation with other governmental agencies to effect acquisition of rail project or bond issuance; authorizing division to maintain rail projects in good repair; providing that railroad maintenance bonds are lawful investments for various entities; continuing West Virginia Commuter Rail Access Fund which is administered by division director; requiring division to establish a state rail plan that

complies with federal requirements for funding; providing for specific duties related to aeronautics projects; authorizing division to advance development of aeronautics in cooperation with municipalities; authorizing rules necessary for public safety related to airports and aeronautics; providing for the expenditure of funds for various needs of civil air patrol; authorizing division to fund grants for public airport authorities; authorizing division to receive federal funding to support airports or air navigation facilities; and providing for procedures and conditions for use of federal funds”; to the Committee on Government Organization then Finance.

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

**H. B. 2718** - “A Bill to amend and reenact §11-13A-3 of the Code of West Virginia, 1931, as amended, relating generally to severance taxes imposed on the privilege of producing coal for sale, profit or commercial use; specifying effective date; and making technical corrections”; to the Committee on Energy then Finance.

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

**H. B. 2719** - “A Bill to amend and reenact §11-13A-3a of the Code of West Virginia, 1931, as amended, relating generally to severance tax imposed on privilege of severing natural gas for sale, profit or commercial use; specifying effective date; and making technical corrections”; to the Committee on Energy then Finance.

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

**H. B. 2720** - “A Bill to amend and reenact §18-9D-8 of the Code of West Virginia, 1931, as amended; relating to allowing the School Building Authority to transfer funds allocated into the School Construction Fund to a special revenue account in the State Treasury”; to the Committee on Education then Finance.

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

**H. B. 2721** - “A Bill to amend and reenact §17-27-5 and §17-27-9 of the Code of West Virginia, 1931, as amended, all relating

to the public-private transportation facilities act; removing the cost limitation on projects completed by the Division of Highways; and eliminating the sunset provision”; to the Committee on Roads and Transportation then Finance.

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

**H. B. 2722** - “A Bill to amend and reenact §17-2D-2 of the Code of West Virginia, 1931, as amended, relating to eliminating the financial limitations on utilizing the design-build program for highway construction”; to the Committee on Roads and Transportation then Finance.

**By Delegates Howell, Hamrick, Blair, Maynard, Paynter,  
Walters, Arvon, Hill, Queen, Criss and Ward:**

**H. B. 2723** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §3-5A-1, §3-5A-2, §3-5A-3, §3-5A-4, §3-5A-5, §3-5A-6, §3-5A-7 and §3-5A-8 all relating to elections generally; primary elections for nonpartisan offices including Justices of the Supreme Court, circuit court judges, family court judges, and magistrates; legislative findings; primary date; political parties presidential preference vote may be changed; election at primary under stated circumstances; municipal elections moved to general election dates and limitations of article”; to the Committee on the Judiciary.

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

**H. B. 2724** - “A Bill to amend and reenact §5-26-1 and §5-26-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §5-26-3 and §5-26-4, all relating to responsibilities and functions of the Herbert Henderson Office of Inclusion; changing the name of the Herbert Henderson Office of Minority Affairs to the Herbert Henderson Office of Inclusion; requiring the office to report to the Select Committee on Minority Affairs; requiring the director to review and consider any recommendations of the Select Committee on Minority Affairs; defining terms; continuing the Minority Affairs Fund under the name of the Office of Inclusion Fund; establishing a community-based pilot demonstration project;

providing for operation and funding of a pilot project; setting forth objectives and goals of said pilot project; and requiring the leveraging of existing resources”; to the Committee on Political Subdivisions then Health and Human Resources.

**By Delegates Howell, Hamrick, Atkinson, Householder, Arvon, Ellington, Walters, Shott, Hanshaw, Hill and Martin:**

**H. B. 2725** - “A Bill to amend and reenact §30-27-5 of the Code of West Virginia, 1931, as amended, relating to restricting the authority of the Board of Barbers and Cosmetologists to regulate the use of commonly available, retail beauty products”; to the Committee on Government Organization.

## House Calendar

### Third Reading

**Com. Sub. for H. B. 2001**, Relating to ethics and transparency in government; 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 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Ellington and Lewis.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2001) 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. 2028**, Relating to the venue for suits and other actions against the state; 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 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Ellington and Lewis.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2028) 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. 2359**, Relating to offenses and penalties for practicing osteopathic medicine without a license; 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 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: Ellington and Lewis.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2359) passed.

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

**Com. Sub. for H. B. 2359** – “A Bill to amend and reenact §30-14-12 of the Code of West Virginia, 1931, as amended, relating to offenses and penalties for practicing osteopathic medicine without a license; and creating a felony crime of practicing or attempting to practice osteopathic medicine without a license or permit and providing criminal penalties.”



*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. 2479**, Uniform Deployed Parents Custody and Visitation 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. 21**), 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: Ellington and Lewis.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2479) passed.

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

### Second Reading

**Com. Sub. for H. B. 2083**, Increasing the felony criminal penalties for exposing children to methamphetamine manufacturing; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2123**, Making the West Virginia Schools for the Deaf and Blind eligible to participate in any and all funding administered or distributed by the West Virginia School Building Authority; 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. 2486**, Providing that when a party's health condition is at issue in a civil action, medical records and releases for medical information may be requested and required without court order; 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. 2542**, Relating to public higher education personnel; on second reading, coming up in regular order, was read a second time.

Delegate Folk moved to amend the bill on page three, following the enacting section, by striking out the remainder of the bill and inserting in lieu thereof the following:

**“ARTICLE 1B. HIGHER EDUCATION POLICY COMMISSION.**

**§18B-1B-1. Higher education policy commission abolished; transfer of powers and duties.**

(a) The Higher Education Policy Commission is hereby abolished, effective July 1, 2017.

(b) All powers and duties of the Higher Education Policy Commission related to the internal governance of institutions of higher education shall be transferred to the governing boards of the institutions.

(c) All powers and duties of the Higher Education Policy Commission to provide, secure, or administer financial support for educational or research purposes, including, but not limited to, state or federal scholarships, grants, fellowships, and loans, shall be transferred to the respective institutions.

(d) All monetary assets of the Higher Education Policy Commission shall be transferred into the state’s General Revenue Fund. All other property of the Higher Education Policy Commission shall be disposed of or transferred in accordance with the requirements of section twelve, article ten, chapter four of this code.

(e) All powers and duties of the Higher Education Policy Commission to administer the Promise Scholarship program shall be transferred to the West Virginia State Treasurer’s Office.

(f) All powers and duties of the Higher Education Policy Commission related to WVNET shall be transferred to West Virginia University: *Provided*, That no higher education institution or agency shall be mandated to use WVNET provided services.”

Delegate Cowles arose to a point of order as to the germaneness of the amendment.

To the point of order, the Speaker replied that the purpose of the amendment went beyond the fundamental purpose of the bill and ruled that the amendment was not germane.

Delegate Fleischauer asked unanimous consent that the bill be advanced to third reading with amendments pending and the right to amend on third reading, which consent was not given, objection being heard.

On motion of Delegates Moye, Fleischauer, Caputo and Ferro the bill was amended on page fifteen, section three, line thirteen, following the words “after consultation with”, by inserting the words “and providing 30 days written notice to”.

On page twenty-one, section seven, line one, following the words “consulting with”, by inserting the words “and providing 30 days written notice to”.

And,

On page thirty-two, section one, line nine, following the word “consultation with”, by inserting the words “and providing 30 days written notice to”.

Delegates Moye, Fleischauer, Caputo and Ferro moved to amend the bill on page fourteen, section three, line fifteen, by reinserting the language “and for recall of employees laid off”.

Delegate Marcum requested to be excused from voting on the amendment under the provisions of House Rule 49.

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

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

The yeas and nays having been ordered, they were taken (**Roll No. 22**), and there were—yeas 43, nays 54, absent and not voting 3, with the yeas and absent and not voting being as follows:

Yeas: Anderson, Baldwin, Barrett, Bates, Boggs, Brewer, Byrd, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Folk, Frich, Hamilton, Hartman, Hicks, Hornbuckle, Iaquina, Isner, Kelly, Longstreth, Love, Lovejoy, Lynch, Marcum, Miley, R. Miller, Moye, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaugle, Thompson, Wagner, Ward and Williams.

Absent and Not Voting: Ellington, Lewis and Walters.

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

Delegates Moye, Fleischauer, Caputo and Ferro moved to amend the bill on page fourteen, section three, lines six through nine, by reinserting the stricken language.

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

The yeas and nays having been ordered, they were taken (**Roll No. 23**), and there were—yeas 35, nays 62, absent and not voting 3, with the yeas and absent and not voting being as follows:

Yeas: Baldwin, Barrett, Bates, Boggs, Brewer, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Folk, Hamilton, Hartman, Hicks, Hornbuckle, Isner, Longstreth, Love, Lovejoy, Lynch, Marcum, Miley, R. Miller, Moye, Pethtel, Pushkin, Pyles, Rodighiero, Sponaugle, Thompson, White and Williams.

Absent and Not Voting: Ellington, Lewis and Walters.

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

There being no further amendments, the bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 2585**, Creating felony crime of conducting financial transactions involving proceeds of criminal activity; 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. 2420**, Providing that the State Board of Education may delegate its Medicaid provider status and subsequent reimbursement to regional educational service agencies or county boards; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 2506**, Relating to the permit limit calculations and allowing overlapping mixing zones for calculating permit limits for drinking water criteria; on first reading, coming up in regular order, was read a first time.

Delegate Pushkin submitted a written motion that Com. Sub. for H. B. 2506 be rejected pursuant to House Rule 103.

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

On this motion the yeas and nays were taken (**Roll No. 24**), and there were—yeas 25, nays 72, absent and not voting 3, with the yeas and absent and not voting being as follows:

Yeas: Baldwin, Barrett, Bates, Byrd, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hornbuckle, Iaquinta, Isner, Longstreth, Love, Lovejoy, Lynch, Pushkin, Pyles, Robinson, Rowe, Sponaugle and Williams.

Absent and Not Voting: Ellington, Lewis and Walters.

So, a majority of the members present and voting not having voted in the affirmative, the motion for the bill to be rejected did not prevail.

The bill was 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 Ellington and Lewis.

### **Miscellaneous Business**

Delegate Caputo asked and obtained unanimous consent that the remarks of Delegate Fluharty and Delegate Storch during Remarks by Members today be printed in the Appendix to the Journal.

Delegate N. Foster filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2329.

Delegate Isner filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2329.

Delegate C. Miller filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2329.

Delegate Ward filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2329.

Delegate Upson filed forms with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2418 and H. B. 2439.

Delegate Frich filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2475.

Delegate Ward filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2475.

Delegate Moore filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2475.

Delegate Westfall filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2475.

Delegate White filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2475.

Delegate Lovejoy filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2566.

Delegate R. Romine filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2688.

At 1:17 p.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, February 28, 2017.





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Tuesday, February 28, 2017

**TWENTY-FIRST DAY**

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

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

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

The Clerk proceeded to read the Journal of Monday, February 27, 2017, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2364**, Prohibiting electioneering within or near early voting locations during early voting periods,

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

**Com. Sub. for H. B. 2364** – “A Bill to amend and reenact §3-1-37 of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-9-9 of said code, relating to restrictions on presence and conduct at or within 100 feet of polls, defining electioneering, prohibiting electioneering in or within 100 feet of a polling place, prohibiting electioneering in or within 100 feet of early voting polling places during early voting periods, providing exceptions to electioneering prohibitions for persons upon private property, and making stylistic changes to outdated language,”

And,

**H. B. 2619**, Risk Management and Own Risk and Solvency Assessment Act,

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

**Com. Sub. for H. B. 2619** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-40B-1, §33-40B-2, §33-40B-3, §33-40B-4, §33-40B-5, §33-40B-6, §33-40B-7, §33-40B-8, §33-40B-9 and §33-40B-10, all relating to insurer risk management and solvency assessment; setting forth the purpose and scope of the article; defining terms; setting forth the requirement that insurers must maintain a risk management framework to assist the insurer with identifying, assessing, monitoring, managing and reporting on its material and relevant risks; setting forth and providing requirements for the own risk and assessment summary report; providing exemptions to the summary report requirements; providing confidentiality requirements related to the summary report; providing sanctions for failing to submit the summary report; and providing the effective date of this article,”

With the recommendation that the committee substitutes each do pass.

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

Your Committee on Education has had under consideration:

**H. B. 2651**, Relating generally to standardized testing requirements for nonpublic schools,

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

**Com. Sub. for H. B. 2651** B AA Bill to amend and reenact §18-28-3 of the Code of West Virginia, 1931, as amended, relating generally to standardized testing requirements for nonpublic schools; removing outdated language; requiring standardized test to be administered to nonpublic students at same grade levels and

subject areas required in public schools; requiring the test administered to be a nationally normed standardized achievement test published or normed within ten years from the date of administration; allowing additional testing at sole discretion of school; limiting accountability for composite scores to grade levels and subject areas required in public schools; removing requirement that every child be tested; and requiring minimum student participation rate on test for composite score to be valid,@

With the recommendation that the committee substitute do pass.

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

Your Committee on Education has had under consideration:

**H. B. 2373**, Authorizing school bus drivers trained in administration of epinephrine auto-injectors to administer auto-injectors,

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. 2373) was referred to the Committee on the Judiciary.

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

Your Committee on Government Organization has had under consideration:

**H. B. 2502**, Relating to reciprocity of occupational licenses with other states,

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

**Com. Sub. for H. B. 2502** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,

designated §30-1-21, relating to reciprocity of professional and occupational licenses with other states or jurisdictions; proscribing requirements of applicants; and providing for background checks and interviews of applicants,”

With the recommendation that the committee substitute do pass.

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

Your Committee on Government Organization has had under consideration:

**H. B. 2343**, Requiring the State Police to lease rather than buy vehicles if cost effective,

And,

**H. B. 2475**, Authorizing the Tax Commissioner to collect tax, interest and penalties due and owing from payments to vendors and contractors from the Auditor and other state, county, district or municipal officers and agents,

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 (H. B. 2343 and H. B. 2475) were each referred to the Committee on Finance.

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

Your Committee on Government Organization has had under consideration:

**H. B. 2630**, Authorizing the West Virginia Board of Medicine and the West Virginia Board of Osteopathic Medicine to share staff,

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

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2684**, Imposing penalties for repeat violations of the prohibition against driving under the influence on a suspended license,

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

### **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. 80** - “A Bill to amend and reenact §61-3-11 of the Code of West Virginia, 1931, as amended, relating to burglary; eliminating the offense of daytime burglary; making breaking and entering or entering without breaking into a dwelling or outbuilding thereof a felony regardless of time of day; and establishing the penalty for burglary”; 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. 164** - “A Bill to amend and reenact §17C-17-5 of the Code of West Virginia, 1931, as amended, relating to traffic regulations and special load limits; changing the load limitation of a digger or derrick line truck from forty feet to forty-five feet in length; increasing from six to nine feet the distance a load may extend beyond the foremost part of the truck; and increasing from nine to

eleven feet the distance a load may extend beyond the rear of the body of the truck”; which was referred to the Committee on Roads and Transportation then the Judiciary.

A message from the Senate, by

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

**Com. Sub. for S. B. 204** - “A Bill to amend and reenact §5-1-22 of the Code of West Virginia, 1931, as amended, relating to filling vacancies in offices by appointment of the Governor; providing for what shall be considered an appointment; and requiring that persons appointed to fill a vacancy have the same qualifications for the vacated office and receive same compensation and expenses for the office otherwise provided by law”; 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 July 1, 2017, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 231** - “A Bill to amend and reenact §18-2-5b of the Code of West Virginia, 1931, as amended, relating to the State Board of Education and Medicaid-eligible children; and providing that the state board may delegate its provider status and subsequent reimbursement to regional education service agencies or county boards subject to the county board determining that there is a net benefit and no detraction from the educational program of the county.”

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the bill (S. B. 231) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading

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. 330** - “A Bill to amend and reenact §21-5G-1 and §21-5G-7 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia Workplace Freedom Act; eliminating the term “state” from the definitions section of the act; eliminating provisions addressing the construction of the West Virginia Workplace Freedom Act; eliminating language regarding the applicability of the West Virginia Workplace Freedom Act to collective bargaining or collective bargaining agreements in the building and construction industry; clarifying dates of applicability; and specifying that changes are to be applied retroactively”; 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. 349** - “A Bill to repeal §25-1-10 of the Code of West Virginia, 1931, as amended, relating to the Commissioner of the Division of Corrections being responsible to insure all state buildings and property”; which was referred to the Committee on Government Organization.

### **Bills Introduced**

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

**By Delegates Shott, R. Miller, Kessinger, Lane, Byrd and Isner:**

**H. B. 2726** - “A Bill to amend and reenact §62-11B-9 of the Code of West Virginia, 1931, as amended, relating generally to authorizing home incarceration officers to arrest participants for violating the terms and conditions of his or her supervision with or without a court order”; to the Committee on the Judiciary.

**By Delegates Pushkin, Higginbotham, Hornbuckle, Shott, Miley, Hanshaw, Rowe, Lane, Fleischauer, Byrd and Robinson:**

**H. B. 2727** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §25-1-9,

relating to facilitating a released inmate's reintegration into society, by requiring the Commissioner of the Division of Motor Vehicles and Commissioner of Corrections, to provide an identification card for released inmates who do not have a West Virginia identification card or driver's license"; to the Committee on the Judiciary then Finance.

**By Delegate Love:**

**H. B. 2728** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9-4F-1, §9-4F-2 and §9-4F-3, all relating to creating the Medicaid Laboratory Reimbursement Data Consolidation and Redundancy Act within the Department of Health and Human Resources; and providing that a reporting system is to be created allowing pharmacies to determine what prescriptions have been filled for a Medicaid recipient at different pharmacies; providing that the system also track laboratory work; and requiring legislative rules"; to the Committee on Health and Human Resources then Finance.

**By Delegates Frich, Storch, Butler, Householder, Longstreth, Hamilton, A. Evans, Ellington, Blair, Anderson and Westfall:**

**H. B. 2729** - "A Bill to amend and reenact §24-6-6b of the Code of West Virginia, 1931, as amended, relating to giving the West Virginia State Police an additional 15¢ from the wireless enhanced 911 fee to be used for the operation of its forensic laboratory"; to the Committee on Finance.

**By Delegates Eldridge, Paynter, R. Miller, Marcum and Maynard:**

**H. B. 2730** - "A Bill to amend and reenact §16-49-1 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Clearance for Access: Registry and Employment Screening Act; and adding applicants for child care and foster care subject to background checks"; to the Committee on the Judiciary.

**By Delegates Shott, R. Miller, Kessinger, Lane and Byrd:**

**H. B. 2731** - "A Bill to amend and reenact §51-2-2 of the Code of West Virginia, 1931, as amended, relating to clarifying that only civil actions with controversial amounts exceeding \$10,000 must



be heard in circuit court, except in actions relating to real estate installment sales contracts or actions confined exclusively by the Constitution to some other tribunal”; to the Committee on the Judiciary.

**By Delegates Shott, R. Miller, Kessinger, Lane, Byrd and Isner:**

**H. B. 2732** - “A Bill to amend and reenact §49-4-605 of the Code of West Virginia, 1931, as amended, relating to standards for termination of parental rights in child abuse and neglect cases; and correcting a technical error”; to the Committee on the Judiciary.

**By Delegates Moore, Mr. Speaker (Mr. Armstead), O’Neal, Cowles, Householder and Espinosa:**

**H. B. 2733** - “A Bill to amend and reenact §5-1A-4 of the Code of West Virginia, 1931, as amended, relating to requiring a detailed explanation of any appropriation designated as “Other assets” in the Governor’s proposed budget expenditures”; to the Committee on Finance.

**By Delegates Boggs and Westfall:**

**H. B. 2734** - “A Bill to amend and reenact §11-6C-1, §11-6C-2, §11-6C-3, §11-6C-4 and §11-6C-5 of the Code of West Virginia, 1931, as amended; and to amend said code, by adding thereto a new section, designated §11-6C-6, all relating to authorizing a method for the collection and remittance of property taxes related to dealers’ heavy equipment inventory”; to the Committee on Finance.

**By Delegates Sobonya, C. Romine, C. Miller, Westfall, Butler, Atkinson, White, Householder, Frich, N. Foster and Summers:**

**H. B. 2735** - “A Bill to amend and reenact §30-5-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-5-25a, all relating generally to requiring the Board of Pharmacy to review, investigate and make appropriate referrals of reports of suspicious orders of controlled substances; authorizing the board to investigate suspicious orders by controlled substances registrants and to conduct hearings on the denial, suspension or revocation of

registrations; directing the board to maintain a log of reports of suspicious orders; requiring reports to be reviewed by the Attorney General; and directing reports of suspicious orders to be referred to agencies and authorities with appropriate jurisdiction”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Ellington:**

**H. B. 2736** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-25, relating to the selling of certain state owned long-term care facilities by the Secretary of the Department of Health and Human Resources; creating in the State Treasury a special revenue account to be known as the ‘Health Care Facilities Liquidation Fund’; requiring the secretary to prepare an accounting of all such assets, and providing that expenditures from the fund are not authorized from collections deposited in the fund but are to be made only in accordance with appropriation by the Legislature”; to the Committee on Health and Human Resources then Finance.

**By Delegates Shott, R. Miller, Kessinger, Lane, Byrd and Isner:**

**H. B. 2737** - “A Bill to repeal §38-5B-8 of the Code of West Virginia, 1931, as amended, to amend and reenact §29-12D-1a of said code; to amend and reenact §38-5B-5 and §38-5B-9 of said code; to amend and reenact §49-4-716 of said code; and to amend and enact §51-2A-8 of said code, all relating to eliminating certain fees generated by suggestee executions and providing more efficient collection and submission of state moneys received as a result of certain court transactions or court services”; to the Committee on Finance.

**By Delegates Espinosa, Statler, Dean, Blair, Westfall, Higginbotham, Moore, Wilson, Cooper and Upson:**

**H. B. 2738** - “A Bill to amend and reenact §18A-2-7 of the Code of West Virginia, 1931, as amended, relating generally to the transfer of school personnel; providing flexibility in the employee transfer process; removing April 1 deadline for notifying employee that he or she is being considered for transfer; requiring employee to be transferred be provided with a statement of the reason for the proposed transfer; removing requirement that employee to be

transferred request reason for transfer in writing; requiring hearing on proposed transfer occur within twenty days of receipt of a hearing request; requiring transferred employee to report to the new assignment upon the date specified in the notice, but no sooner than ten days following receipt of notice, unless another date can be mutually agreed upon by the superintendent and employee; and removing the reassignment process that can occur when actual student enrollment in a grade level or program is unforeseen on or before May 1 of the preceding school year”; to the Committee on Education.

**By Delegates Summers, Ellington, Howell and Statler:**

**H. B. 2739** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated, §9-5-25, relating to supplemental Medicaid provider reimbursement”; to the Committee on Health and Human Resources then Finance.

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

**H. B. 2740** - “A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2017 in the amount of \$18,600,000 from the Department of Revenue, Office of the Secretary – Revenue Shortfall Reserve Fund, fund 7005, fiscal year 2017, organization 0701, and making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Administration, Division of Finance, fund 0203, fiscal year 2017, organization 0209, and to the Department of Administration, Public Defender Services, fund 0226, fiscal year 2017, organization 0221, by supplementing and amending the appropriations for the fiscal year ending June 30, 2017”; to the Committee on Finance.

## **House Calendar**

### **Third Reading**

**Com. Sub. for H. B. 2083**, Increasing the felony criminal penalties for exposing children to methamphetamine

manufacturing; 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. 25**), and there were—yeas 98, nays 2, absent and not voting none, with the nays being as follows:

Nays: Folk and McGeehan.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2083) 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. 2123**, Making the West Virginia Schools for the Deaf and Blind eligible to participate in any and all funding administered or distributed by the West Virginia School Building Authority; 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. 26**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2123) passed.

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

On this question, the yeas and nays were taken (**Roll No. 27**), and there were—yeas 100, nays none, absent and not voting none.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2123) 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. 2486**, Providing that when a party's health condition is at issue in a civil action, medical records and releases for medical information may be requested and required without court order; 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. 28**), and there were—yeas 68, nays 31, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Baldwin, Barrett, Bates, Boggs, Brewer, Canestraro, Caputo, Dean, Diserio, Eldridge, E. Evans, Ferro, Fluharty, Hartman, Hicks, Hornbuckle, Iaquina, Isner, Love, Lovejoy, Lynch, Marcum, Miley, Phillips, Pyles, Rodighiero, Rowe, Sponaugle, Thompson, Upson and Williams.

Absent and Not Voting: Cowles.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2486) 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. 2542**, Relating to public higher education personnel; on third reading, coming up in regular order, was reported by the Clerk.

Delegate Byrd moved to postpone the bill one day, retaining its place on the calendar.

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

The yeas and nays having been ordered, they were taken (**Roll No. 29**), and there were—yeas 37, nays 62, absent and not voting 1, with the yeas and absent and not voting being as follows:

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

Absent and Not Voting: Cowles.

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

The bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 30**), and there were—yeas 61, nays 38, absent and not voting 1, with the yeas and absent and not voting being as follows:

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

Absent and Not Voting: Cowles.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2542) 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. 2585**, Creating felony crime of conducting financial transactions involving proceeds of criminal activity; on third reading, coming up in regular order, was reported by the Clerk.

Delegate Wilson asked unanimous consent to amend the bill on third reading, which consent was not given, objection being heard.

The bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 31**), and there were—yeas 78, nays 21, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Baldwin, Barrett, Brewer, Diserio, Eldridge, E. Evans, Folk, Hicks, Hornbuckle, Iaquina, Longstreth, Lynch, Martin, McGeehan, Paynter, Pushkin, Rodighiero, Rowe, Sponaugle, Wagner and Williams.

Absent and Not Voting: Cowles.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2585) passed.

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

### **Second Reading**

**Com. Sub. for H. B. 2420**, Providing that the State Board of Education may delegate its Medicaid provider status and subsequent reimbursement to regional educational service agencies or county boards; on second reading, coming up in regular order, was read a second time.

Delegates Wilson and Folk moved to amend the bill on page one, section five-b, line three, following the word “program”, by

striking out the word “and”, and inserting the words “for whom parental consent has been obtained”.

And,

On page two, line twenty-six, following the word “eligible”, by inserting the words “and for which parental consent has been obtained”.

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

The yeas and nays having been ordered, they were taken (**Roll No. 32**), and there were—yeas 26, nays 68, absent and not voting 6, with the yeas and absent and not voting being as follows:

Yeas: Brewer, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Folk, Frich, Hill, Hornbuckle, Isner, Love, Marcum, Martin, McGeehan, Miley, R. Miller, O’Neal, Paynter, Rodighiero, Sponaugle, Thompson, Ward, Williams and Wilson.

Absent and Not Voting: Bates, Cowles, Hamrick, Maynard, Pyles and Walters.

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

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 2506**, Relating to the permit limit calculations and allowing overlapping mixing zones for calculating permit limits for drinking water criteria; on second reading, coming up in regular order, was read a second time.

Delegate Pushkin moved to amend the bill on page two, section seven-b, line twenty-eight, following the period, by inserting the following:

“At locations where mixing zones are allowed to overlap, the Secretary shall require the permittee to post signage on the shoreline in near proximity to the water body mixing zone, in lettering at least one inch in height, a notice that reads ‘Warning - Pollution



mixing zone, stream pollution in this area exceeds state water quality standards. SWIM AT YOUR OWN RISK!”

Delegate Pushkin then asked and obtained unanimous consent to offer a reformed amendment on page two, section seven-b, line twenty-eight, following the period, by inserting the following sentence:

“At locations where mixing zones are allowed to overlap, the Secretary shall require permittees to indicate on their required signage an indication that mixing zones overlap in a particular vicinity”.

After debate, Delegate Pushkin subsequently asked and obtained unanimous consent to reinstate the original amendment.

Delegate Hanshaw then moved to amend the amendment by Delegate Pushkin, by striking out everything following the word “Secretary” and inserting in lieu thereof “shall require permittees to indicate on their required signage an indication that mixing zones overlap in a particular vicinity.”

On the adoption of the amendment to the amendment, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 33**), and there were—yeas 58, nays 35, absent and not voting 7, with the nays and absent and not voting being as follows:

Nays: Baldwin, Barrett, Bates, Brewer, Byrd, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Gearheart, Hornbuckle, Jaquinta, Isner, Longstreth, Love, Lovejoy, Lynch, Miley, R. Miller, Moore, Moye, Paynter, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaugle, Thompson and Williams.

Absent and Not Voting: Cowles, A. Evans, Hamilton, Hicks, Marcum, Phillips and Walters.

So, a majority of the members present and voting having voted in the affirmative, the amendment to the amendment was adopted.

The amendment offered by Delegate Pushkin, as amended, was then adopted.

The bill was then ordered to engrossment and third reading.

### **First Reading**

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

**Com. Sub. for H. B. 2329**, Prohibiting the production, manufacture or possession of fentanyl,

**Com. Sub. for H. B. 2620**, West Virginia Drug Overdose Monitoring Act,

**Com. Sub. for H. B. 2646**, Terminating the Women's Commission and discontinuing its functions,

And,

**Com. Sub. for H. B. 2648**, Increasing penalties for manufacturing or transportation of a controlled substance in the presence of a minor.

### **Miscellaneous Business**

Delegate Lewis noted to the Clerk that he was absent on February 27, 2017, when the votes were taken on Roll Nos. 18, 19, 20, 21, 22 and 23, and that had he been present, he would have voted "Yea" on Roll Nos. 18 through 21 and "Nay" on Roll Nos. 22 and 23.

Delegate E. Evans asked and obtained unanimous consent for a moment of silence for a fallen miner.

Delegate Caputo asked and obtained unanimous consent that the remarks of Delegate E. Evans during Remarks by Members be printed in the Appendix to the Journal.

Delegate Folk asked and obtained unanimous consent that the remarks of Delegate McGeehan regarding Com. Sub. for H. B. 2585 be printed in the Appendix to the Journal.

Delegate Eldridge filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2566.

Delegate Frich filed forms with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2037, H. B. 2726, H. B. 2732 and H. B. 2739.

At 1:36 p. m., the House of Delegates adjourned until 11:00 a.m., Wednesday, March 1, 2017.



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Wednesday, March 1, 2017

**TWENTY-SECOND 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 Tuesday, February 28, 2017, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**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:

**H. B. 2641**, Relating to pension benefits exempt from state income taxation,

And,

**H. B. 2663**, Increasing the compensation for natural resources police officers,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2641 and H. B. 2663) 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:

**H. B. 2662**, Prohibiting the waste of game animals, game birds or game fish,

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. 2662) was referred to the Committee on the Judiciary.

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. B. 2346**, Relating to motor vehicle license plates,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2346) was referred to the Committee on Government Organization.

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. B. 2363**, Requiring that a state employee with a commercial driver's license have a current medical evaluation certification,

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. 2363) was referred to the Committee on the Judiciary.

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. B. 2402**, Relating to abandoned antique vehicles,

And,

**H. B. 2415**, Relating to construction of industrial access roads with state funds,

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 (H. B. 2402 and H. B. 2415) were each referred to the Committee on Finance.

Delegate Fast, Chair of the Committee on Industry and Labor, submitted the following report, which was received:

Your Committee on Industry and Labor has had under consideration:

**H. B. 2555**, Relating to tax credits for apprenticeship training in construction trades,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2555) 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:

**H. B. 2453**, Expanding the list of persons the Commissioner of Agriculture may license to grow or cultivate industrial hemp,

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. 2453) was referred to the Committee on the Judiciary.

Delegate Storch, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

**H. B. 2356**, Relating to the approval of the Historic Landmarks Commission,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2356) was referred to the Committee on Government Organization.

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



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

**H. B. 2428**, Establishing additional substance abuse treatment facilities,

And,

**H. B. 2457**, Creating the West Virginia Addictions Treatment and Recovery Fund,

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 (H. B. 2428 and H. B. 2457) were each referred to the Committee on Finance.

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

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

**H. B. 2520**, Prohibiting the use of a tanning device by a person under the age of eighteen,

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. 2520) was referred to the Committee on the Judiciary.

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

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

**H. B. 2195**, Relating to requiring comprehensive drug awareness and prevention program in all public schools,

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 Education.

In accordance with the former direction of the Speaker, the bill (H. B. 2195) was referred to the Committee on Education.

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. 2653**, Extending the Multi State Real-Time Tracking System,

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 Finance be dispensed with.

In the absence of objection, reference of the bill (H. B. 2653) to the Committee on Finance was abrogated.

Delegate Walters, 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. 2586**, Relating to required minimum distribution of retirement benefits of plans administered by the Consolidated Public Retirement Board,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2586) was referred to the Committee on Finance.

Delegate Walters, 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. 2600**, Relating to the Municipal Police and Fire Retirement System,

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. 2600) was referred to the Committee on Finance.

Delegate Walters, 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. 2601**, Relating to municipal policemen's or municipal firemen's pension and relief funds,

**H. B. 2603**, Relating to municipal policemen's or firemen's pension and relief funds that are funded at one hundred and twenty-five percent or more,

And,

**H. B. 2604**, Relating to employee information reported to the Consolidated Public Retirement Board,

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 (H. B. 2601, H. B. 2603 and H. B. 2604) were each referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2509**, Relating to the practice of telemedicine,

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

**Com. Sub. for H. B. 2509** – “A Bill to amend and reenact §30-3-13a of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-14-12d of said code, all relating to the practice of telemedicine; certain prescription limitations lifted,@

With the recommendation that the committee substitute do pass.

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2459**, Relating to regulation of health care and the certificate of need process,

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

**Com. Sub. for H. B. 2459** – “A Bill to repeal §16-2D-5f of the Code of West Virginia, 1931, as amended; and to amend and reenact §16-2D-2, §16-2D-3, §16-2D-4, §16-2D-9, §16-2D-10, §16-2D-11, §16-2D-13 and §16-2D-16 of said code, all relating to regulation of health care and the certificate of need process,”

With the recommendation that the committee substitute do pass.

Your Committee on Finance has had under consideration:

**H. B. 2590**, Updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act,

And,

**H. B. 2594**, Updating the meaning of federal adjusted gross income and certain other terms used in the West Virginia Personal Income Tax Act,

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

### **Messages from the Senate**

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. 125** - “A Bill to amend and reenact §64-5-1 and §64-5-2 of the Code of West Virginia, 1931, as amended, all relating to authorizing the Health Care Authority to promulgate a legislative rule relating to the Hospital Assistance Grant Program; authorizing the Health Care Authority to promulgate a legislative rule relating to certificate of need; authorizing the Health Care Authority to promulgate a legislative rule relating to exemption from certificate of need; authorizing the Health Care Authority to promulgate a legislative rule relating to Rural Health Systems Grant Program; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to expedited partner therapy; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to clinical laboratory technician and technologist licensure and certification; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to clandestine drug laboratory remediation; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medication-assisted treatment–opioid treatment programs; and authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medication-assisted treatment-office-

based, medication-assisted treatment”; 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. 214** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §39-6-1, §39-6-2, §39-6-3, §39-6-4, §39-6-5, §39-6-6, §39-6-7, §39-6-8, §39-6-9, §39-6-10 and §39-6-11, all relating to adopting the Uniform Electronic Legal Material Act; providing a short title; providing applicability to legal materials designated official; designating legal material in official records; providing for authentication of electronic records; addressing effects of authentication, providing for preservation and security of legal material in official electronic record; providing for public access to legal materials in electronic records; creating standards for preservation and authentication; providing uniformity of application and construction; and addressing its effect on the Electronic Signatures in Global and National Commerce 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

**S. B. 321** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10D-12, relating to employee information reported to the Consolidated Public Retirement Board; requiring employers to report all individuals employed; and specifying required minimum reporting requirements”; 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

**S. B. 426** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §64-12-1, relating to repealing a Division of Natural Resources’ legislative rule relating to the Litter Control Grant Program”; which was referred to the Committee on the Judiciary.

### **Resolutions Introduced**

Delegates Marcum, Phillips, Hicks, Thompson, Hamrick, Dean, Westfall, Frich and Deem 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 No. 30-52 2.73 (30A110) (37.82180, -82.39737) between Kermit and East Kermit, locally known as the Upper Burning Creek Bridge, carrying U. S. 52 over Upper Burning Creek & NS Railroad in Mingo County, the ‘Johnny O’Dell Linville Memorial Bridge’.”

Whereas, Johnny O’Dell Linville was born April 29, 1947, to Lenhart and Hazel Lovejoy Linville in their home at Palermo, Lincoln County, West Virginia. The family moved to Kermit, West Virginia when Johnny was three years of age. He had four brothers and two sisters. He was educated in Kermit. He married Dorothy Spaulding Linville on September 3, 1966. They had one daughter, Rhonda Linville Muncy. Johnny served as the mayor in the Town of Kermit for over seventeen years, while also serving as a councilman for three years. He played a pivotal role in a multitude of projects, including the Kermit Community Park that serves to this day as a popular gathering place for social events and town’s new sewer system. He also planted trees and flowers throughout the town. His love for the town was shown in his efforts to make Kermit the Cleanest Little Town in West Virginia. One of his slogans was: “If you litter in Kermit, you have had a bad day!” This resulted in the perpetrator receiving a hefty fine. He played a huge part in the creation of the baseball field at East Kermit and he would work the PA system for hours each day, and announce the names of the baseball players from the press box. He would be there from opening day to the season finale, from the top to the bottom of the

schedule each day, always with a smile on his face, knowing the benefits that the field provided for the community and its children. Johnny died on March 1, 2016, following a two year struggle with kidney disease. He is survived by his loving wife of 49 years Dorothy Spaulding Linville of Kermit, his daughter, Rhonda Linville Muncy, son-in-law Gabe Muncy, and grandson, John Alex Muncy, who is a student at Marshall University; and

Whereas, Naming this bridge in his hometown is an appropriate recognition of Mayor Johnny O'Dell Linville's contributions to his community; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name Bridge No. 30-52 2.73 (30A110) (37.82180, -82.39737) between Kermit and East Kermit, locally known as the Upper Burning Creek Bridge, carrying U. S. 52 over Upper Burning Creek & NS Railroad in Mingo County, the "Johnny O'Dell Linville 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 "Johnny O'Dell Linville Memorial Bridge"; and, be it

*Further Resolved*, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation.

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

**H. C. R. 29** – "Requesting the Division of Highways to name Bridge Number 23-10-19.39 (23A365) (37.84226, -81.97681), locally known as Guyandotte River Bridge, carrying WV 10 over Guyandotte River in Logan County, the 'U.S. Army SGT Denver E. Short Memorial Bridge'."

Whereas, Denver E. Short was born May 6, 1921, in Logan County at Davin on Huff Creek; he attended Man High School and



later married Margaret Parsons from West Logan and they had two daughters, Katy Short Ojeda and Brenda Short Thomas; and

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

Whereas, As a platoon sergeant in Headquarters Battery of the 155<sup>th</sup> Airborne Anti-aircraft Battalion, Sergeant Denver E. Short served in four European wartime campaigns in Normandy, the Rhineland, the Ardennes and central Europe; and

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

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

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

Whereas, Naming Bridge Number 23-10-19.39 (23A365) (37.84226, -81.97681), locally known as Guyandotte River Bridge, carrying WV 10 over Guyandotte River in Logan county, the “U.S. Army SGT Denver E. Short Memorial Bridge” is an appropriate recognition of his service and sacrifices for his country as a part of “The Greatest Generation” and service to his state, community and Logan County; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name Bridge Number 23-10-19.39 (23A365) (37.84226, -81.97681), locally known as Guyandotte River Bridge, carrying WV 10 over Guyandotte River in Logan county, the “U.S. Army SGT Denver E. Short 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. Army SGT Denver E. Short Memorial Bridge”; and, be it

*Further Resolved*, That the Clerk of the House of Delegates is hereby requested to forward a certified copy of this resolution to the Secretary of the Department of Transportation.

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

**H. C. R. 30** – “Requesting the Division of Highways to name, Bridge Number 22-37-4.35 (22A059), latitude 38.10346, longitude -82.17775, on Route 37 in Lincoln County, locally known as East Fork Bridge, as the ‘U.S. Army PFC Cornelious Wiley Memorial Bridge’.”

Whereas, Cornelious Wiley was born May 24, 1921, in Ranger, Lincoln County, West Virginia; and

Whereas, Cornelious Wiley served in the U.S. Army 80<sup>th</sup> Division, 905<sup>th</sup> Field Artillery Battalion; and

Whereas, Cornelious Wiley died serving his country on September 1, 1944; and

Whereas, It is fitting to honor Cornelious Wiley’s life and service by naming the bridge at the mouth of Barberry Road after him; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name Bridge Number 22-37-4.35 (22A059), latitude 38.10346, longitude -82.17775, on Route 73 in Lincoln County, locally known as East Fork Bridge, as the “U.S. Army PFC Cornelious Wiley 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, proclaiming the bridge the “U.S. Army PFC Cornelious Wiley Memorial Bridge”, and, be it

*Further Resolved*, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation.

Delegates Sponaugle, Barrett, Miley, Caputo, Pushkin and Hanshaw offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. R. 10** – “Relating to empowering the House Committee on the Judiciary to investigate allegations of impeachable offenses against Steven O. Callaghan, Circuit Judge-Elect of the Twenty-Eighth Judicial Circuit.”

Whereas, On February 9, 2017, the West Virginia Supreme Court, in an unprecedented action, suspended Judge-Elect Callaghan two years without pay and assessed him \$15,000 in fines for multiple violations of West Virginia Lawyer Rules for Professional Conduct and the Code of Judicial Conduct; and

Whereas, The Court found that Judge-Elect Callaghan knowingly published false allegations against his opponent for the Judgeship, Gary Johnson, and that his acts were done with the purpose of deceiving voters, and were intentional fraudulent acts that subverted the integrity of the judicial system; and

Whereas, The Court found that Judge-Elect Callaghan’s conduct “relates directly to the administration of justice and negatively impacts the public’s perception of the administration of justice;... [his] behavior certainly relates directly to his public persona, through his efforts to achieve professional gain by

dissemination of false materials to the voting public,... his actions demonstrate profound disrespect and disregard for our system of justice; his intentional utilization of falsehoods subverts the very essence of the integrity of the judicial system and cast serious doubts upon his fitness for a judicial position established upon unbiased veracity and incorruptibility”; and

Whereas, The Court was further offended by the lack of Judge-Elect Callaghan’s “extremely limited remorse” and acted in such a fashion as to demonstrate a “dismissive and cavalier attitude towards his behavior” and that the charges brought against Judge-Elect Callaghan were proven “by clear and convincing evidence”; and

Whereas, Judge Martish, in a concurring opinion from the Court, raised additional professional violations and criminal acts that deserve further consideration and investigation by this body; and

Whereas, The West Virginia Supreme Court found Judge-Elect Callaghan guilty of violating three professional rules of conduct that potentially result in him being guilty of: Maladministration, corruption, incompetency, gross immorality, a high crime or misdemeanor, and unfit to serve as Circuit Judge for the Twenty-Eighth Judicial Circuit; therefore, be it

*Resolved by the House of Delegates:*

That the House Committee on the Judiciary be, and is by this resolution, empowered: (1) To investigate or cause to be investigated, any allegations or charges raised by the West Virginia Supreme Court: *In the Matter of: The Honorable Steven O. Callaghan, Judge-Elect of the Twenty-Eighth Judicial Circuit*; and (2) to hold a hearing or hearings thereon; (3) to make findings of fact based upon such investigations and hearings; (4) to report to the House of Delegates its findings of facts and any recommendations which the Committee on the Judiciary may deem proper; and (5) if the recommendation of the committee be to impeach the Circuit-Judge Elect, to present to the House of

Delegates a proposed resolution of impeachment and proposed articles of impeachment; and, be it

*Further Resolved*, That in carrying out its duties pursuant to this resolution, the House Committee on the Judiciary is authorized:

(1) To examine witnesses, to send for persons and papers, documents and other physical evidence, to order the attendance of any witness, or the production of any paper, document and other physical evidence, and to exercise all other powers described under the provisions of section five, article one, chapter four of the Code of West Virginia;

(2) To issue summonses, subpoenas and subpoenas duces tecum and to enforce obedience to its summonses and subpoenas in accordance with the provisions of section five, article one, chapter four of the Code of West Virginia or by invoking the aid of the courts of this state; and

(3) To determine whether all or any portion of a meeting or hearing should be held in an executive session, pursuant to the provisions of House Rule eighty-three; and, be it

*Further Resolved*, That in carrying out his duties pursuant to this resolution, the Chairman of the Committee on the Judiciary is authorized:

(1) To establish or define rules of procedure for the conduct of meetings or hearings held pursuant to this resolution;

(2) To employ, with the prior approval of the Speaker of the House, a court reporter or stenographer and such other professional or clerical employees as may be reasonably required;

(3) To designate a subcommittee or subcommittees of the Committee on the Judiciary to assist the Chairman or the Committee in performing his or its duties pursuant to this resolution; and

(4) To determine the time and place of all meetings or hearings of the Committee and its designated subcommittees; and, be it

*Further Resolved*, That the Committee on the Judiciary during its inquiry, may entertain such procedural and dispositive motions as may be made in the case of any other bill or resolution referred to that Committee, or, in making its recommendations, if any, pursuant to this resolution, may include:

(1) A recommendation that the Honorable Steven O. Callaghan, Judge-Elect of the Twenty-Eighth Judicial Circuit, not be impeached; or

(2) A recommendation that the Honorable Steven O. Callaghan be impeached for maladministration, corruption, incompetence, gross immorality, neglect of duty, or any high crime or misdemeanor, as provided forth in section nine, article four of the West Virginia Constitution, and that the Honorable Steven O. Callaghan be removed and disqualified from office, and that the House of Delegates adopt a resolution of impeachment and formal articles of impeachment as prepared by the Committee on the Judiciary, and deliver the same to the Senate in accordance with the procedures of the House of Delegates, for consideration by the Senate according to rules of procedure and state law.

### **Petitions**

Delegate Pushkin presented a petition signed by residents of the State expressing concern regarding drinking water; which was referred 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 Sobonya, Householder, Blair, Frich, Hollen, Storch, Kessinger, Summers, N. Foster, Rohrbach and C. Miller:**

**H. B. 2741** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9-8-1, §9-

8-2, §9-8-3, §9-8-4, §9-8-5, §9-8-6, §9-8-7, §9-8-8, §9-8-9, §9-8-10, §9-8-11, §9-8-12, §9-8-13 and §9-8-14, all relating to eligibility and fraud requirements for public assistance; defining terms; requiring the Department of Health and Human Resources to implement work requirements for applicants for the Supplemental Nutrition Assistance Program (SNAP); requiring discontinuance of a federal waiver; setting forth what meets work requirements; setting out exceptions to work requirements; providing for a good cause exception; allowing for a federal waiver to meet the requirements of this section; providing for rulemaking for suspension of benefits for noncompliance; providing for an asset test for SNAP benefits; requiring accessing information of various federal, state and miscellaneous sources; prohibiting payment of SNAP benefits in specified instances; requiring cooperation with the Bureau of Child Support Enforcement; requiring a design or establishment of a computerized income, asset and identity verification system for Temporary Assistance to Needy Families (TANF); allowing for contracting with a third party vendor; setting out required contract terms; requiring accessing information of various federal, state and miscellaneous sources for TANF; requiring identity authentication as a condition to receive public assistance; requiring a semi-annual case review of all public assistance cases; setting forth notice requirements and the right to a hearing; requiring referrals for fraud, misrepresentation and inadequate documentation; requiring report to the Governor and Legislature; setting forth prohibitions on the use of an electronic benefit transfer card; tracking out of state spending of SNAP and TANF benefits and providing for rulemaking”; to the Committee on Government Organization then Finance.

**By Delegates Fleischauer, Lynch, Boggs, Sponaule, Hornbuckle, Bates, Marcum, Rodighiero, Hicks, Moye and Folk:**

**H. B. 2742** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-2L-1, §18-2L-2 and §18-2L-3, and to amend and reenact §18-5-13a of said code, all relating to the creation of a School Consolidation Task Force; designating membership of Task Force; establishing Task Force purpose to study effects of school closures in the last

thirty years; and to place a moratorium on school closure and consolidation for five years, unless special referendum in county passed by voters”; to the Committee on Education.

**By Delegates Rohrbach, Sobonya, C. Romine, C. Miller, Butler, Queen, Hill, Kessinger, Dean, Fast and Rowan:**

**H. B. 2743** - “A Bill to amend and reenact §16-29-1 of the Code of West Virginia, 1931, as amended, relating to health care records; and requiring the release of an unemancipated minor’s medical records for drug testing to his or her parent or legal guardian without written consent from that minor”; to the Committee on Political Subdivisions then the Judiciary.

**By Delegates Hanshaw, Fleischauer, Lovejoy, Cooper, Ambler, Walters, Isner, Fluharty, R. Miller, Pushkin and Canestraro:**

**H. B. 2744** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2I-1, §5B-2I-2, §5B-2I-3, §5B-2I-4, §5B-2I-5, §5B-2I-6 and §5B-2I-7, all relating to authorizing local units of government to adopt local energy efficiency partnership programs and to create districts to promote the use of energy efficiency improvements by owners of certain real property; providing for the financing of the programs through voluntary property assessments, commercial lending, and other means; to authorize a local unit of government to issue bonds, notes, and other evidences of indebtedness and to pay the cost of energy efficiency improvements from the proceeds thereof; providing for the repayment of bonds, notes, and other evidences of indebtedness; to authorize certain fees; prescribing the powers and duties of certain governmental officers and entities; and providing remedies”; to the Committee on Political Subdivisions then Finance.

**By Delegates R. Miller, Robinson, Lane and Rowe:**

**H. B. 2745** - “A Bill to amend and reenact §8-15-20A of the Code of West Virginia, 1931, as amended, relating to special examination for firefighter paramedic by adding the examination of Advanced Care Technician”; to the Committee on Political Subdivisions then Health and Human Resources.



**By Delegate Howell:**

**H. B. 2746** - “A Bill to amend and reenact §7-1-3rr of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §8-39-1, all relating to requiring county commissions to maintain websites with specific information; requiring county commissions to provide website information to the Secretary of State; requiring Class I and Class II municipalities to maintain websites with specific information; and to allow Class III and IV municipalities to maintain websites provided they contain specific information”; to the Committee on Political Subdivisions then Government Organization.

**By Delegates Shott, R. Miller, Kessinger, Lane, Byrd and Isner:**

**H. B. 2747** - “A Bill to amend and reenact §62-7-10 of the Code of West Virginia, 1931, as amended, relating generally to removing archaic language; updating the commitment order form sentencing courts are required to complete; requiring that the commitment order must contain certain information; and clarifying that the sentencing court is required to transmit the certified commitment order to the Commissioner of the Division of Corrections upon issuance”; to the Committee on the Judiciary.

**By Delegates Walters, Lane, Storch, Westfall, Higginbotham, Blair, Hornbuckle, Fluharty, Barrett, Pushkin and Hill:**

**H. B. 2748** - “A Bill to amend and reenact §61-6-21 of the Code of West Virginia, 1931, as amended, relating to prohibiting civil rights violations based on gender identity, or sexual orientation; criminal penalties; when evidence of constitutionally protected speech or associations is not admissible in criminal prosecutions; exceptions; providing for sentencing alternatives for persons convicted of violations; and designating amendments to this section as the ‘Justice Through Grace in Communities Act’”; to the Committee on the Judiciary.

**By Delegate Ellington:**

**H. B. 2749** - “A Bill to amend and reenact §24A-1-3 of the Code of West Virginia, 1931, as amended, relating generally to the jurisdiction of the Public Service Commission over motor carriers;

and exempting vehicles engaged in nonemergency transportation of Medicaid members from permit requirements”; to the Committee on Government Organization.

**By Delegates Howell, Martin, Hamrick, Hill, Maynard, Paynter, Lewis, Arvon, Criss, McGeehan and Atkinson:**

**H. B. 2750** - “A Bill to amend and reenact §24-6-12 of the Code of West Virginia, 1931, as amended, relating to establishing a system at the county level for the dispatching of emergency towing services; and permitting a fee to be collected”; to the Committee on Political Subdivisions then Government Organization.

**By Delegates Fluharty, Hornbuckle, McGeehan, Storch, Barrett, Sponaugle, White, Bates, Canestraro, Wilson and Pushkin:**

**H. B. 2751** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-25A-1, §29-25A-2 and §29-25A-3, all relating to legalizing sport pool betting; authorizing the State Lottery Commission to promulgate legislative rules establishing sports betting; finding that federal law prohibiting sports betting in West Virginia is unconstitutional; authorizing assessment of fees and other necessary requirements; authorizing a tax on bets; establishing a special revenue account; and allowing incorporation of current laws and the promulgation of further requirements for sports betting by legislative rule”; to the Committee on the Judiciary then Finance.

**By Delegates A. Evans, Wagner, Summers, Ambler, Eldridge, R. Romine, Hamilton, Rowan and Lewis:**

**H. B. 2752** - “A Bill to amend and reenact §7-10-4 of the Code of West Virginia, 1931, as amended, relating to abuse and neglect of livestock”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Rodighiero, Rohrbach, Ellington, Summers, Longstreth, Fleischauer, Pushkin, Westfall, Hicks, Frich and Ward:**

**H. B. 2753** - “A Bill to repeal §30-3E-8 of the Code of West Virginia, 1931, as amended; to amend and reenact §30-3-5 of said

code; to amend and reenact §30-3E-1, §30-3E-2, §30-3E-3, §30-3E-4, §30-3E-6, §30-3E-7, §30-3E-9, §30-3E-10, §30-3E-11, §30-3E-12, §30-3E-15, §30-3E-16 and §30-3E-17; and to amend said code by adding thereto a new section, designated §30-3E-12a, all relating to modernization of the Physician Assistant Practice Act; modifying the Board of Medicine to add an additional physician assistant to the board; substituting collaborating physician for supervising physician; defining terms; allowing a physician assistant to prescribe Schedule III drugs with specified limitations; eliminating the requirement that physician assistants be required to take a recertification exam after passing the initial exam; allowing for reimbursement rates from insurance plans and public payers at the same rate physicians and advance practice registered nurses in specified circumstances; adding requirements to the practice agreement; granting physician assistants signatory authority on certain forms and making conforming amendments”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Ambler, Westfall, Butler, Harshbarger, Cooper and Walters:**

**H. B. 2754** - “A Bill to amend and reenact §8-15-3 of the Code of West Virginia, 1931, as amended, relating to fire fees on nonresidents of a municipality who are users of that municipality’s fire service; capping the amount of the fees which can be imposed; and excluding charges for certain buildings”; to the Committee on Political Subdivisions then Finance.

**By Delegates Walters and Howell:**

**H. B. 2755** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §37-16-1, §37-16-2, §37-16-3 and §37-16-4, all relating to requiring a seller of real property satisfy upon closing any unpaid charges owed to the county and municipality in which property is located”; to the Committee on Political Subdivisions then the Judiciary.

**By Delegates Cooper, Maynard, Paynter, Harshbarger, Moore, Ambler and C. Miller:**

**H. B. 2756** - “A Bill to amend and reenact §18C-7-6 of the Code of West Virginia, 1931, as amended, relating to making Promise scholarships available for students pursuing certificates or

degrees through an accredited community and technical college education program”; to the Committee on Education then Finance.

**By Delegates Lane, Cowles, Criss, G. Foster, Hollen, Kessinger, Moore and Sobonya:**

**H. B. 2757** - “A Bill to amend and reenact §55-7B-2, §55-7B-4, §55-7B-10 and §55-7B-11 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §55-7B-9e, all relating to Medical Professional Liability; defining the term ‘occurrence’; reducing the time period in which a cause of action can be brought against nursing homes or assisted living facilities; providing venue preference; establishing an attorney’s fee schedule based upon amount recovered; establishing the effective date; and providing for severability”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Shott, R. Miller, Kessinger, Lane, Byrd and Isner:**

**H. B. 2758** - “A Bill to amend and reenact §49-1-201 of the Code of West Virginia, 1931, as amended, relating to amending the definition of ‘abused child’ to include a child conceived as a result of an act of sexual assault”; to the Committee on the Judiciary.

**By Delegate Ellington:**

**H. B. 2759** - “A Bill to amend and reenact §5A-3-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §5A-6-8 of said code; and to amend said code by adding thereto a new article, designed §15-14-1, §15-14-2, §15-14-3, §15-14-4, §15-14-5, §15-14-6, §15-14-7, §15-14-8, §15-14-9 and §15-14-10, all relating to creating Statewide Interoperable Radio Network; establishing short title; defining terms; establishing objectives and purpose; creating position of Statewide Interoperable Coordinator; prescribing duties for Statewide Interoperability Coordinator; creating Statewide Interoperability Executive Committee; prescribing duties for Statewide Interoperability Executive committee; creating the Regional Interoperability Committee; providing for disposition of assets and staffing of Statewide Interoperable Radio Network; establishing special revenue account for Statewide Interoperable Radio Network; exempting Statewide Interoperable Radio Network from certain Purchasing Division

requirements; and authorizing emergency and legislative rulemaking”; to the Committee on Government Organization then Finance.

**By Delegates Walters, Nelson, Phillips, Marcum, Gearheart, Criss, Householder, Anderson, Westfall, Hartman and Hanshaw:**

**H. B. 2760** - “A Bill to amend §33-2-21a of the Code of West Virginia, 1931, as amended, relating to allowing state agencies to self-insure their own programs in lieu of purchasing Workers Compensation insurance”; to the Committee on Banking and Insurance then Finance.

**By Delegates Thompson, Caputo, R. Miller, Moye, Hornbuckle, Rohrbach and Marcum:**

**H. B. 2761** - “A Bill to amend and reenact §18A-4-8b of the Code of West Virginia, 1931, as amended, relating to qualifications of paraprofessionals, autism mentors and braille or sign support specialists to be early childhood classroom assistant teachers”; to the Committee on Education then Finance.

**By Delegates Marcum, Phillips, Eldridge, Hicks, Isner, Sponaule, Williams, Iaquinta, Ferro, Brewer and Canestraro:**

**H. B. 2762** - “A Bill to amend and reenact §15-2-7 of the Code of West Virginia, 1931, as amended, relating to authorizing the Superintendent of the West Virginia State Police to increase the number of employees of the State Police Forensic Laboratory by twenty-five percent”; to the Committee on the Judiciary then Finance.

**By Delegates Espinosa, Moore, Wilson, Cooper and Harshbarger:**

**H. B. 2763** - “A Bill to amend and reenact §18B-19-13 of the Code of West Virginia, 1931, as amended, relating to the approval by the Council for Community and Technical College Education of acquisitions, bequests, donations, construction of new buildings, repairs, renovations or lease payments over the lifetime of the lease which exceed \$1 million, if made or accepted by the institution’s

research corporation or an affiliated foundation”; to the Committee on Education then Finance.

**By Delegates Espinosa, Statler, Harshbarger, Dean, Blair, Higginbotham, Westfall, Wilson, Moore, Cooper and Upson:**

**H. B. 2764** - “A Bill to amend and reenact §12-6-19 of the Code of West Virginia, 1931, as amended, relating to allowing the State Building Commission or the Higher Education Policy Commission to request and receive money from the Investment Management Board for projects authorized by this code and approved by the Joint Committee on Government and Finance and the Governor”; to the Committee on Education then Finance.

**By Delegates Shott, R. Miller, Kessinger, Lane, Byrd and Isner:**

**H. B. 2765** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §51-1-22, relating to establishing a new special revenue fund, designated the Court Advanced Technology Subscription Fund, for the purpose of collecting and remitting moneys to the State Treasury for the use of certain advanced technology systems provided by the Supreme Court of Appeals”; to the Committee on the Judiciary then Finance.

**By Delegates Shott, R. Miller, Kessinger, Lane, Byrd and Isner:**

**H. B. 2766** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §62-15-9a, relating to establishing a new special revenue fund, designated the Adult Drug Court Participation Fund, for the purpose of collecting and remitting moneys to the State Treasury for participation in an adult drug court program administered by the Supreme Court of Appeals”; to the Committee on Prevention and Treatment of Substance Abuse then Finance.

**By Delegates O’Neal, Hanshaw, Sobonya, Hollen, Moore, Kessinger, Summers, Fast, Overington and G. Foster:**

**H. B. 2767** - “A Bill to amend and reenact §31D-5-504 of the Code of West Virginia, 1931, as amended; and to amend and reenact §56-3-31, §56-3-33, §56-3-33a and §56-3-34 of said code,

all relating to authorizing the Secretary of State to transmit electronic versions of undeliverable mail to the circuit clerks of the state to minimize agency costs and streamline processes for the state”; to the Committee on Government Organization then the Judiciary.

**By Delegates A. Evans and Storch:**

**H. B. 2768** - “A Bill to amend and reenact §46A-5-101 of the Code of West Virginia, 1931, as amended, relating to modifying the penalties imposed on debt collectors who violate the provisions of the West Virginia Consumer Credit and Protection Act; limiting the amount consumers may be awarded; and reducing the period in which an action may be brought from four years to two years”; to the Committee on the Judiciary.

**By Delegates C. Miller, Sobonya, Wilson, Folk, Cooper, Zatezalo, McGeehan, A. Evans, C. Romine, Maynard and Butler:**

**H. B. 2769** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §2-1-3, relating to the preservation of rights guaranteed by the West Virginia Constitution and the United States Constitution when deciding the comity of a legal decision in a foreign country, the choice of law used for contractual interpretations and choice of forum; exempting businesses; making legislative findings; stating public policy; defining a term; and providing a severability provision”; to the Committee on the Judiciary.

**By Delegate Rowe:**

**H. B. 2770** - “A Bill to amend and reenact §18B-1B-4 of the Code of West Virginia, 1931, as amended; to amend and reenact §18B-1D-7 of said code; and to amend and reenact §18B-2A-4 of said code, all relating to reducing regulatory control over academic programs of state institutions; providing that the powers of the Higher Education Policy Commission and the powers and duties of governing boards generally apply to state institutions of higher education under their jurisdiction only in so far as it is necessary to prevent expensive duplication and competition of academic programs in a region or for support of specified performance higher education goals”; to the Committee on Education.

**By Delegates Upson, Espinosa, Statler, Blair, Cooper, Ambler, Householder, Moore, Butler, Kessinger and Lewis:**

**H. B. 2771** - “A Bill to amend and reenact §18A-3-2a of the Code of West Virginia, 1931, as amended, relating to teaching certificates for teachers whose spouses are married to a member of the Armed Forces who is on active duty stationed in this state”; to the Committee on Veterans’ Affairs and Homeland Security then Education.

**By Delegates Brewer, Storch, Diserio, Ferro, R. Miller, Lovejoy, Moye, Caputo, Eldridge, Maynard and Robinson:**

**H. B. 2772** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-41-1 and §30-41-2, all relating to requiring welders working in the State of West Virginia to meet certain certification requirements and to conform to national welding standards”; to the Committee on Industry and Labor then Government Organization.

## House Calendar

### Third Reading

**Com. Sub. for H. B. 2420**, Providing that the State Board of Education may delegate its Medicaid provider status and subsequent reimbursement to regional educational service agencies or county boards; on third reading, coming up in regular order, was, on motion of Delegate Cowles, tabled.

**Com. Sub. for H. B. 2506**, Relating to the permit limit calculations and allowing overlapping mixing zones for calculating permit limits for drinking water criteria; 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. 34**), and there were—yeas 63, nays 37, absent and not voting none, with the nays being as follows:

Nays: Ambler, Baldwin, Barrett, Bates, Boggs, Brewer, Byrd, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hartman, Hornbuckle, Iaquinta, Isner,



Lewis, Longstreth, Love, Lovejoy, Lynch, R. Miller, Moore, Moye, Pushkin, Pyles, Robinson, Rodighiero, Rohrbach, Rowe, Sponaugle, Upson, White and Williams.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2506) passed.

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

**Com. Sub. for H. B. 2506** - “A Bill to amend and reenact §22-11-7b of the Code of West Virginia, 1931, as amended, all relating to requiring permit limits to be calculated using the design flows recommended by the United States Environmental Protection Agency for the protection of human health; allowing overlapping mixing zones for calculating permit limits for drinking water criteria; and clarifying posted signage requirements.”

*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. 231**, Relating to State Board of Education and Medicaid-eligible children; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Westfall, the bill was amended on page one, by striking out everything after the enacting section and inserting in lieu thereof the following:

#### **“ARTICLE 2. STATE BOARD OF EDUCATION.**

##### **§18-2-5b. Medicaid eligible children; school health services advisory committee.**

(a) The state board shall become a Medicaid provider and seek out Medicaid eligible students for the purpose of providing Medicaid and related services to students eligible under the

Medicaid program and to maximize federal reimbursement for all services available under the Omnibus Budget Reconciliation Act of 1989, as it relates to Medicaid expansion and any future expansions in the Medicaid program for Medicaid and related services for which state dollars are or will be expended. ~~Provided, That~~

(b) The state board may delegate this provider status and subsequent reimbursement to regional educational service agencies (RESA) and/or county boards. A county board may decline this designation if it determines there is not a net benefit after consideration of costs and time involved with seeking Medicaid reimbursements for eligible services and that the billing process does not detract from the educational program.

(c) Annually, no later than January 1, the state board shall report on a county by county basis to the Legislature:

- (1) The number and age of children eligible for Medicaid;
- (2) The number and age of children with Medicaid coverage;
- (3) The types of Medicaid eligible services provided;
- (4) The frequency of services provided;
- (5) The Medicaid dollars reimbursed; and

(6) The problems encountered in the implementation of this system. ~~and that this report shall be on a county by county basis and made available no later than January 1, 1992, and annually thereafter.~~

~~(b)~~ (d) The state board shall appoint and convene a school health services advisory committee to advise the Secretary of Health and Human Resources and the state superintendent on ways to improve the ability of regional education service agencies, local school boards, and Department of Health and Human Resources employees to provide Medicaid eligible children with all the school-based Medicaid services for which they are eligible and to ensure that the school-based Medicaid service providers bill for

and receive all the Medicaid reimbursement to which they are entitled.

(e) The committee shall consist of at least the following individuals:

(1) The person within the Department of Education responsible for coordinating the provision of and billing for school-based Medicaid services in schools throughout the state, who shall provide secretarial, administrative and technical support to the advisory committee;

(2) The person within the Department of Health and Human Resources responsible for coordinating the enrollment of Medicaid eligible school children throughout the state;

(3) Two representatives of regional education services agencies who are experienced with the process of billing Medicaid for school-based health services;

(4) Two Department of Health and Human Resources employees responsible for supervising employees;

(5) Two persons jointly appointed by the secretary of Health and Human Resources and the state superintendent; and

(6) One representative of the Governor's task force on school health.

(f) The school health services advisory committee shall meet in the first instance at the direction of the state superintendent, select a chairperson from among its members, and meet thereafter at the direction of the chairperson. The committee shall report its findings and recommendations to the state board and Department of Health and Human Resources, which findings shall then be included in the report to the Legislature by the state board and Department of Health and Human Resources provided ~~for~~ in subsection ~~(a)~~ (c) of this section.

(g) All actual and necessary travel expenses of the members of the committee shall be reimbursed by the member's employing

agency, for those members not employed by a state agency, the member's actual and necessary travel expenses shall be paid by the state board. All such expenses shall be reimbursed in the same manner as the expenses of state employees are reimbursed."

The bill was ordered to third reading.

**Com. Sub. for H. B. 2329**, Prohibiting the production, manufacture or possession of fentanyl; 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. 2620**, West Virginia Drug Overdose Monitoring Act; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Shott, the bill was amended on page three, section two, line five, following the word "compile", by inserting the words "and report".

The bill was ordered to engrossment and third reading.

**Com. Sub. for H. B. 2646**, Terminating the Women's Commission and discontinuing its functions; on second reading, coming up in regular order, was read a second time.

An amendment to the bill, offered by Delegate Pyles, was reported by the Clerk on page two, section one, lines twenty-four and twenty-five, by striking out the words "and shall not exist after June 20, 2018" and inserting in lieu thereof the words "at such time as the Governor may decide that the state can no longer afford to fund it".

Delegate Pyles then asked and obtained unanimous consent to offer a reformed amendment on page two, section one, lines twenty-four and twenty-five, by striking out the words "and shall not exist after June 20, 2018" and inserting in lieu thereof the words "at such time as the Governor may decide that the state can no longer afford to fund it".

And,

One page two, section one, line twenty-six following the word “code”, by striking out the comma, inserting a period, and striking out the remainder of the sentence.

Delegate Fleischauer was addressing the House when Delegate C. Miller arose to a point of order, stating that the remarks being delivered by the Gentledady from the 51<sup>st</sup> were to the bill and not to the amendment pending before the House.

The Speaker reminded the Gentledady to confine her remarks to the amendment before the House.

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

The yeas and nays having been ordered, they were taken (**Roll No. 35**), and there were—yeas 37, nays 63, absent and not voting none, with the yeas being as follows:

Yeas: Baldwin, Barrett, Bates, Boggs, Brewer, Byrd, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hartman, Hicks, Hornbuckle, Iaquinta, Isner, Longstreth, Love, Lovejoy, Lynch, Marcum, Miley, R. Miller, Moye, Pethel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaule, Thompson, Wagner and Williams.

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

The bill was ordered to engrossment and third reading.

**Com. Sub. for H. B. 2648**, Increasing penalties for manufacturing or transportation of a controlled substance in the presence of a minor; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Shott, the bill was amended on page two, section four hundred six-a, line one, following the word “person”, by inserting a comma and the words “who is eighteen years old or older”.

On page two, section four hundred six-a, line six, following the word “person”, by inserting a comma and the words “who is eighteen years old or older”.

On page two, section four hundred six-a, line eleven, following the word “person”, by inserting a comma and the words “who is eighteen years old or older”.

And,

On page two, section four hundred six-a, line sixteen, following the word “person”, by inserting a comma and the following “who is eighteen years old or older”.

On motion of Delegates Shott and Folk, the bill was amended on page seven, section four, line forty-four, subsection (g), by striking out subsection (g) in its entirety, and inserting a new subsection (g) in lieu thereof, to read as follows:

“(g) Any person convicted of a misdemeanor offense under this section:

(1) The Court may require, as part of an imposed sentence, or as an alternative sentence to that specified in this section, that the person ~~May be required to~~ complete parenting classes, substance abuse counseling, drug addiction treatment program, anger management counseling, or other appropriate services, or any combination thereof, as determined by Department of Health and Human Resources, Bureau for Children and Families through its services assessment evaluation, which shall be submitted to the court of conviction upon written request;

(2) Shall not be required to register pursuant to the requirements of article thirteen, chapter fifteen of this code; and

(3) Shall not, solely by virtue of the conviction, have their custody, visitation or parental rights automatically restricted.”

Delegate Marcum asked unanimous consent to amend the bill.

Whereupon, the Delegate asked and obtained unanimous consent to withdraw his request.

The bill was ordered to engrossment and third reading.

### **First Reading**

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

**Com. Sub. for H. B. 2364**, Prohibiting electioneering within or near early voting locations during early voting periods,

**Com. Sub. for H. B. 2502**, Relating to reciprocity of occupational licenses with other states,

**Com. Sub. for H. B. 2619**, Risk Management and Own Risk and Solvency Assessment Act,

**H. B. 2630**, Authorizing the West Virginia Board of Medicine and the West Virginia Board of Osteopathic Medicine to share staff,

**Com. Sub. for H. B. 2651**, Relating generally to standardized testing requirements for nonpublic schools,

And,

**H. B. 2684**, Imposing penalties for repeat violations of the prohibition against driving under the influence on a suspended license.

### **Miscellaneous Business**

Delegate Hamilton noted to the Clerk that he was absent on yesterday when the vote was taken on Roll No. 33, and that had he been present, he would have voted "Yea" thereon.

Delegate O'Neal asked and obtained unanimous consent that the remarks of Delegate Kessinger regarding the amendment offered to Com. Sub. for H. B. 2646 be printed in the Appendix to the Journal.

Delegate Frich asked and obtained unanimous consent that the remarks of Delegate Zatezalo today and on February 27<sup>th</sup> regarding Com. Sub. for H. B. 2506 be printed in the Appendix to the Journal.

Delegate Ferro asked and obtained unanimous consent that the remarks of Delegate Iaquina during Remarks by Members today be printed in the Appendix to the Journal.

Delegate Wilson asked and obtained unanimous consent that the remarks of Delegate Cooper during Remarks by Members today be printed in the Appendix to the Journal.

Delegate Caputo asked and obtained unanimous consent that the remarks of Delegates Fluharty, Ferro, Love, Pushkin and Fleischauer regarding Com. Sub. for H. B. 2506 be printed in the Appendix to the Journal.

Delegate McGeehan asked and obtained unanimous consent that remarks of Delegate Folk during Remarks by Members today be printed in the Appendix to the Journal.

Delegate Frich filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2195.

Delegate Isner filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2674.

Delegate Westfall filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2729.

Delegate Nelson filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2736.

Delegate Fast filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2688.

Delegate A. Evans filed forms with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2690 and H. B. 2729.



Delegate Hill filed forms with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2680 and H. B. 2690.

Delegate Storch filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2768.

At 1:40 p.m., the House of Delegates adjourned until 11:00 a.m., Thursday, March 2, 2017.



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Thursday, March 2, 2017

**TWENTY-THIRD 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 Wednesday, March 1, 2017, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

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

Your Committee on Finance has had under consideration:

**H. B. 2740**, Making a supplementary appropriation to the Department of Administration,

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

**Com. Sub. for H. B. 2740** – “A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2017 in the amount of \$15,300,000 from the Department of Revenue, Office of the Secretary – Revenue Shortfall Reserve Fund, fund 7005, fiscal year 2017, organization 0701, and making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Administration, Public Defender Services, fund 0226, fiscal year

2017, organization 0221, by supplementing and amending the appropriation for the fiscal year ending June 30, 2017,”

With the recommendation that the committee substitute do pass.

At the respective requests of Delegate Cowles, and by unanimous consent, the bill (Com. Sub. for H. B. 2740) was taken up for immediate consideration, read a first time and ordered to second reading.

Delegate Cowles moved that the constitutional rule requiring the bill to be fully and distinctly read on three different days be dispensed with.

On this question, the yeas and nays were taken (**Roll No. 36**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Iaquinta.

Absent and Not Voting: Hartman and Statler.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

The bill was read a second time and ordered to engrossment and third reading.

Having been engrossed, the bill was read a third time.

Delegates Marcum, Isner and Fast requested to be excused from voting on the passage of Com. Sub. for H. B. 2740 under the provisions of House Rule 49.

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

The bill was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 37**), and there were—yeas 95, nays 5, absent and not voting none, with the nays being as follows:

Nays: Folk, Isner, Marcum, McGeehan and Paynter.

So, a majority of the members elected having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2740) passed.

Delegate Cowles moved that the bill take effect July 1, 2017.

On this question, the yeas and nays were taken (**Roll No. 38**), and there were—yeas 97, nays 3, absent and not voting none, with the nays being as follows:

Nays: Isner, Marcum and McGeehan.

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. 2740) takes effect July 1, 2017.

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

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

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

**H. B. 2100**, Recognizing those in active military service as residents for the purpose of obtaining concealed carry permits while stationed at a West Virginia military installation,

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. 2100) was referred to the Committee on the Judiciary.

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2678**, Changing the amounts of prejudgment and post-judgment interest to reflect today's economic conditions,

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

**Com. Sub. for H. B. 2678** – “A Bill to amend and reenact §56-6-31 of the Code of West Virginia, 1931, as amended, relating to the rate of interest allowed for prejudgment and post-judgment interest; providing that every judgment or decree for the payment of money entered by any court of this state shall bear simple interest; providing that the court may award prejudgment interest on all or some of the amount of the special or liquidated damages; defining special damages; proving that if an obligation is based upon a written agreement, then the obligation bears prejudgment interest at the rate and terms set forth in the written agreement until the date the judgment or decree is entered; providing that the rate of prejudgment interest is two percentage points above the Fifth Federal Reserve District secondary discount rate in effect on January 2, of the year in which the right to bring the action has accrued; providing that the court will determine that prejudgment interest rate and that the determined rate shall remain constant from that date until the date of the judgment or decree; providing that the rate of prejudgment interest may not exceed nine percent per annum or be less than four percent per annum; requiring that the administrative office of the Supreme Court of Appeals shall annually determine the prejudgment interest rate and take appropriate measures to notify the courts and members of the West Virginia State Bar of the rate of interest in effect; creating an exception to how prejudgment interest is calculated for cases in which the right to bring the action accrued prior to 2009; providing that the rate of post-judgment interest is two percentage points above the Fifth Federal Reserve District secondary discount rate in effect on January 2, of the year in which the judgment or decree is entered; providing that the rate of post-judgment interest may not

exceed nine percent per annum or be less than four percent per annum; requiring that the administrative office of the Supreme Court of Appeals shall annually determine the post-judgment interest rate and take appropriate measures to notify the courts and members of the West Virginia State Bar of the rate of interest in effect; and stating that the amendments to this section become effective January 1, 2018,”

With the recommendation that the committee substitute do pass.

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2367**, Establishing a criminal offense of organized retail crime,

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

**Com. Sub. for H. B. 2367** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-3F-1, §61-3F-2 and §61-3F-3, all relating to establishing a criminal offense of organized retail crime; defining terms; making it unlawful for a person to knowingly commit an organized retail crime; making it unlawful for a person to knowingly organize, supervise, finance, conspire, receive retail goods from, or otherwise manage or assist another person in committing an organized retail crime; establishing criminal penalties; providing for the aggregation of counts and sum of property value; providing for prosecution in any county in which a retail crime occurred; allowing for inference by trier of fact that a particular scheme or course of conduct was undertaken for profit; and providing for seizure and forfeiture of cash, assets or other property derived in part or total from any proceeds from participating in an organized retail crime,”

**H. B. 2579**, Increasing the penalties for transporting controlled substances,

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

**Com. Sub. for H. B. 2579** – “A Bill to amend and reenact §60A-4-409 of the Code of West Virginia, 1931, as amended, relating to increasing the penalties for transporting controlled substances into the state; and providing for a differing penalty as to marihuana,”

And,

**H. B. 2674**, Relating to access to and receipt of certain information regarding a protected person,

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

**Com. Sub. for H. B. 2674** – “A Bill to amend and reenact §27-3-1 of the Code of West Virginia, 1931, as amended; and to amend the said code, by adding thereto two new sections, designated §44A-3-17 and §44A-3-18, all relating to the disclosure of certain confidential information relating to persons in guardianship; access to and receipt of certain information regarding a protected person by certain relatives of the protected person; authorizing relatives of a protected person to petition the circuit court for access and information about a protected person; defining ‘relative’; providing a relative may petition the court for an order granting access to a protected person; setting forth time standards in which to conduct a hearing after a petition is filed; providing for an emergency hearing under particular circumstances; providing for service of a petition upon a guardian and setting time standards for service thereof; providing for the entry of an order by the court following notice and hearing conducted thereon; providing standards for a court to observe and implement in issuing a ruling on a petition; providing the court may award attorney’s fees and costs be paid to a prevailing party; setting forth particular duties for a guardian to provide relatives notice about a protected person’s condition and circumstances; authorizing court to retain jurisdiction; regarding dissemination of information about a protected person to relatives; and providing a guardian method whereby one may be relieved of



responsibility for providing information regarding a protected person to a relative,”

With the recommendation that the committee substitutes each do pass.

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

Your Committee on Government Organization has had under consideration:

**H. B. 2691**, Allowing a person who is qualified by training to be a barber and a cosmetologist to elect to practice solely as a barber,

And,

**H. B. 2725**, Restricting the authority of the Board of Barbers and Cosmetologists to regulate the use of commonly available, retail beauty products,

And reports the same back with the recommendation that they each 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:

**Com. Sub. for S. B. 116**, Governor’s Committee on Crime, Delinquency and Correction rule relating to law-enforcement training and certification standards,

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

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

Your Committee on Education has had under consideration:

**H. B. 2637**, Relating to employment of retired teachers and prospective employable professional personnel in areas of critical need and shortage,

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. 2637) 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:

**H. B. 2561**, Relating to public school support,

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. 2561) was referred to the Committee on Finance.

### **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. 5** - "A Bill to amend and reenact §17E-1-9 and §17E-1-13 of the Code of West Virginia, 1931, as amended, all relating to disqualification from holding commercial driver's license for certain convictions of driving a motor vehicle under the influence of alcohol or a controlled substance; clarifying that

person committing disqualifying offense prior to possessing commercial driver's license is eligible for commercial driver's license once period of revocation and safety and treatment program have been completed; expanding range of offenses eligible for reinstatement after ten years and completion of safety and treatment program; providing that a person who committed certain offenses more than ten years before the initial issuance of a commercial driver's license by any state shall be deemed to have served the period of disqualification from holding a commercial driver's license if certain conditions are met; and setting forth conditions to be met"; 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. 9** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-2B-1, §29-2B-2, §29-2B-3, §29-2B-4, §29-2B-5, §29-2B-6, §29-2B-7 and §29-2B-8, all relating to regulation of unmanned aircraft systems; requiring compliance with federal laws and regulations relating to such systems; defining terms; creating criminal offenses for certain conduct using an unmanned aircraft system and setting penalties therefor; regulating law-enforcement use of unmanned aircraft systems; limiting uses by law enforcement of unmanned aircraft systems; requiring search warrants to be obtained before unmanned aircraft systems may be used in criminal investigations and creating exemptions thereto; requiring documentation of law-enforcement flights of unmanned aircraft systems and maintenance of records; exempting images obtained pursuant to law-enforcement action from application of the Freedom of Information Act; precluding admissibility in civil, criminal and administrative proceedings of images or the evidence obtained in violation of the provisions of this article; requiring the West Virginia Aeronautics Commission in consultation with the Secretary of the West Virginia Department of Military Affairs and Public Safety, the West Virginia State Police and the Law-

Enforcement Professional Standards Subcommittee of the Governor's Committee on Crime, Delinquency and Correction to propose legislative rules and authorizing the promulgation of emergency rules; and specifically directing and authorizing the proposal and promulgation of certain rules"; 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. 180** - "A Bill to amend and reenact §24-2-1 of the Code of West Virginia, 1931, as amended, relating to Internet protocol-enabled service and voice-over Internet protocol-enabled service; prohibiting Public Service Commission jurisdiction of Internet protocol-enabled service and voice-over Internet protocol-enabled service; and limiting Public Service Commission jurisdiction of certain telephone company transactions"; 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 from passage, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 225** - "A Bill to amend and reenact §48-27-402 of the Code of West Virginia, 1931, as amended, relating to permitting magistrates to modify, through a domestic violence protective order, a temporary custody order of the family court in circumstances where violence against a minor child or children is alleged"; 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. 261** - “A Bill to amend and reenact §38-5A-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §38-5B-2 of said code, all relating to suggestions of salary and wages of judgment debtors engaged in private and public employment; increasing the amount of salary or wages of persons engaged in private and public employment that are protected from a suggestee execution from thirty times the federal minimum hourly wage then in effect to fifty times the federal minimum hourly wage then in effect; requiring judgment creditor to provide additional personal information about the judgment debtor including, to the extent available, the present address and date of birth of the judgment debtor; and making technical changes”; 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

**Com. Sub. for S. B. 337** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §25-1-11f, relating to authorizing the hiring of correctional officers without regard to his or her placement on the correctional officer register; and granting employment preference to otherwise qualified persons on a preference register”; which was referred to the Committee on Government Organization then the Judiciary.

A message from the Senate, by

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

**Com. Sub. for S. B. 345** - “A Bill to repeal §20-2-19a of the Code of West Virginia, 1931, as amended; to amend and reenact §20-2-5, §20-2-42g and §20-2-42h of said code; and to amend said code by adding thereto a new section designated §20-2-5i, all relating to hunting; repealing limitations on trappers on Sundays; eliminating local option election regarding hunting on Sunday on

private land; permitting hunting on Sunday on private land; clarifying hunting on Sunday on public lands is unlawful; and superseding ballot measures relating to Sunday hunting that have passed or failed prior to the effective date of the amendments”; which was referred to the Committee on Agriculture and Natural Resources then the Judiciary.

A message from the Senate, by

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

**S. B. 346** - “A Bill to amend and reenact §24A-1-3 of the Code of West Virginia, 1931, as amended, relating generally to the jurisdiction of the Public Service Commission over motor carriers; and exempting vehicles engaged in nonemergency transportation of Medicaid members from permit requirements”; which was referred to the Committee on Government Organization then the Judiciary.

A message from the Senate, by

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

**Com. Sub. for S. B. 347** - “A Bill to repeal §30-3E-8 of the Code of West Virginia, 1931, as amended; to amend and reenact §30-3-5 of said code; to amend and reenact §30-3E-1, §30-3E-2, §30-3E-3, §30-3E-4, §30-3E-6, §30-3E-7, §30-3E-9, §30-3E-10, §30-3E-11, §30-3E-12, §30-3E-15, §30-3E-16 and §30-3E-17 of said code; and to amend said code by adding thereto a new section, designated §30-3E-12a, all relating to modernization of the Physician Assistant Practice Act; modifying the Board of Medicine to add an additional physician assistant to the board; substituting ‘collaborating physician’ for ‘supervising physician’; defining terms; modifying the prescriptive authority of physician assistants; eliminating the requirement that physician assistants be required to take a recertification exam after passing the initial exam; allowing for reimbursement rates from insurance plans and public payers at the same rate physicians and advance practice registered nurses in

specified circumstances; adding requirements to the practice agreement; granting physician assistants signatory authority on certain forms; and making conforming amendments”; which was referred to the Committee on Health and Human Resources then the Judiciary.

### **Resolutions Introduced**

Delegates Walters, Marcum, Robinson, Zatezalo, Hanshaw, Shott, Nelson and O’Neal offered the following resolution, which was read by its title and referred to the Committee on Education then Rules:

**H. C. R. 31** – “Requesting the Joint Committee on Government and Finance study the possibility of reducing the number of county boards of education in the state along with other educational reorganization.”

Whereas, Economies of Scale could be realized by reducing the present fifty-five county boards of education to a smaller number of districts as appropriate to do all education related activities; and

Whereas, Any such change should be implemented over a reasonable period; and

Whereas, Current board of education members should have their terms phased out and new boards for the districts should have the appropriate number of members with a number to be determined of members having two-year terms, members having four-year terms, and members having six-year terms; and

Whereas, The study should investigate the best and most cost efficient way to fund public schools that will be consistent across all districts including possible funding directly from the state; and

Whereas, Regional education services agencies may be eliminated and fire service training should be moved to West Virginia University; and

Whereas, The State Board of Education shall assist in this study; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on Government and Finance is hereby requested to study the possibility of reducing the number of county boards of education in the state along with other educational reorganization; and, be it

*Further Resolved*, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2018, on its findings, conclusions and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

*Further Resolved*, That the expenses necessary to conduct this study, to prepare a report and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Delegates Pushkin, Fleischauer, Brewer and Bates offered the following resolution, which was read by its title and referred to the Committee on Finance then Rules:

**H. C. R. 32** – “Requesting the Joint Committee on Government and Finance study the economic and fiscal impacts of the reduction of the Corporation Net Income Tax.”

Whereas, In 2006, the West Virginia Legislature implemented reduction of the Corporation Net Income Tax from nine percent to eight and three-fourths percent; and

Whereas, In 2008, the West Virginia Legislature implemented a subsequent reduction of the Corporation Net Income Tax from eight and three-fourths percent to six and one-half percent over five years contingent upon the adequate funding and general stability of the Rainy Day Fund; and

Whereas, Under the 2008 law, the Rainy Day Fund must total, at minimum, ten percent of the general revenue fund of the preceding year; and



Whereas, In 2013, The Rainy Day Fund had exceeded ten percent of the general revenue fund and the Corporation Net Income Tax was reduced to six and one-half percent; and

Whereas, As of December, 2016, the Rainy Day Fund has decreased by thirty-four percent since June, 2014, to fund shortfalls in the state budget and is in jeopardy of being depleted; and

Whereas, West Virginia has received downgraded credit ratings from Moody's, Standard and Poor's, and Fitch as of February, 2017, due to the state's fiscal instability and inability to preserve the Rainy Day Fund; and

Whereas, Proponents of this measure enacted the reduction on the pretense that it would facilitate economic growth, attract businesses, and create jobs in West Virginia, and no overt economic gain has occurred; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on Government and Finance is hereby requested to study the economic growth, job creation, tax revenue losses, and depletion of the Rainy Day Fund that has occurred as a result of the reduction of the Corporation Net Income Tax, and give due consideration to the reinstatement of the prior Corporation Net Income Tax rate to help restore the Rainy Day Fund; and, be it

*Further Resolved,* That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2018, on its findings, conclusions and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

*Further Resolved,* That the expenses necessary to conduct this study, to prepare reports and draft necessary legislation, be paid from legislative appropriations to the Joint Committee on Government and Finance.

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

**H. C. R. 33** – “Requesting the Division of Highways to name a stretch of road beginning on County Road 15, Cold Stream Road, at Edwards Run (39.32213, -78.42876) to Frog Hollow Road (39.33781, -78.4329) in Hampshire County, ‘Gunsmiths Trace’.”

Whereas, There is little evidence today that communities with churches, mills, local artisans and families were scattered throughout Hampshire County; nor is it thought that this county was a center of industrial activity in the early days of its history. Yet, Hampshire County was the home of as many as forty gunsmiths with several of them residents in the area along Edwards Run to Cold Stream Run. This location had access to Edwards Run and Cold Stream, sources of power and water and bordered the Cacapon River. Until the late 1830’s, this area was along the main road that ran from Winchester to Romney and Cumberland, Maryland and points West, the direction Americans were moving; and

Whereas, The gunsmiths who lived in this area in the 1830’s include Zebulon Sheet, who served in the War of 1812, was appointed a justice of the peace in the county in 1828, and was a skilled gunsmith whose guns are highly prized today; James Rinehart was the most productive gunsmith in this area from approximately 1835 until he moved to Ohio in 1850; B. F. Shane was a blacksmith and gunsmith on Edwards Run in 1856; Christopher Slonaker, III, was born and raised in the Cold Stream area and purchased a gun shop from B. F. Shane, where he plied his trade; and, Henry Topper, who lived along the Cacapon River was noted in the 1820 Industrial Census of Virginia, to be engaged as a gunsmith with one helper and a production of 12 rifles a year. He also repaired firearms, clocks and other mechanical devices; and

Whereas, The Edwards Run – Cold Stream area no longer shows any evidence of the busy community that was the home to churches, mills, local artisans and families and the center of

industrial activity that included the gunsmiths whose artistry was so important to residents and pioneers and settlers who were moving ever westward; and

Whereas, Naming that stretch of road in stretch of road “Gunsmiths Trace” is an appropriate recognition and reminder of what this community was like and of the small but important industry that has left so many prized artifacts in the hands of serious gun collectors across America of their contributions and accomplishments; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name a stretch of road beginning on County Road 15, Cold Stream Road, at Edwards Run (39.32213, -78.42876) to Frog Hollow Road (39.33781, -78.4329) in Hampshire County, “Gunsmiths Trace”; and, be it

*Further Resolved*, That the Division of Highways is requested to have made and be placed signs identifying the stretch of road as the “Gunsmiths Trace”; and, be it

*Further Resolved*, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation.

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

**H. C. R. 34** – “Requesting the Commissioner of the Division of Highways to name bridge number 50-152-5.70 (50A112), at longitude 37.99842 and latitude -82.40667, locally known as the Missouri Branch Beam Span, carrying West Virginia Route 152 over the West Fork of Twelvepole Creek, the ‘Curtis “Pap” and Millie “Mammie” Asbury Bridge’.”

Whereas, Curtis Asbury was born on September 24, 1917, in Wayne, West Virginia, and his devoted wife Millie Ferguson was born on April 24, 1924, and this couple was married in 1939; and

Whereas, Curtis and Millie Asbury established, owned and operated Asbury's Grocery located at the entrance to Cabwaylingo Park Road for fifty-two years. The grocery store became a vital source for community members. For five generations, the store not only provided necessary food and other goods but also became a meeting place for community members to gather in the mornings and evenings to discuss everything from politics to family life. It was the bus stop where school children of all ages would go and be met with a smile, a hug, and a piece of fruit or candy; and

Whereas, Almost every person in the community of Dunlow, West Virginia, has been touched by Curtis and Millie's kindness and generosity. The love that they both had for our community was displayed by their hardworking, gentle, giving spirits. They were devoted to making our small community a better place to live by always extending a helping hand, providing jobs, caring for the elderly and encouraging and guiding the youth. They helped develop and organize our small community by creating local churches, directing Sunday school classes, and working to fulfill the needs of the entire community. They treated everyone as their own family and were lovingly referred to as everyone's "Mammie" and "Pap". Curtis and Millie Asbury have touched every family in this small community and they should be honored by having this bridge named to commemorate them; and

Whereas, This dedication would serve as an on-going reminder of Curtis and Millie's commitment to making our community a better place to live and to making our citizens better people; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Commissioner of the Division of Highways is hereby requested to name bridge number 50-152-5.70 (50A112), at longitude 37.99842 and latitude -82.40667, locally known as the Missouri Branch Beam Span, carrying West Virginia Route 152 over the West Fork of Twelvepole Creek, the "Curtis 'Pap' and Millie 'Mammie' Asbury Bridge"; and, be it

*Further Resolved*, That the Commissioner of the Division of Highways is hereby requested to create and erect signs at both ends of the bridge proclaiming the bridge the “Curtis ‘Pap’ and Millie ‘Mammie’ Asbury 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.

Delegates Rowe, Caputo, Robinson, White, Brewer, Byrd, Hornbuckle, Fleischauer, Pyles and Lynch offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

**H. C. R. 35** – “Requesting the Division of Highways to name bridge number 20-77-83.84 (20A615), (38.19560, -81.47926), locally known as WV.TPK/WV 79, carrying interstate 77/64 over Route 79/3 and Cabin Creek in Kanawha County, the ‘Arnold Miller Memorial Bridge’.”

Whereas, Arnold Miller was born April 25, 1923, in the mining community of Cherokee in Cabin Creek, Kanawha County, West Virginia to Lula Burgess Hoy and George Miller; and

Whereas, Arnold Miller left school after completing the ninth grade and began his career in the labor sector in the timber industry, before moving to the mining industry at the age of sixteen, loading coal carts in the same mine in which his grandfather worked. He became involved with the local United Mine Workers union during this time as well; and

Whereas, Arnold Miller enlisted in the U. S. Army in 1940, where he served valiantly as a Private First Class for his country as a machine gunner and took part in the Normandy invasion of Europe, where he was severely wounded. Arnold Miller was awarded the Bronze Star, the Silver Star, and the Purple Heart during his service to his country and the State of West Virginia; and

Whereas, Arnold Miller returned from World War II to marry Virginia Brown in 1948, having three children, instilling in them

values such as honesty and hard work, which he showed them by leading through example throughout his life. Arnold Miller was passionate about caring for others less fortunate than himself and was an avid outdoorsman. He worked in the mines for twenty-four years, until succumbing to black lung disease; and

Whereas, After attending rallies at which Doctors I. E. Buff, Donald Rasmussen and Hawey Wells made miners aware of coal miners pneumoconiosis, Arnold Miller helped organize other miners to create the West Virginia Black Lung Association in 1968, of which he was also president; and

Whereas, Arnold Miller led the charge for the first “black lung bill” in the United States, giving miners safer conditions in which to work, by being one of the lead advocates for the passage of House Bill 1040 in the 1969 session of the West Virginia Legislature. He and thousands of other West Virginia miners launched a twenty-three day wildcat strike, and he also was a leader in a march on the State Capitol demanding enactment of this legislation and largely as a result of such efforts, the legislation was enacted; and

Whereas, Arnold Miller continued to carry the fight to the federal level for the creation of the Federal Black Lung Benefits Act of 1973; and

Whereas, His presidency of the West Virginia Black Lung Association paved the way for Arnold Miller to seek the presidency of the United Mine Workers of America union in 1972, becoming the first native West Virginian to lead the organization; and

Whereas, The UMWA instituted several reforms during Arnold Miller’s presidency, protecting miner’s rights, increasing democratic practices within local unions, and expanding the practice of collective bargaining; and

Whereas, Arnold Miller resigned the presidency of the UMWA in 1979 due to failing health, and he passed away on July 12, 1985; and

Whereas, Many of the reforms Arnold Miller brought to the United Mine Workers of America are still in practice today, highlighting Arnold Miller's profound impact on the union and the mining industry; and

Whereas, Arnold Miller's contribution to the State of West Virginia, the United Mine Workers of America, and to miners across the country should be commemorated in an enduring memorial to preserve his legacy; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 20-77-83.84 (20A615), (38.19560, -81.47926), locally known as WV.TPK/WV 79 carrying Interstate 77/64 over Route 79/3 and Cabin Creek in Kanawha County, the "Arnold Miller 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 "Arnold Miller Memorial 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.

Delegates C. Miller, Hornbuckle, Eldridge, Lovejoy, Brewer, Butler, Rohrbach, R. Romine, C. Romine and Sobonya offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 36** – "Requesting the Division of Highways name bridge number 06-35-3.83 (06A086) (38.36457, -82.37397), locally known as the 'Green Valley Bridge', along County Route 35 traverses 'Fourpole Creek' in Cabell County, the 'U.S. Army PFC John Ira Pinkerman Memorial Bridge'."

Whereas, John Ira Pinkerman was born in Huntington, West Virginia in 1921 and was raised on Green Valley Road near Bowen Ridge in Cabell County; and

Whereas, PFC John Ira Pinkerman married Geneva Frances Alley in 1941 and they had one child, John Alan Pinkerman, born May 19, 1943; and

Whereas, PFC John Ira Pinkerman was drafted into the U.S. Army on January 18, 1944; and

Whereas, PFC John Ira Pinkerman was killed in action in Northeast France on January 12, 1945; he is one of five thousand two hundred and fifty-five soldiers laid to rest in the U.S. Military Cemetery in Epinal, France; and

Whereas, It is fitting and proper that PFC John Ira Pinkerman be remembered and acknowledged for his dedicated service to this country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 06-35-3.83 (06A086) (38.36457, -82.37397), locally known as the “Green Valley Bridge”, which, along County Route 35 traverses “Fourpole Creek” in Cabell County, the “U.S. Army PFC John Ira Pinkerman 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 “U.S. Army PFC John Ira Pinkerman Memorial Bridge”; and, be it

*Further Resolved,* That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation.

Delegates C. Miller, Maynard, Eldridge, Lovejoy, Brewer, Butler, Rohrbach, C. Romine and Sobonya offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 37** – “Requesting the Division of Highways to name bridge number 40-60-0.03 (40A142) (38.41962, -82.05132),



locally known as Culloden Railroad Overpass, carrying US 60 over CSX Railroad in Putnam County, the ‘U.S. Army SPC William L. Amos Memorial Bridge’.”

Whereas, U.S. Army Specialist William L. Amos was born on October 7, 1940, in Cabell County; and

Whereas, U.S. Army Specialist William L. Amos attended Cabell County Schools and graduated from Milton High School in 1958; and

Whereas, U.S. Army Specialist William L. Amos served his country as a Specialist 4, HHC, 1<sup>st</sup> BN, 28<sup>th</sup> Infantry, 1<sup>st</sup> Infantry Division; and

Whereas, U.S. Army Specialist William L. Amos was killed in action on July 27, 1967, in Binh Duong Province, South Vietnam; and

Whereas, U.S. Army Specialist William L. Amos was the recipient of the Purple Heart, the Combat Infantryman Badge, the Vietnam Service Medal, the Vietnam Campaign Medal and the National Defense Service Medal; and

Whereas, The Milton City Council, the American Legion Post 139, the Veterans of Foreign Wars, Milton Post 9796, the Milton Rotary Club, have submitted individual resolutions to name the bridge after U.S. Army Specialist William L. Amos; and

Whereas, No fewer than 158 individuals have also signed a petition to name the bridge after U.S. Army Specialist William L. Amos; and

Whereas, It is fitting and proper that U.S. Army Specialist William L. Amos be honored by having this bridge named for a soldier who gave the ultimate sacrifice; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Legislature hereby requests the Division of Highways to name bridge number 40-60-0.03 (40A142)

(38.41962, -82.05132), locally known as Culloden Railroad Overpass, carrying US 60 over CSX Railroad in Putnam County, the “U.S. Army SPC William L. Amos Memorial Bridge”; and, be it

*Further Resolved*, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the bridge as the “U.S. Army SPC William L. Amos Memorial Bridge”; and, be it

*Further Resolved*, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of Transportation and the Commissioner of Highways.

Delegates Marcum, Dean, Hamrick, Gearheart, Hicks, Phillips and Williams offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

**H. C. R. 38** – “Requesting the Division of Highways to name bridge number 30-65/83-0.05 (30A283) (37.7938, -82.343), locally known as Tug Valley High School Bridge, carrying County Route 65/83 over Pigeon Creek in Mingo County, the ‘Tug Valley Students Memorial Bridge’.”

Whereas, The West Virginia Division of Highways built this bridge in 2016; and

Whereas, The bridge furthers the economic development of Mingo County; and

Whereas, The bridge has enabled the Mingo County Board of Education to develop and improve the Tug Valley High School and its athletic facilities; and

Whereas, These upgrades improve the education and quality of life for all Tug Valley students; and

Whereas, Numerous students of Tug Valley High School perished at an early age while attending the school; and

Whereas, Those students deserve a lasting memorial celebrating their lives; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 30-65/83-0.05 (30A283) (37.7938, -82.343), locally known as Tug Valley High School Bridge, carrying County Route 65/83 over Pigeon Creek in Mingo County, the “Tug Valley Students 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 “Tug Valley Students Memorial Bridge”; and, be it

*Further Resolved,* That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation.

Delegates Iaquina, Diserio, Cowles, Hornbuckle, Cooper, Eldridge and Ambler offered the following resolution, which was read by its title and referred to the Committee on Banking and Insurance then Rules:

**H. C. R. 39** – “Requesting the Joint Committee on Government and Finance authorize a study on whether to establish a bank operated by the State.”

Whereas, The Legislature is committed to serving the public by encouraging and promoting agriculture, commerce and industry. The State does not currently engage in the business of banking or own, control, or operate a bank; and

Whereas, The State of North Dakota currently engages in the business of banking through ownership, control and operation of a bank known as the Bank of North Dakota. The Bank of North Dakota was established pursuant to North Dakota Century Code 6-09-01 for the purpose of encouraging and promoting agriculture, commerce and industry. The Bank of North Dakota is not a member of the Federal Deposit Insurance Corporation but pursuant to North Dakota Century Code 6-09-10, all deposits in the Bank of

North Dakota are guaranteed by the State. The deposit base of the Bank of North Dakota is unique in that its primary depositor is the State of North Dakota and all state funds and funds of state institutions are deposited with the Bank of North Dakota, as required by law. It accepts other deposits from any source, including private citizens, businesses, and the United States government and is overseen by the North Dakota Industrial Commission and advised by a seven-member Advisory Board appointed by the Governor that reviews the bank's operations and makes recommendations to the Industrial Commission relating to the bank's management, services, policies and procedures. The Bank of North Dakota administers several lending programs that promote agriculture, commerce and industry as well as providing government-guaranteed loans for lenders and community, rural and regional development loan funds; and

Whereas, Legislators in other states, including Arizona, Massachusetts, California, Vermont and the Commonwealth of Virginia have studied the creation of a state-owned bank comparable to the Bank of North Dakota; and

Whereas, The State of West Virginia is expected to have a budget shortfall in 2017 and the State of North Dakota continues to have revenue that exceeds expenses; and

Whereas, The State would benefit from loaning funds to develop agriculture, commerce, and industry. By opening accounts in a bank owned, controlled and operated by the State, West Virginians would be able to invest in the growth of agriculture, commerce and industry in the State. West Virginians with accounts in a bank owned, controlled and operated by the State would benefit from a return on their investment in the form of loan interest and other revenues earned by the bank's investments in agriculture, commerce and industry in the State; and

Whereas, The purpose of a bank owned, controlled and operated by the State would be to invest in agriculture, commerce and industry within the State and a need exists to determine if the State would benefit from the creation and operation of such a financial institution; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on Government and Finance is hereby requested to study whether to establish a bank operated by the State in order to encourage and promote agriculture, commerce and industry, to determine the appropriate staffing needs and program costs to establish a bank operated by the State, and to prepare a report on the benefits and costs of such a bank; and, be it

*Further Resolved*, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2018, on its findings, conclusions and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

*Further Resolved*, That the expenses necessary to conduct this study and to prepare and draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Delegates Upson, Moore, Espinosa, Householder, Barrett, Hill, Cowles, Kessinger, Phillips, Wagner, Westfall and Wilson offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

**H. C. R. 40** – “Requesting the Division of Highways name bridge number 19-340-14.66 (19A037) (39.32014, -77.74155), locally known as Harpers Ferry Bridge, carrying US 340 over the Shenandoah River, Park Access Road and CSX Railroad in Jefferson County, the ‘John Hancock Hall Memorial Bridge’.”

Whereas, John Hancock Hall was the inventor of the M1819 Hall breech-loading rifle and was a mass production innovator; and

Whereas, In 1819, John Hancock Hall, a New England gun-maker, signed a contract with the United States War Department to produce 1,000 breech loading rifles, a weapon he had designed and patented in 1811; and

Whereas, Under the terms of the contract, Hall came to Harpers Ferry where he constructed an industrial complex along the

Shenandoah River. This site soon became known as Hall's Rifle Works, and the small island on which it stood was called Lower Hall Island; and

Whereas, Hall spent several years tooling new workshops and perfecting precision machinery for producing rifles with interchangeable parts – a boldly ambitious goal for an industry which was traditionally based on the manual labor of skilled craftsmen; and

Whereas, Hall's innovations in construction, tools, controls, stops and gauges were historic breakthroughs in milling iron and machine tools; and

Whereas, The men who had learned Hall's methods of interchangeable parts, while working at his factories in Harpers Ferry, went on to apply those methods to production of shoes, watches, clocks, bicycles, clothing, rubber goods, and later, automobiles. Hall's methods transformed the United States from an economy of workshop craftsmen to a nation of industrialized mass production, the American System; and

Whereas, Hall's achievement formed the basis of mass production that ushered in our modern age; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 19-340-14.66 (19A037) (39.32014, -77.74155), locally known as Harpers Ferry Bridge, carrying US 340 over the Shenandoah River, Park Access Road and CSX Railroad in Jefferson County, the "John Hancock Hall 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, in bold and prominent letters, proclaiming the bridge as the "John Hancock Hall Memorial Bridge"; and, be it

*Further Revolved*, That the Clerk of the House of Delegates forward certified copies of this resolution to the Secretary of the Department of Transportation.

Delegates Upson, Cowles, Espinosa, Howell, Kessinger, Moore, O’Neal, Overington, Wagner, Westfall and Wilson offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

**H. C. R. 41** – “Requesting the Division of Highways to name the bridge on West Virginia Route 9 over the Shenandoah River in Jefferson County, near Millville, latitude 39.2728592, longitude - 77.7843137, the ‘Major Martin Robison Delany Memorial Bridge’.”

Whereas, Martin Robison Delany was born in Charles Town, Virginia (now West Virginia), in 1812. He was the son of Samuel Delany (an enslaved carpenter) and Pati Delany (a free woman of color). In 1822, it was discovered that his mother was teaching him to read and write, breaking a Virginia law that prohibited Blacks from learning to read and write. The family escaped to Chambersburg, PA, to avoid punishment; and

Whereas, When Delany turned 19, he moved to Pittsburgh where he became an apprentice for various abolitionist doctors throughout the city. In 1843, Delany founded and began to write for the *Mystery*, a Black-controlled newspaper. In 1847, Delany met Frederick Douglass and together with William Lloyd Garrison created the *North Star*, one of the most influential newspapers advocating emancipation; and

Whereas, In 1863, after President Lincoln instituted the draft for the Civil War, Delany traveled all over the country to recruit Black men to enlist in the army. In 1865, Delany convinced President Lincoln to create a corps of Black men in the army that would be led by Black officers. As a result of this meeting, President Lincoln sent a letter to Secretary of War Edwin Stanton stating, “Do not fail to meet this most extraordinary and intelligent Black man.” Delany was commissioned as a major a few weeks later, becoming the first Black line field officer and the highest rank that a Black man would achieve during the Civil War; and

Whereas, In 1936, W.E.B. DuBois, wrote, “His was a magnificent life, and yet, how many of us have heard of him”; and

Whereas, More than one noted historian has said Martin Delany lived several lifetimes rolled into one. His fertile mind and principled conscience to which he felt beholden led him across three continents and countless experiences and challenges; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name the bridge on West Virginia Route 9 over the Shenandoah River in Jefferson County, near Millville, bridge number, latitude 39.2728592, longitude -77.7843137, the “Major Martin Robison Delany 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 “Major Martin Robison Delany Memorial Bridge”; and, be it

*Further Resolved*, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation.

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

**H. C. R. 42** – “Requesting that bridge number 23-10/7-0.01(23A048) (37.72942, -81.79447), locally known as the Gillman Bottom Bridge carrying CR 10/7 over Huff Creek in Logan County, West Virginia, be named the ‘John B. Short Memorial Bridge’.”

Whereas, John B. Short was born in 1923, the son of LeRoy and Linda Jackson Short of Davin, West Virginia. He died in 2008. He was a graduate of Man High School in 1942 and enlisted in the U. S. Army Air Corps in 1943, where he served until 1946. He went to electrician school in Michigan and, upon his return, he



married Ruby K. Nunley Short. They had seven children. John retired as Chief Electrician with Pittston Coal Company in 1986. He was an avid outdoorsman, hunter and fisherman; and

Whereas, It is fitting that an enduring memorial be established to commemorate this individual who meant so much to his family and community; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name Bridge Number 23-10/7-0.01(23A048) (37.72942, -81.79447), locally known as the Gillman Bottom Bridge carrying CR 10/7 over Huff Creek in Logan County, West Virginia, be named the “John B. Short 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 “John B. Short Memorial 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.

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

**H. C. R. 43** – “Requesting the Division of Highways to name the bridge on County Route 80 over Huff Creek in Logan County, bridge number 23-80-5.66 (23A089), latitude 37.73012, longitude -81.87272, locally known as the Huff Junction Beam Span, the ‘U. S. Army CPL F. Lee Noel Memorial Bridge’.”

Whereas, U. S. Army CPL F. Lee Noel was born on April 14, 1928, in Wilsondale in Wayne County to E. R. Noel, Sr. and Vacey Ann Marcum Noel and died on September 3, 2014; and

Whereas, U. S. Army CPL F. Lee Noel graduated in 1948 from Lenore High School where he lettered in basketball; and

Whereas, U. S. Army CPL F. Lee Noel was inducted into the U. S. Army on December 5, 1950, served in the 3<sup>rd</sup> Armored Division, the Korean Conflict and was honorably discharged on November 14, 1956; and

Whereas, U. S. Army CPL F. Lee Noel was employed by Island Creek Coal Company as a heavy equipment operator for 41 years and owned the Pic Pac grocery stores in Man and Justice; and

Whereas, U. S. Army CPL F. Lee Noel served as an elder, trustee, Sunday school superintendent and in the choir in the Man Church of God during his nearly 50 years of membership; and

Whereas, U. S. Army CPL F. Lee Noel was the bass singer in the Evangeleers Quartet, was a member of the Lions Club at Man for over 25 years and loved golfing with his family; and

Whereas, U. S. Army CPL F. Lee Noel is survived by his wife of nearly 60 years, Billie Redmond Noel, two children, Nancy (Ron) Lemon and Norman (Danita) Noel, four grandchildren and four great-grandchildren; and

Whereas, It is only fitting that we name this bridge to honor U. S. Army CPL F. Lee Noel; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Legislature hereby requests the Division of Highways to name the bridge on County Route 80 over Huff Creek in Logan County, bridge number 23-80-5.66 (23A089), latitude 37.73012, longitude -81.87272, locally known as the Huff Junction Beam Span, the “U. S. Army CPL F. Lee Noel 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 “U. S. Army CPL F. Lee Noel Memorial Bridge”; and, be it

*Further Resolved*, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation.

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

**H. C. R. 44** – “Requesting the Division of Highways to name the bridge on Route 119/5, Mile 4.05, Bridge Number 23-119/5-4.05 (23A-259) (37.75856, -82.04788), locally known as Right Fork Pine Creek Box Beam carrying CR 119/5 over Right Fork of Pine Creek in Logan County, the ‘Balentine Brothers Bridge’.”

Whereas, Paul H. Balentine was born on March 22, 1943, in Omar, Logan County, West Virginia; Phillip D. Balentine was born on January 19, 1945, in Omar, Logan County, West Virginia, the sons of Paul Balentine and Georgia Perry Balentine. They were educated in Logan County schools; and

Whereas, Paul H. Balentine served honorably in the United States Navy, ending his active service in 1965 while serving on the USS Wood CTY IST1178, while his brother, Phillip D. Balentine served honorably in the United States Marine Corps in Vietnam and ended his active service in 1968; and

Whereas, Naming that bridge on Route 119/5, Mile 4.05, bridge number 23-119/5-4.05 (23A-259) (37.75856, -82.04788), locally known as Right Fork Pine Creek Box Beam in Logan County, the “Balentine Brothers Bridge” is an appropriate recognition of their contributions to their country, state, community and Logan County; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name the bridge on Route 119/5, Mile 4.05, Bridge Number 23-119/5-4.05 (23A-259) (37.75856, -82.04788), locally known as Right Fork Pine Creek Box Beam carrying CR 119/5 over Right Fork of Pine

Creek in Logan County, the “Balentine Brothers 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 “Balentine Brothers Bridge”; and, be it

*Further Resolved*, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation.

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

**H. C. R. 45** – “Requesting the Division of Highways to name a portion of County Route 5/11, White Creek Road, in Lincoln County, near Harts, beginning at a point, latitude 37.922, longitude -82.089, at the intersection of Smokehouse Fork Hart Creek Road, and ending at a point, latitude 37.912, longitude -82.106, at the intersection of White Oak Road, the ‘Lando Adkins, Sr. Memorial Road’.”

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

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

*Resolved by the Legislature of West Virginia:*

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

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

*Further Resolved*, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of Transportation and the Commissioner of Highways.

Delegates Gearheart, Householder, C. Romine, Phillips, White, Ellington, Paynter, Martin, Shott and E. Evans offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

**H. C. R. 46** – “Requesting that the Division of Highways name the bridge numbered 19-0.01 24A293, (at 37.41606, -81.43625), originally known as the ‘Northfork Bridge’, located in Northfork, McDowell County, carrying County Route 24-52 over Elkhorn Creek, the ‘Blue Demon Bridge’.”

Whereas, The Northfork High School’s sobriquet, going back to 1966, was the “Blue Demons”; and

Whereas, Sports fans from across this state still talk about the Blue Demon’s boys’ basketball teams that won Class AA state championships in 1971 and 1984, as well as a national record eight straight years from 1974 through 1981; and

Whereas, When this state inaugurated the first girls’ basketball tournament in 1976, the “Demonettes” won then as well in 1977 and 1979; and

Whereas, The Blue Demons’ 1973 football team had a perfect season record of 12 and 0; and

Whereas, Over the nineteen years in which Northfork High was in existence, the boys’ basketball team compiled an amazing record of 112 wins to only 12 losses on their home floor; and

Whereas, Although Northfork High School has been closed for over thirty years, the memories are just as vivid today as when they

were being made decades ago for all who attended this legendary school, forever holding a place in the hearts of former students and teachers; and

Whereas, This school, as well, will always be remembered by all who saw the Blue Demons play, or heard of their exploits, as the source of the nickname for the town that is still known today as “the basketball capital of the United States”; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name the bridge numbered 19-0.01 (24A293) (37.41606, -81.43625), originally known as the “Northfork Bridge”, located in Northfork, McDowell County, carrying County Route 24-52 over Elkhorn Creek, the “Blue Demon Bridge”; and, be it

*Further Resolved,* That the Commissioner of Highways is hereby requested to erect signs at both sides of the bridge numbered 24A293 which is located in Northfork in McDowell County proclaiming its name to be the “Blue Demon Bridge”; and, be it

*Further Resolved,* That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation.

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

**H. C. R. 47** – “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’.”

Whereas, Wilson B. Lambert, Jr. was born on June 14, 1930, in Harts, Lincoln County, West Virginia. Corporal Wilson B. Lambert, Jr. was an infantryman in the Heavy Mortar Co, 38<sup>th</sup> Infantry Regiment, 2<sup>nd</sup> Division, and was injured on February 13,

1951, in Wonju, Korea. He received a Purple Heart, Combat Infantry Badge and Korean Service Medal with 2 Bronze Stars. Wilson B. Lambert, Jr. returned to West Virginia where he worked in coal mining and construction. He died on May 5, 2011; and

Whereas, Naming 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” is an appropriate recognition of his service to his country, state and Lincoln County; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested 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”; and, be it

*Further Resolved*, That the Division of Highways is requested to have made and be placed signs identifying the road as the “U. S. Army CPL Wilson B. Lambert, Jr. Memorial Road”; and, be it

*Further Resolved*, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation.

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

**H. C. R. 48** – “Requesting the Division of Highways to name bridge number 23-119-15.56 NBSB (23A095) (23A371) (37.97487, -82.01675), locally known as Chapmanville Route 10 Overpass, carrying US 119 over WV 10 in Logan County, the ‘U.S. Army SPC David H. Stamper Memorial Bridge’.”

Whereas, David H. Stamper was born on March 28, 1951, in Wilkinson, West Virginia to Helen R. Stamper and Haskell K. Stamper; and

Whereas, Army Specialist Stamper was a lifelong resident of Logan County and was a 1969 graduate of Logan High School; and

Whereas, Army Specialist Stamper received his draft call on the same day he was married to Delana R. Stamper in February, 1971; and

Whereas, Army Specialist Stamper entered the service seven days after he was married and was sent to Vietnam in August, 1971; and

Whereas, Army Specialist David H. Stamper was crew chief of an Army helicopter in Vietnam and he was killed in action on April 14, 1972, when he was apparently shot by a sniper; and

Whereas, Army Specialist David H. Stamper was awarded the Silver Star for gallantry in action, the Bronze Star Medal, the Air Medal (Sixth through Eighth Award), the Purple Heart, the Good Conduct Medal, the Air Medal with (Second through Fifth Award), the National Defense Service Medal, the Vietnam Service Medal, the Vietnam Campaign Medal, the Aircraft Crewman Badge, and the Marksman Badge with Automatic Rifle Bar; and

Whereas, It is fitting and proper that U.S. Army Specialist David H. Stamper be honored by having this bridge named for a soldier who gave the ultimate sacrifice in service to his country, his state and his family; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 23-119-15.56 NBSB (23A095) (23A371) (37.97487, -82.01675), locally known as Chapmanville Route 10 Overpass, carrying US 119 over WV 10 in Logan County, the "U.S. Army SPC David H. Stamper Memorial Bridge"; and, be it

*Further Resolved,* That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the bridge as the "U.S. Army SPC David H. Stamper Memorial Bridge"; and, be it



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

Delegates Phillips, Marcum, Rodighiero, R. Miller, Eldridge and Maynard offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 49** – “Requesting the Division of Highways to name Bridge Number 23-10/10-0.01 (23A302) (37.72886, -81.84404), locally known as Mallory Beam Span, carrying County Route 10/10 over Huff Creek in Logan County, the ‘U.S. Army PFC Donald Ray Cochran Memorial Bridge’.”

Whereas, Donald Ray Cochran was born December 27, 1926, at Mallory, West Virginia, the son of Millard Cochran and Garnett Walls Cochran. He graduated from Man High School, Class of 1944, and worked for Powellton Coal Company at Rock House on the engineering crew until he was drafted into the United States Army in 1950. He was killed in action in North Korea on May 25, 1951. His remains were shipped home for burial in December 1951, to Forrest Lawn Cemetery at Pecks Mill, West Virginia; and

Whereas, Naming the Mallory Beam Span Bridge the “U.S. Army PFC Donald Ray Cochran Memorial Bridge” is an appropriate recognition of his contributions and his supreme sacrifice to his country, state, community and Logan County; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name Bridge Number 23-10/10-0.01 (23A302) (37.72886, -81.84404), locally known as Mallory Beam Span, carrying County Route 10/10 over Huff Creek in Logan County, the “U.S. Army PFC Donald Ray Cochran Memorial Bridge”; and, be it

*Further Resolved*, That the Commissioner of the Division of Highways is requested to have made and be placed signs identifying the bridge as the “U.S. Army PFC Donald Ray Cochran Memorial 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.

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

**H. C. R. 50** – “Requesting the Division of Highways to name an approximate nine-mile section of Route 14 beginning at the Lowe Family Cemetery and ending at the intersection of Route 10 and Route 15 in Logan County the ‘Lowe Mountain Memorial Highway’.”

Whereas, The Lowe Family Cemetery located at the top of Lowe Mountain, elevation 2,177 feet, is the final resting place of the following brave veterans: Jerry Lowe, U. S. Army, Vietnam; Roy Lowe, U. S. Army, (KIA) World War I; Nolan Porter, U. S. Army, World War I; Cecil Porter, U. S. Army, World War II; George Porter, U. S. Army, World War II; Wetzel Lowe, U. S. Army, World War I; James Roberts, Sr., U. S. Army; James Roberts, Jr. , U. S. Army, Vietnam; Elbert Kilgore, U. S. Army, Korea; Ira Ramsey, U. S. Army, World War I; Virgil Mullins, Sr., U. S. Army, World War II; Herbert Ferrell, U. S. Army, World War II; Hubert Lowe, U. S. Army; J. B. Lowe; and Darrell Lowe; U. S. Air Force; and

Whereas, Fifty-two residents of Route 14 in Logan signed and had delivered a petition to the West Virginia Legislature requesting that portion of the road be so named; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name an approximate nine-mile section of Route 14 beginning at the Lowe Family Cemetery and ending at the intersection of Route 10 and Route 15 in Logan County the “Lowe Mountain Memorial Highway”; and, be it

*Further Resolved*, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the designated highway containing bold and prominent letters proclaiming that approximate nine-mile section of Route 14 beginning at the Lowe Family Cemetery and ending at the intersection of Route 10 and Route 15 in Logan County the “Lowe Mountain Memorial Highway”; 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.

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

**H. C. R. 51** – “Requesting the Division of Highways to name bridge number 23-44-16.99 (23A154) (37.84488, -82.0092), locally known as Cherry Tree Bridge, carrying WV 44 over Island Creek in Logan county, the ‘U.S. Army LTC George William “Toby” Runyon Memorial Bridge’.”

Whereas, George William “Toby” Runyon was born in Monaville, Logan County, West Virginia, on December 17, 1941; and

Whereas, He was the oldest son of George F. and Elizabeth Runyon; and

Whereas, His siblings were James S. Runyon, Ivan L. Runyon and Donald R. Runyon; and

Whereas, George William “Toby” Runyon attended local elementary schools and graduated from Logan High School in 1960 where he was an honor student, and lettered in football and baseball; and

Whereas, After high school graduation, George William “Toby” Runyon attended Marshall University and the University of Maryland where he earned a Master’s Degree in International Studies; and

Whereas, George William “Toby” Runyon served honorably in the United States Army for twenty-five years, reaching the rank of Lieutenant Colonel and serving two combat tours in Vietnam and two tours in Heidelberg Germany; and

Whereas, Lieutenant Colonel George William “Toby” Runyon was awarded a Bronze Star for his meritorious service, and completed his last assignment on the staff at the National War College at Fort McNair; Washington, D.C.; and

Whereas, Following his retirement in 1988, George William “Toby” Runyon worked for Titan and L3 Corporation at Aberdeen Proving Ground in Aberdeen, Maryland, using his special knowledge in robotics for the battlefield, where he developed and tested robots to locate Improvised Explosive Devices and other dangers for soldiers, thereby helping to save the lives of untold numbers of soldiers; and

Whereas, Lieutenant Colonel Runyon is survived by his wife, Martha J. “Jan” Runyon; and

Whereas, Lieutenant Colonel Runyon was an active member of North Lake Presbyterian Church in Lady Lake, Florida; therefore, in recognition of his 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 23-44-16.99 (23A154) (37.84488, -82.0092), locally known as Cherry Tree Bridge, carrying WV 44 over Island Creek in Logan county, the “U.S. Army LTC George William ‘Toby’ Runyon 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. Army LTC George William ‘Toby’ Memorial Bridge”; and, be it

*Further Resolved*, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation.

Delegates Phillips, Hollen, Arvon, Atkinson, Barrett, Blair, Butler, Byrd, Dean, Eldridge, Folk, G. Foster, N. Foster, Higginbotham, Hill, Kelly, Kessinger, Marcum, Maynard, McGeehan, Miley, R. Miller, Paynter, Robinson, Westfall, Wilson and Zatezalo offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. R. 11** – “Supporting and encouraging the enactment of the federal Hearing Protection Act of 2017.”

Whereas, The Hearing Protection Act of 2017 would remove sound suppressors from regulation under the National Firearms Act and treat them as ordinary firearms under the Gun Control Act of 1968; and

Whereas, Commercial manufacturers, dealers, and importers would continue to be licensed and retail sales of sound suppressors would continue to be subject to background check and transfer form requirements; and

Whereas, Sound suppressors are currently subject to an application process and a \$200 tax stamp; and

Whereas, Sound suppressors do not make firearms completely soundless but possibly make them safer and quieter to operate; therefore, be it

*Resolved by the House of Delegates:*

That the House of Delegates hereby supports and encourages the enactment of the federal Hearing Protection Act of 2017 which would amend the federal criminal code to preempt state or local laws that tax or regulate firearm silencers; and, be it

*Further Resolved*, That the Clerk of the House of Delegates is hereby requested to send a copy of this resolution to each member of the West Virginia delegation in the Congress of the United States.

### **Bills Introduced**

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

**By Delegates Frich, Ward, Butler, Longstreth, Westfall, Gearheart, Storch, Walters, Householder, Arvon and C. Miller:**

**H. B. 2773** - "A Bill to repeal §25-7-6 of the Code of West Virginia, 1931, as amended; and to amend and reenact §25-7-5 of said code, all related to purchase of inmate-made goods by state agencies"; to the Committee on Government Organization then Finance.

**By Delegates Hamrick, Ward, Folk, Frich, Summers, Statler, Howell, Zatezalo, Queen, Iaquina and Miley:**

**H. B. 2774** - "A Bill to amend and reenact §11-6H-2 of the Code of West Virginia, 1931, as amended; relating to defining 'special aircraft property' to include certain parts, materials or items used in the construction or repair of aircraft, aircraft engines or components of aircraft"; to the Committee on Finance.

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

**H. B. 2775** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-24, relating to imposing, administering, and collecting a license tax on successful bidders for road construction contracts; imposing license tax; requiring notification and method for payment of license tax; dedicating taxes collected; requiring bonding; creating a special revenue account; and specifying effective date"; to the Committee on the Judiciary then Finance.

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

**H. B. 2776** - "A Bill to amend and reenact §21-3-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §21-3C-11 of the said code; to amend and reenact §21-3D-8 of said code; to amend and reenact §21-5-5c of said code; to amend and reenact §21-9-9 of said code; to amend and reenact §21-10-4 of said code;

to amend and reenact §21-11-17 of said code; to amend and reenact §21-14-9 of said code; to amend and reenact §21-15-7 of said code; to amend and reenact §21-16-10 of said code; to amend and reenact §47-1-8, §47-1-20, §47-1-21 and §47-1-22 of said code; and to amend and reenact §47-1A-10 and §47-1A-14 of said code, all relating to the creation of special revenue funding sources for the Division of Labor to meet its statutory obligations; establishing ‘Steam Boiler Fund’; establishing ‘HVAC Fund’; establishing ‘Plumbing Work Fund’; establishing ‘Psychophysiological Examiners Fund’; establishing ‘Bedding and Upholstery Fund’; removing requirement that fees from issuing licenses to administer psychophysiological detection of deception, lie detector or similar examinations be deposited in the General Revenue Fund; authorizing the commissioner to charge fees for the registration of service persons and service agencies, and the registration of businesses that use weighing and measuring devices for commercial purposes and directing such fees to the Weights and Measures Fund; authorizing the commissioner to promulgate emergency legislative rules to administer and enforce fees on service persons and service agencies and businesses using weighing and measuring devices; directing civil penalty fees to the Weights and Measures Fund; removing requirement that the commissioner approve applications for sterilization permits held in states other than West Virginia only after personal inspection of such sterilizer or disinfectant; increasing fees for the issuance of certificates of operation of elevators; establishing late fees; establishing reissuance fee for revoked or expired permits; increasing registration fees for manufacturers of bedding, upholsters and renovators; increasing permitting fees for sterilizers; authorizing the commissioner to promulgate legislative rules; and making general edits and clarifications”; to the Committee on Industry and Labor then Finance.

**By Delegate Deem:**

**H. B. 2777** - “A Bill to amend and reenact §36-8-13 of the Code of West Virginia, 1931, as amended, relating to requiring all unclaimed oil and gas royalties due a leaseholder of the mineral estate shall be transferred and paid to the legal surface owner or owners”; to the Committee on Energy then the Judiciary.

**By Delegate Walters:**

**H. B. 2778** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §64-5-2, relating to reauthorizing, with amendment, as one rule, the legislative rules contained in title sixty-four, series eleven and series seventy-four of the Code of State Rules relating to licensure of behavioral health centers (64 CSR 11) and behavioral health consumer rights (64 CSR 74)”; to the Committee on Health and Human Resources then the Judiciary.

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

**H. B. 2779** - “A Bill supplementing, amending, decreasing, and increasing items of the existing appropriations from the State Road Fund to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2017, organization 0803, for the fiscal year ending June 30, 2017”; to the Committee on Finance.

**By Delegates R. Miller, Rohrbach, Lovejoy, Ferro,  
Canestraro, Maynard, Marcum, Eldridge and Robinson:**

**H. B. 2780** - “A Bill to amend and reenact §5H-1-2 of the Code of West Virginia, 1931, as amended, relating to clarifying existing language for those first responders who die as a direct result of their duties as a firefighter, EMS or law-enforcement provider”; to the Committee on the Judiciary then Finance.

**House Calendar****Third Reading**

**S. B. 231**, Relating to State Board of Education and Medicaid-eligible children; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 39**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 231) passed.



Delegate Cowles moved that the bill take effect July 1, 2017.

On this question, the yeas and nays were taken (**Roll No. 40**), and there were—yeas 100, nays none, absent and not voting none.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 231) takes effect July 1, 2017.

*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. 2329**, Prohibiting the production, manufacture or possession of fentanyl; 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. 41**), and there were—yeas 95, nays 3, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Folk, McGeehan and Rowe.

Absent and Not Voting: Criss 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. 2329) 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. 2620**, West Virginia Drug Overdose Monitoring 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. 42**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Walters and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2620) 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. 2646**, Terminating the Women's Commission and discontinuing its functions; on third reading, coming up in regular order, was read a third time.

Delegate Brewer was addressing the House when Delegate Butler arose to a point of order, stating that the Member was not speaking to the bill pending before the House.

The Speaker reminded the Gentleman to confine his remarks to the matter before the House.

Delegate Ferro requested to be excused from voting on the passage of Com. Sub. for H. B. 2646 under the provisions of House Rule 49.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 43**), and there were, including pairs—yeas 58, nays 41, absent and not voting 1, with the paired, nays and absent and not voting being as follows:

Pursuant to House Rule 43, the following pairing was filed and announced by the Clerk:

Paired:

Yea: Lane

Nay: Byrd

Nays: Baldwin, Barrett, Bates, Boggs, Brewer, Canestraro, Capito, Caputo, Diserio, Eldridge, A. Evans, E. Evans, Ferro, Fleischauer, Fluharty, Hamilton, Hartman, Hicks, Hornbuckle, Iaquina, Isner, Longstreth, Love, Lovejoy, Lynch, Marcum, Miley, R. Miller, Moye, Pethel, Pushkin, Pyles, Robinson, Rodighiero, R. Romine, Rowe, Sponaugle, Thompson, Wagner, Williams.

Absent and Not Voting: 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. 2646) 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. 2648**, Increasing penalties for manufacturing or transportation of a controlled substance in the presence of a minor; on third reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Cowles, and by unanimous consent, further consideration of the bill was postponed one day.

### **Second Reading**

**Com. Sub. for H. B. 2364**, Prohibiting electioneering within or near early voting locations during early voting periods; 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. 2502**, Relating to reciprocity of occupational licenses with other states; on second reading, coming up in regular order, was read a second time.

On motion of Delegates Rohrbach and Howell, the bill was amended on page one, section twenty-one, line five, after the words "in which discipline was ordered", by adding the words "or the subject of any pending disciplinary actions".

And,

On page one, section twenty-one, line six after the words “apply for licensure”, by adding a colon and the following: “*Provided*, That the board may still require all other elements necessary for licensure be met: *Provided, however*, That nothing in this section applies to any profession for which West Virginia has entered into an interstate compact.”

The bill was ordered to engrossment and third reading.

**Com. Sub. for H. B. 2619**, Risk Management and Own Risk and Solvency Assessment Act; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2630**, Authorizing the West Virginia Board of Medicine and the West Virginia Board of Osteopathic Medicine to share staff; 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. 2651**, Relating generally to standardized testing requirements for nonpublic schools; on second reading, coming up in regular order, was read a second time.

Delegates Marcum and Folk moved to amend the bill on page one, by striking out the enacting section and inserting in lieu thereof the following:

“That §18-28-3 of the Code of West Virginia, 1931, as amended, be repealed.”

And,

By striking out the remainder of the bill.

### **Speaker Pro Tempore Overington in the Chair**

Mr. Speaker, Mr. Armstead, arose from his seat and requested to be excused from voting on the amendments and passage of Com. Sub. for H. B. 2651 under the provisions of House Rule 49.

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

**Mr. Speaker, Mr. Armstead, in the Chair**

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

The yeas and nays having been ordered, they were taken (**Roll No. 44**), and there were—yeas 38, nays 58, absent and not voting 4, with the yeas and absent and not voting being as follows:

Yeas: Baldwin, Barrett, Bates, Butler, Canestraro, Caputo, Dean, Diserio, Ellington, Fleischauer, Fluharty, Folk, Frich, Hicks, Hill, Hollen, Hornbuckle, Kelly, Lane, Longstreth, Lynch, Marcum, Martin, McGeehan, R. Miller, Paynter, Phillips, Pushkin, Queen, Robinson, Rodighiero, Sponaule, Storch, Summers, Thompson, Ward, White and Williams.

Absent and Not Voting: Byrd, Eldridge, A. Evans and Walters.

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

Delegates Marcum and Folk moved to amend the bill on page three, section three, line forty-eight, by striking out the word “ninety” and inserting in lieu thereof the word “fifty”.

The question before the House being the adoption of the amendment, the same was put and did not prevail.

The bill was ordered to engrossment and third reading.

**H. B. 2684**, Imposing penalties for repeat violations of the prohibition against driving under the influence on a suspended license; 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 H. B. 2459**, Relating to regulation of health care and the certificate of need process,

**Com. Sub. for H. B. 2509**, Relating to the practice of telemedicine,

**H. B. 2590**, Updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act,

**H. B. 2594**, Updating the meaning of federal adjusted gross income and certain other terms used in the West Virginia Personal Income Tax Act,

And,

**H. B. 2653**, Extending the Multi State Real-Time Tracking System.

### Miscellaneous Business

Delegate Hartman announced that he was absent on today when the vote was taken on Roll No. 36, and that had he been present, he would have voted “Yea” thereon.

Delegate Wilson announced that he was absent on today when the vote was taken on Roll No. 42, and that had he been present, he would have voted “Yea” thereon.

Delegate Love asked and obtained unanimous consent that the remarks of Delegate Rohrbach regarding Com. Sub. for H. B. 2329 today be printed in the Appendix to the Journal.

Delegate Howell asked and obtained unanimous consent that the debate regarding H. B. 2646 today be printed in the Appendix to the Journal.

Delegate Rohrbach asked and obtained unanimous consent that the remarks of Delegate Nelson during Remarks by Members today be printed in the Appendix to the Journal.

Delegate Caputo asked and obtained unanimous consent that the remarks of Delegate Bates during Remarks by Members today be printed in the Appendix to the Journal.

Delegate Frich filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2674.

Delegate Hamilton filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2729.

Delegate Nelson filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2756.

Delegate A. Evans filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2764.

Delegate A. Evans filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2769.

Delegates Boggs, Lewis, Lovejoy, Maynard, Paynter, Pyles, C. Romine, R. Romine, Rowan, Sypolt and White filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. R. 8.

At 2:56 p.m., the House of Delegates adjourned until 11:00 a.m., Friday, March 3, 2017.





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Friday, March 3, 2017

**TWENTY-FOURTH DAY**

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

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

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

The Clerk proceeded to read the Journal of Thursday, March 2, 2017, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

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

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

**H. B. 2548**, Relating to the use of outside speakers by persons licensed to manufacture, sell, possess for sale, transport or distribute nonintoxicating beer,

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. 2548) was referred to the Committee on the Judiciary.

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

Your Committee on Banking and Insurance has had under consideration:

**H. B. 2683**, Relating to West Virginia Insurance Guaranty Association Act,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2683) was referred to the Committee on the Judiciary.

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

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

**H. B. 2375**, Establishing a Small Business Empowerment and Economic Expansion Program providing tax relief to newly-established small businesses,

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. 2375) 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. R. 8**, Increasing the Social Security Cost of Living Adjustment,

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

In accordance with the former direction of the Speaker, the resolution (H. R. 8) was referred to the Committee on Rules.

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

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

**H. B. 2766**, Establishing a new special revenue fund designated the Adult Drug Court Participation Fund,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2766) was referred to the Committee on Finance.

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

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

**H. B. 2068**, Operating and maintaining a fully interoperable statewide network to facilitate public and private use of health care information in the state,

And,

**H. B. 2366**, Relating to selling Jackie Withrow Hospital,

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 (H. B. 2068 and H. B. 2366) were each referred to the Committee on Finance.

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

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

**S. B. 188**, Correcting definition of “telehealth” in medication-assisted treatment programs,

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. 2522**, Nurse licensure compact,

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. 2522) was referred to the Committee on the Judiciary.

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

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

**S. B. 176**, Repealing article concerning detection of tuberculosis, high blood pressure and diabetes,

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

### **Bills Introduced**

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

**By Delegates Blair, Zatezalo, Householder, Ambler, Hamrick, Anderson, Martin, Maynard and Lewis:**

**H. B. 2781** - “A Bill to amend and reenact §3-1-34 of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-2-11 and §3-2-12 of said code, all relating to voting procedures; requiring a person desiring to vote to present documentation identifying the voter to one of the poll clerks; setting forth the requirements for that documentation; identifying acceptable documentation; directing the Secretary of State to educate voters about the identification requirement and develop a program to help ensure that all eligible voters obtain identification; providing for casting of provisional ballot by a person without adequate proof of identification; providing certain exemptions from the requirement to present a photo identification card; modifying provisional ballot procedures; providing for issuance of identification cards at no charge; establishing procedures for persons over a certain age and lacking certain documents to acquire photo identification cards; repealing the automatic voter’s registration program concurrent with application for a driver’s license; and repealing funding for that program”; to the Committee on the Judiciary.

**By Delegates Lewis, E. Evans, R. Romine, Hamilton, Rowan, Rohrbach, Statler, Dean, Howell, Sypolt and Wagner:**

**H. B. 2782** - “A Bill to amend and reenact §36-9-15 of the Code of West Virginia, 1931, as amended, relating to permitting a time-share managing entity to foreclose upon its statutory lien for assessments in the manner of sales under trust deeds; providing for the naming of a trustee by the managing entity to carry out the sale”; to the Committee on the Judiciary.

**By Delegates Rodighiero, Lynch, Moye, Thompson, Hicks, R. Miller, Westfall, Marcum, Baldwin and Eldridge:**

**H. B. 2783** - “A Bill to amend and reenact §5A-10-3 of the Code of West Virginia, 1931, as amended; and to amend said code

by adding thereto a new section, designated §5A-10-4a, all relating to authorizing the Real Estate Division of the Department of Administration to develop policies and procedures for the leasing, at no cost, of unoccupied buildings and unused property owned by the state to private job-creating businesses; authorizing its executive director to lease, at no cost, unoccupied buildings and unused property owned by the state to private job-creating businesses; setting forth conditions; and requiring rule-making”; to the Committee on Government Organization then Finance.

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

**H. B. 2784** - “A Bill to amend and reenact §21A-8-16 of the Code of West Virginia, 1931, as amended, relating to maintaining the solvency of the Unemployment Compensation Fund; and extending the time period for borrowing funds from the Revenue Shortfall Reserve Fund for the Unemployment Compensation Fund to September 1, 2018”; to the Committee on Finance.

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

**H. B. 2785** - “A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2017, to the Department of Military Affairs and Public Safety, Fire Commission – Fire Marshal Fees, fund 6152, fiscal year 2017, organization 0619, by supplementing and amending the appropriations for the fiscal year ending June 30, 2017”; to the Committee on Finance.

**By Delegates Moye, Lynch, Miley, Pyles, Fleischauer,  
Marcum, Isner, R. Romine, Ambler and Cooper:**

**H. B. 2786** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-2-20, relating to authorizing the Public Service Commission to regulate the billing practices of utilities and other entities that utilize wired or wireless transmission technologies to send and receive data to and from consumers”; to the Committee on Government Organization then the Judiciary.

**By Delegates Thompson, Westfall, Rohrbach, Moye, Dean, Hicks, Marcum and Rodighiero:**

**H. B. 2787** - “A Bill to amend and reenact §18A-4-8 and §18A-4-8a of the Code of West Virginia, 1931, as amended, all relating to creating an additional class of special education classroom aides and to specify the pay grade for this class of school service personnel”; to the Committee on Education then Finance.

**By Delegates Howell, Shott, Arvon, Martin, Lewis, Hill, Walters, Phillips, Moore, Espinosa and Butler:**

**H. B. 2788** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-15-16b, relating to allowing military veterans with certain military ratings to qualify for examinations required of a probationary firefighter”; to the Committee on Veterans’ Affairs and Homeland Security then Government Organization.

**By Delegates Eldridge, Maynard, Walters, Paynter, Dean, Ambler, Cooper, Iaquina, Love, Lynch and Sponaugle:**

**H. B. 2789** - “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to exempting all monetary benefits derived from retirement income from personal income tax obligations for individuals moving into the state who had not lived in the state for one year immediately preceding the move”; to the Committee on Pensions and Retirement then Finance.

## House Calendar

### Third Reading

**Com. Sub. for H. B. 2364**, Prohibiting electioneering within or near early voting locations during early voting periods; 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. 45**), and there were, including pairs—yeas 94, nays 4, absent and not voting 2, with the paired, nays and absent and not voting being as follows:

Pursuant to House Rule 43, the following pairing was filed and announced by the Clerk:

Paired:

Yea: Byrd                      Nay: Rowe

Nays: Baldwin, E. Evans and Love.

Absent and Not Voting: Ellington and A. Evans.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2364) 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. 2502**, Relating to reciprocity of occupational licenses with other states; on third reading, coming up in regular order, was reported by the Clerk.

Delegate Cowles asked and obtained unanimous consent that the bill be committed to the Committee on the Judiciary.

**Com. Sub. for H. B. 2619**, Risk Management and Own Risk and Solvency Assessment 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. 46**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Byrd, Ellington and A. Evans.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2619) 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. 2630**, Authorizing the West Virginia Board of Medicine and the West Virginia Board of Osteopathic Medicine to share staff; 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. 47**), and there were—yeas 96, nays 1, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Love.

Absent and Not Voting: Byrd, Ellington and A. Evans.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2630) 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. 2648**, Increasing penalties for manufacturing or transportation of a controlled substance in the presence of a minor; on third reading, coming up in regular order, was reported by the Clerk.

Delegate Shott asked and obtained unanimous consent to amend the bill on third reading, and the rule was suspended to permit the offering and consideration of such.

On motion of Delegate Shott, the bill was amended on page five, section one, following line fifty-two, by inserting a new subsection, to read as follows:

“(14) ‘Unlawfully under the influence of a controlled substance’ means the consumption of a controlled substance in

violation of chapter sixty-a of the code that has induced an effect on the user's brain, muscles, nervous system, or other normal function of the body, to such a degree that it impairs the user's ability to take action or conduct oneself in the manner that an ordinarily prudent and cautious person, using reasonable care, would conduct himself or herself."

Having been engrossed, the bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 48**), and there were—yeas 85, nays 12, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Cowles, E. Evans, Folk, Hill, Love, Lynch, McGeehan, Miley, Pushkin, Rowe, Sponaugle and Wilson.

Absent and Not Voting: Byrd, Ellington and A. Evans.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2648) passed.

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

**Com. Sub. for H. B. 2648**—“A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-4-406a; and to amend and reenact §61-8D-1 and §61-8D-4 of said code, all relating to increased penalties for manufacturing or transportation of a controlled substance in the presence of a minor; providing for mandatory minimum period of incarceration for adult persons convicted of manufacturing, delivering, or possessing with the intent to manufacture or deliver a controlled substance, which is a Schedule I or II narcotic, in the presence of a minor; providing for mandatory minimum period of incarceration for adult persons convicted of manufacturing, delivering, or possessing with the intent to manufacture or deliver a controlled substance, which is a Schedule I, II or III non-narcotic, in the presence of a minor; providing for mandatory minimum period of incarceration for adult persons convicted of transporting

a controlled substance into this state with the intent to deliver or manufacture a controlled substance, which is a Schedule I or II narcotic, while being in the presence of a minor at the time of the offense; providing for mandatory minimum period of incarceration for adult persons convicted of transporting a controlled substance into this state with the intent to deliver or manufacture a controlled substance, which is a Schedule I, II or III non-narcotic, while being in the presence of a minor at the time of the offense; requiring certain information and findings to be included in indictment or presentment; requiring certain facts to be determined by the court or jury; defining terms; creating a crime of neglect by a parent, guardian or custodian in which the parent, guardian or custodian is under the influence of a controlled substance and knowingly causes or permits a minor to be present in a location with the parent guardian or custodian, and no bodily injury occurs to the minor child; establishing criminal penalties; and authorizing the Court to require completion of certain classes, counseling, or other programs or services, including drug addiction treatment programs, as part of an imposed sentence or as an alternative sentence for persons convicted of certain misdemeanor offenses.”

*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. 2651**, Relating generally to standardized testing requirements for nonpublic schools; 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. 49**), and there were—yeas 89, nays 7, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Barrett, Eldridge, Iaquina, Isner, Lynch, Marcum and White.

Absent and Not Voting: Byrd, Ellington, A. Evans and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2651) 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. 2684**, Imposing penalties for repeat violations of the prohibition against driving under the influence on a suspended license; 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. 50**), and there were, including pairs—yeas 97, nays 1, absent and not voting 2, with the paired and absent and not voting being as follows:

Pursuant to House Rule 43, the following pairing was filed and announced by the Clerk:

Paired:

Yea: Byrd                      Nay: McGeehan

Absent and Not Voting: Ellington and A. Evans.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2684) passed.

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

**H. B. 2684** – “A Bill to amend and reenact §17b-4-3 of the Code of West Virginia, 1931, as amended, relating to imposing penalties for repeat violations of the prohibition against driving a motor vehicle on any public highway of this state at a time when the privilege to do so has been lawfully suspended for driving while under the age of twenty-one years with an alcohol concentration in

his or her blood of two hundredths of one percent or more, by weight, but less than eight hundredths of one percent by weight.”

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

### **Second Reading**

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

**Com. Sub. for H. B. 2459**, Relating to regulation of health care and the certificate of need process,

**Com. Sub. for H. B. 2509**, Relating to the practice of telemedicine,

**H. B. 2590**, Updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act,

**H. B. 2594**, Updating the meaning of federal adjusted gross income and certain other terms used in the West Virginia Personal Income Tax Act,

And,

**H. B. 2653**, Extending the Multi-State Real-Time Tracking System.

### **First Reading**

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

**Com. Sub. for H. B. 2367**, Establishing a criminal offense of organized retail crime,

**Com. Sub. for H. B. 2579**, Increasing the penalties for transporting controlled substances,

**Com. Sub. for H. B. 2674**, Relating to access to and receipt of certain information regarding a protected person,

**Com. Sub. for H. B. 2678**, Changing the amounts of prejudgment and post-judgment interest to reflect today's economic conditions,

**H. B. 2691**, Allowing a person who is qualified by training to be a barber and a cosmetologist to elect to practice solely as a barber,

And,

**H. B. 2725**, Restricting the authority of the Board of Barbers and Cosmetologists to regulate the use of commonly available, retail beauty products.

### **Leaves of Absence**

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

### **Miscellaneous Business**

Delegate Walters announced that he was absent on yesterday when the votes were taken on Roll Nos. 41 through 44, and that had he been present, he would have voted "Yea" on Roll Nos. 41, 42 and 43 and "Nay" on Roll No. 44.

Delegate Butler asked and obtained unanimous consent that the remarks of Delegate Gearheart during Remarks by Members today be printed in the Appendix to the Journal.

Delegate Sponaule asked and obtained unanimous consent that the remarks of Delegate E. Evans during Remarks by Members today be printed in the Appendix to the Journal.

Delegate Frich filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2766.

At 1:38 p.m., the House of Delegates adjourned until 11:00 a.m., Monday, March 6, 2017.

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Monday, March 6, 2017

**TWENTY-SEVENTH 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 Friday, March 3, 2017, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2526**, Classifying additional drugs to Schedules I, II, IV and V of controlled substances,

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

**Com. Sub. for H. B. 2526** – “A Bill to amend and reenact §60A-2-201, §60A-2-204, §60A-2-206, §60A-2-210 and §60A-2-212 of the Code of West Virginia, 1931, as amended, all relating to classifying additional drugs to Schedules I, II, IV and V of controlled substances; and adding a provision relating to the scheduling of a cannabidiol in a product approved by the Food and Drug Administration,”

With the recommendation that the committee substitute do pass.

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

Your Committee on Government Organization has had under consideration:

**H. B. 2631**, Relating to the standards for disposition of complaint proceedings,

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. 2631) was referred to the Committee on the Judiciary.

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

Your Committee on Government Organization has had under consideration:

**H. B. 2690**, Terminating the West Virginia Board of Registration of Foresters while preserving essential protections against misrepresentation,

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. 2690) was referred to the Committee on the Judiciary.

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

Your Committee on Government Organization has had under consideration:

**H. B. 2628**, Relating generally to the powers and duties of the Board of Medicine and the Board of Osteopathic Medicine,



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:

**H. B. 2503**, Relating to the rule-making authority for Board of Osteopathic Medicine,

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

**Com. Sub. for H. B. 2503** – “A Bill to repeal §30–14–15 of the Code of West Virginia, 1931, as amended; and to amend and reenact §30–14–14 of said code, all relating to the rulemaking authority for Board of Osteopathic Medicine,”

And,

**H. B. 2540**, Permitting a person to practice certain professions for limited time for a charitable function,

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

**Com. Sub. for H. B. 2540** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30–1–21, relating to authorizing a person to practice professions and occupations for a charitable function; provides qualifications for volunteers; provides volunteers may be compensated; limits volunteer authorization to twenty-one days; requires information be provided to the applicable board; requires record keeping of volunteer authorizations; and provides boards may not charge a fee for charitable practice,”

With the recommendation that the committee substitutes each do pass.

### 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. 4** – “A Bill to amend and reenact §30–3–10a of the Code of West Virginia, 1931, as amended; to amend and reenact §30–3E–14; to amend and reenact §30–4–15 of said code; to amend and reenact §30–5–17 of said code; to amend and reenact §30–7–6a of said code; to amend said code by adding thereto a new section, designated §30–7A–6a; to amend and reenact §30–8–16 of said code; to amend and reenact §30–14–12b of said code; to amend said code by adding thereto a new section, designated §30–16–7a; to amend and reenact §30–20–13 of said code; to amend and reenact §30–21–17 of said code; and to amend and reenact §30–28–8a of said code, all relating to allowing specified licensed health care professionals to donate time to the care of indigent and needy in a clinical setting; providing for special volunteer license for licensed practical nurses and chiropractors; and providing that a special volunteer license for any health care professional for which a special volunteer license is allowed is not required for a charitable function not exceeding seven days”; which was referred to the Committee on Health and Human Resources then the Judiciary.

A message from the Senate, by

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

**Com. Sub. for S. B. 410** – “A Bill to amend and reenact §20–2–19 of the Code of West Virginia, 1931, as amended, relating to marking traps with a Division of Natural Resources identification number”; which was referred to the Committee on Agriculture and Natural Resources then the Judiciary.

A message from the Senate, by

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

**Com. Sub. for S. B. 439** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §25–1–9, relating to venue for civil and criminal actions arising from or committed on the property comprising the Salem Correctional Center”; which was referred to the Committee on the Judiciary.

### **Resolutions Introduced**

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

**By Delegate Miley:**

**H. J. R. 22** – “Proposing an amendment to the Constitution of the State of West Virginia, amending article X thereof by adding thereto a new section, designated section twelve, relating to authorizing the Legislature to issue and sell state bonds not exceeding the aggregate amount of \$1,600,000,000 to be used for improvement and construction of state roads; numbering and designating such proposed amendment; authorizing a special election on the ratification or rejection of the amendment to take place in 2017 to be set by the Governor and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Finance then the Judiciary.

### **Bills Introduced**

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

**By Delegates Hanshaw and Shott:**

**H. B. 2790** – “A Bill to amend and reenact §5B–1–2 of the Code of West Virginia, 1931, as amended; to amend and reenact §5F–2–1 of said code; to amend and reenact §6–7–2a of said code; to amend said code by adding thereto a new section, designated §19–1–3b; to amend and reenact §19–1A–5 of said code; to amend and reenact §19–1B–3 of said code; and to amend and reenact §19–12A–5 of said code, all relating to transferring the Division of Forestry from the Department of Commerce to the Department of Agriculture; eliminating references in code showing the Division

of Forestry as part of the Department of Commerce; transferring all authorities, powers and duties of the Division of Forestry to the Department of Agriculture; ensuring all legislative rules currently in effect remain in effect as if they were proposed by the Division of Forestry under the Department of Agriculture; making the Director of the Division of Forestry a position hired by the Commissioner of Agriculture rather than a position appointed by the Governor; and making the Director of the Division of Forestry a will and pleasure employee of the Commissioner of Agriculture rather than the Governor”; to the Committee on Agriculture and Natural Resources then Government Organization.

**By Delegates White, Westfall, Moore, Lane, Marcum, Frich, Storch and Ward:**

**H. B. 2791** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §14–1A–1, §14–1A–2 and §14–1A–3, all relating to the creation of the Debt Resolution Services Division within the Auditor’s office”; to the Committee on Government Organization.

**By Delegates Arvon, Hill, Walters and Martin:**

**H. B. 2792** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §10–1–23, relating to requiring the Library Commission to survey the libraries of the state; requiring the Library Commission develop a status report and ten–year plan for public libraries; requiring a report to the Governor and the Legislature; and posting the report electronically”; to the Committee on Government Organization.

**By Delegates Marcum, Phillips, Ellington, Rodighiero, R. Miller, McGeehan, Folk, Walters, Hamrick, Diserio and Zatezalo:**

**H. B. 2793** – “A Bill to amend and reenact §3–1–17 of the Code of West Virginia, 1931, as amended, relating to the nonpartisan election of county superintendents of schools; and providing that the qualifications duties and compensation remain subject to article four, chapter eighteen of this code”; to the Committee on Education then the Judiciary.

**By Delegates Frich, Upson, Westfall and White:**

**H. B. 2794** – “A Bill to amend and reenact §46A–2–128 of the Code of West Virginia, 1931, as amended, relating to the means of giving notice to a debt collector of a consumer’s representation by legal counsel”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegates A. Evans, R. Romine, Hamilton and Rowan:**

**H. B. 2795** – “A Bill to amend and reenact §18A–1–1 of the Code of West Virginia, 1931, as amended, relating to clarifying a director of a multicounty vocational technical school is a principal”; to the Committee on Education.

**By Delegate Hanshaw:**

**H. B. 2796** – “A Bill to amend and reenact §15–1J–2 and §15–1J–4 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia National Guard entering into contracts and subcontracts for specialized technical services”; to the Committee on the Judiciary.

**By Delegates O’Neal, Shott, Hanshaw, Sobonya, Kessinger, N. Foster, G. Foster and Overington:**

**H. B. 2797** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A–8–23, relating to codifying statutory immunity for government agencies and officials from actions of third–parties using documents or records of governmental agencies for unlawful acts”; to the Committee on the Judiciary.

**By Delegates O’Neal, Shott, Hanshaw, Sobonya and Overington:**

**H. B. 2798** – “A Bill to amend and reenact §3–5–23 of the Code of West Virginia, 1931, as amended; to clarify provisions relating to candidates unaffiliated with a political party as it relates to certificates of announcement, preventing candidates from a political party from using the provisions of the section to seek candidacy for office”; to the Committee on the Judiciary.

**By Delegates G. Foster, Higginbotham, Householder, Kessinger, Hill, N. Foster, Cowles, Fast, Summers, R. Miller and Isner:**

**H. B. 2799** – “A Bill to amend and reenact §21–6–3 of the Code of West Virginia, 1931, as amended, relating to prohibiting the superintendent of schools from requiring a physical examination to be included to the application for a minor’s work permit unless required by the prospective employer”; to the Committee on Education then the Judiciary.

**By Delegates Frich, Butler, Longstreth, Westfall, Storch, Walters, Ambler, Householder and C. Miller:**

**H. B. 2800** – “A Bill to amend and reenact §15–2D–3 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new section, designated §15–2D–8, all relating generally to limiting access to state property and secured facilities to persons who have been screened and authorized through the Division of Protective Services; requiring service providers to have employees submit to federal and state background checks; requiring spending units to provide vendor and employee information within a reasonable, advance period; providing for the issuance and use of secure electronic keys for access to buildings or designated areas of the state properties; providing an application process for state agencies for employee access; authorizing the collection of fees; and requiring notification of the loss of electronic keys and termination of authorized access”; to the Committee on Finance.

**By Delegate Miley**

**[By Request of the Executive]:**

**H. B. 2801** – “A Bill expiring funds to the unappropriated balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2017 in the amount of \$101,700,000 from the Department of Revenue, Office of the Secretary – Revenue Shortfall Reserve Fund, fund 7005, fiscal year 2017, organization 0701”; to the Committee on Finance.

**By Delegates Rohrbach and Hicks:**

**H. B. 2802** – “A Bill to amend and reenact §17A–6–25 of the Code of West Virginia, 1931, as amended, relating to permitting

inspectors working within the Division of Dealer Services of the Division of Motor Vehicles to carry a concealed weapon on duty”; to the Committee on Roads and Transportation then the Judiciary.

**By Delegate Miley**

**[By Request of the Executive]:**

**H. B. 2803** – “A Bill to repeal §17–16A–18a, §17–16A–23 and §17–16A–30 of the Code of West Virginia, 1931, as amended; to amend and reenact §17–16A–1, §17–16A–5, §17–16A–6, §17–16A–10, § 17–16A–11, §17–16A–13, §17–16A–13a, §17–16A–18, §17–16A–21, §17–16A–22 and §17–16A–29 of said code; to amend said code by adding thereto a new section, designated §17–16A–11a; to amend and reenact §17–16D–3 of said code; to amend said code by adding thereto a new section, designated as §17A–2–25; to amend and reenact §17A–3–7 of said code; and to amend said code by adding thereto a new section, designated §17A–10–17, all relating generally to the West Virginia Parkways Authority; defining certain terms; adding the power of the authority to study, investigate and evaluate, and, if feasible, develop and implement, a ‘single fee’ program; adding the power of the authority to impose in connection with any ‘single fee’ program a flat fee in connection with any or all certificates of passenger motor vehicle registration and renewal thereof by the Division of Motor Vehicles; adding the power of the authority to enter into reciprocal toll enforcement agreements; creating and designating a special revenue account within the State Road Fund known as the State Road Construction Account; authorizing the deposit of proceeds of parkway revenue bonds to the State Road Construction Account; creating and designating a special revenue account within the State Treasury known as the West Virginia Parkways Authority Single Fee Program Fund; clarifying notice and public meeting requirements and procedures for fixing initial rates or tolls or increasing or changing rates or tolls; clarifying the power of the Parkways Authority to fix rates or tolls for Corridor ‘L’ toll collection facility; expanding the authority of the Parkways Authority to issue revenue bonds or refunding revenue bonds for parkways projects and for the West Virginia Turnpike; eliminating approval by county commissions and establishment by Governor of local committees prior to approval of any parkway project; authorizing

electronic toll collection and enforcement of tolls on all roads, highways and bridges in the state; adding the power of the Division of Motor Vehicles to act as collection agent for the authority under any ‘single fee’ program; and expanding the grounds for refusing to register a motor vehicle”; to the Committee on Roads and Transportation then Finance.

**By Delegates Lane, Ferro, Williams, Phillips, Maynard and Robinson:**

**H. B. 2804** – “A Bill to amend and reenact §30–1–7a of the Code of West Virginia, 1931, as amended, relating to removing chiropractors from the list of medical professions required to obtain continuing education on mental health conditions common to veterans and family members”; to the Committee on Veterans’ Affairs and Homeland Security then Health and Human Resources.

**By Delegates Nelson, Boggs, Ambler, Anderson, Frich, Hamilton, C. Miller, Walters, Longstreth, Pethtel and Sponaule:**

**H. B. 2805** – “A Bill finding and declaring certain claims against the state and its agencies to be moral obligations of the state; and directing the Auditor to issue warrants for the payment thereof”; to the Committee on Finance.

**By Delegates Hamrick, Miley, Iaquina and Queen:**

**H. B. 2806** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11–15–9o, relating to specifying exemption from the consumers sales and service tax and use tax for purchases of certain services and tangible personal property sold for the repair, remodeling and maintenance of certain specified aircraft; defining terms; and specifying method for claiming exemption”; to the Committee on Finance.

**By Delegates Storch, Fleischauer, Blair, Pyles, Frich, Longstreth, Hornbuckle, Fluharty, Upson, Sypolt and Hamilton:**

**H. B. 2807** – “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 2017’; 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 an 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.

## House Calendar

### Third Reading

**Com. Sub. for H. B. 2459**, Relating to regulation of health care and the certificate of need process; on third reading, coming up in regular order, was read a third time.

Delegates Criss, Boggs, Hartman, Atkinson, Rohrbach, C. Miller and Howell requested to be excused from voting on the passage of Com. Sub. for H. B. 2459 under the provisions of House Rule 49.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 51**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Martin.

Absent and Not Voting: Ellington.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2459) passed.

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

**Com. Sub. for H. B. 2459** – “A Bill to repeal §16–2D–5f of the Code of West Virginia, 1931, as amended; and to amend and reenact §16–2D–2, §16–2D–3, §16–2D–4, §16–2D–9, §16–2D–10, §16–2D–11, §16–2D–13 and §16–2D–16 of said code, all relating to regulation of health care; updating the certificate of need process; defining terms; adding exemptions; clarifying exemptions; and clarifying the appeals process.”

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

On this question, the yeas and nays were taken (**Roll No. 52**), 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: Ellington.

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. 2459) 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. 2509**, Relating to the practice of telemedicine; 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. 53**), and there were—yeas 95, nays 4, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Eldridge, Gearheart, Marcum and Pushkin.

Absent and Not Voting: Ellington.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2509) passed.

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

On this question, the yeas and nays were taken (**Roll No. 54**), and there were—yeas 97, nays 2, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Folk and Gearheart.

Absent and Not Voting: Ellington.

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. 2509) 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.

**H. B. 2590**, Updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax 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. 55**), 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: Ellington and Fleischauer.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2590) passed.

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

On this question, the yeas and nays were taken (**Roll No. 56**), 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: Ellington and Fleischauer.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2590) 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.

**H. B. 2594**, Updating the meaning of federal adjusted gross income and certain other terms used in the West Virginia Personal Income Tax 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. 57**), 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: Ellington.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2594) passed.

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

On this question, the yeas and nays were taken (**Roll No. 58**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Howell.

Absent and Not Voting: Ellington.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2594) 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.

**H. B. 2653**, Extending the Multi-State Real-Time Tracking System; 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. 59**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Ellington.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2653) passed.

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

### Second Reading

**Com. Sub. for H. B. 2367**, Establishing a criminal offense of organized retail crime; 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. 2579**, Increasing the penalties for transporting controlled substances; on second reading, coming up in regular order, was read a second time.

Delegates Canestraro and Fluharty moved to amend the bill on page one, section four hundred nine, line seven, by striking out the

word “ten” and inserting in lieu thereof the word “five” and, by striking out the word “thirty” and inserting in lieu thereof the word “twenty”.

And,

On page one, section four hundred nine, line eleven, by striking out the word “five” and inserting in lieu thereof the word “two” and by striking out the word “fifteen” and inserting in lieu thereof the word “ten”.

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

The yeas and nays having been ordered, they were taken (**Roll No. 60**), and there were—yeas 29, nays 70, absent and not voting 1, with the yeas and absent and not voting being as follows:

Yeas: Baldwin, Barrett, Bates, Brewer, Byrd, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Folk, Hill, Hornbuckle, Iaquina, Longstreth, Lynch, McGeehan, Miley, R. Miller, Moye, Pushkin, Pyles, Robinson, Rowe, Sponaugle and Williams.

Absent and Not Voting: Ellington.

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

Delegates Rowe, Fluharty and Robinson moved to amend the bill on page one, section four hundred nine, line sixteen, by striking out the period and inserting a colon, and the following: “*Provided*, That any person transporting marihuana pursuant to a lawful prescription from another jurisdiction to possess marihuana, is exempt from the provisions of this section.”

Delegate Cowles arose to a point of order as to the germaneness of the amendment.

To the point of order, the Speaker replied that the purpose of the amendment went beyond the fundamental purpose of the bill and ruled that the amendment was not germane.

Delegates McGeehan and Folk moved to amend the bill on page two, section four hundred nine, line twenty–five, following the period, by inserting a new subsection (d), to read as follows:

“(d) The sentencing judge may, at his or her discretion, suspend or lessen any sentence provided for pursuant to this section.”

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

The yeas and nays having been ordered, they were taken (**Roll No. 61**), and there were—yeas 28, nays 71, absent and not voting 1, with the yeas and absent and not voting being as follows:

Yeas: Baldwin, Barrett, Bates, Brewer, Byrd, Caputo, Ferro, Fleischauer, Fluharty, Folk, Hill, Hornbuckle, Iaquina, Longstreth, Lynch, Marcum, McGeehan, Miley, Paynter, Pushkin, Pyles, Robinson, Rowe, Sponaugle, Thompson, Wagner, Williams and Wilson.

Absent and Not Voting: Ellington.

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

Delegates Folk and McGeehan moved to amend the bill on page two, section four hundred nine, line twenty–five, following the period, by inserting a subsection (d) to read as follows:

“(d) Notwithstanding any provision of this code to the contrary, all increased penalties specified in Article 4. Section 60A–4–409 of the Code of West Virginia, 1931, and in a proper criminal court proceeding, the jury will be granted the power to judge the just application of the law and to deliver a verdict according to conscience. The Judge shall inform the jury with the following instruction, *‘Members of the jury, our nation’s second*

*president, John Adams stated, "It is not only the juror's right, but his duty to find the verdict according to his own best understanding, judgment and conscience, though in direct opposition to the instruction of the court. 'Ladies and Gentlemen, the jury is the judges of the law as well as the facts of the case. So that whatever I tell you about the law, while it is intended to be helpful to you in reaching a just and proper verdict in the case, it is not binding upon you as members of the jury and you may accept or reject it. And you may apply the law as you apprehend it to be in the case. If the jury determines any section of this code to be unjust, or immoral, or against the principle of proportionality, it is their solemn duty to invalidate said code.'"*

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

The yeas and nays having been ordered, they were taken (**Roll No. 62**), and there were—yeas 5, nays 94, absent and not voting 1, with the yeas and absent and not voting being as follows:

Yeas: Folk, Hornbuckle, McGeehan, Paynter and Sponaugle.

Absent and Not Voting: Ellington.

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

The bill was ordered to engrossment and third reading.

**Com. Sub. for H. B. 2674**, Relating to access to and receipt of certain information regarding a protected person; 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. 2678**, Changing the amounts of pre-judgment and post-judgment interest to reflect today's economic conditions; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.



**H. B. 2691**, Allowing a person who is qualified by training to be a barber and a cosmetologist to elect to practice solely as a barber; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2725**, Restricting the authority of the Board of Barbers and Cosmetologists to regulate the use of commonly available, retail beauty products; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

### **First Reading**

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

**S. B. 176**, Repealing article concerning detection of tuberculosis, high blood pressure and diabetes,

And,

**S. B. 188**, Correcting definition of “telehealth” in medication-assisted treatment programs.

### **Leaves of Absence**

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

### **Miscellaneous Business**

Delegate Thompson asked and obtained unanimous consent that the remarks of Delegate Marcum regarding the amendment offered by Delegates Canestraro and Fluharty to Com. Sub. for H. B. 2579 be printed in the Appendix to the Journal.

Delegate Westfall filed a form with the Clerk’s Office per House Rule 94b to be added as a cosponsor of H. B. 2313.

Delegate Isner filed a form with the Clerk’s Office per House Rule 94b to be added as a cosponsor of H. B. 2562.

Delegate Lovejoy filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2726.

Delegate Phillips filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2525.

Delegate Marcum filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2793.

Delegate Phillips filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2793.

At 1:41 p.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, March 7, 2017.

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Tuesday, March 7, 2017

**TWENTY-EIGHTH 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, March 6, 2017, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

Delegate Frich, 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. 2672**, Eliminating conflicting provisions within current code relating to the application of payments and the assessment of delinquency fees on consumer credit sales,

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. 2672) was referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2765**, Establishing a new special revenue fund, designated the Court Advanced Technology Subscription Fund,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2765) was referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2731**, Clarifying civil actions heard in circuit court,

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

**Com. Sub. for H. B. 2731** – “A Bill to amend and reenact §51-2-2 of the Code of West Virginia, 1931, as amended, relating to clarifying that only civil actions with controversial amounts exceeding \$7,500 must be heard in circuit court, except in actions relating to real estate installment sales contracts or actions confined exclusively by the Constitution to some other tribunal,”

And,

**H. B. 2726**, Authorizing home incarceration officers to arrest participants for violating the terms and conditions of his or her supervision with or without a court order,

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

**Com. Sub. for H. B. 2726** – “A Bill to amend and reenact §62-11B-9 of the Code of West Virginia, 1931, as amended, relating generally to authorizing home incarceration officers to arrest a participant for violating the terms and conditions of his or her supervision without a court order,”

With the recommendation that the committee substitutes each do pass.

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2675**, Relating to primary elections and nominating procedures,

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

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

Your Committee on Education has had under consideration:

**H. B. 2706**, Authorizing legislative rules regarding higher education,

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

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

Your Committee on Education has had under consideration:

**H. B. 2571**, Developing a resource for use by parents to monitor and track deaf and hard-of-hearing children's expressive and receptive language acquisition,

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

**Com. Sub. for H. B. 2571** - AA Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-20-11, relating to selection of language developmental milestones for purposes of developing a resource for use by parents to monitor and track deaf and hard-of-hearing

children's expressive and receptive language acquisition and developmental stages toward English literacy,@

With the recommendation that the committee substitute do pass.

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

Your Committee on Education has had under consideration:

**H. B. 2704**, Prohibiting persons convicted of sexual offenses against children with whom they hold positions of trust from holding certification or license valid in public schools,

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. 2704) was referred to the Committee on the Judiciary.

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

Your Committee on Government Organization has had under consideration:

**H. B. 2554**, West Virginia Contractor Licensing Act,

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

**Com. Sub. for H. B. 2554** – “A Bill to repeal §21-11-1, §21-11-2, §21-11-3, §21-11-4, §21-11-5, §21-11-6, §21-11-7, §21-11-8, §21-11-9, §21-11-10, §21-11-10a, §21-11-11, §21-11-12, §21-11-13, §21-11-14, §21-11-15, §21-11-16, §21-11-17, §21-11-18 and §21-11-20 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §30-41-1, §30-41-2, §30-41-3, §30-41-4, §30-41-5, §30-41-6, §30-41-7, §30-41-8, §30-41-9, §30-41-10, §30-41-11, §30-41-12, §30-41-13, §30-41-14, §30-41-15, §30-41-16, §30-41-17, §30-41-18,

§30-41-19, §30-41-20 and §30-41-21, all relating to the West Virginia Contractor Act; providing a short title and declaration of policy with definitions; continuing the West Virginia Contractor Licensing Board, composition, terms, qualifications and appointment; administrative duties of board and legislative rules; necessity for contractor license and exemptions; procedure for licensing; providing for expiration date, fees and renewal of license; providing for revocation for unlawful use, assignment or transfer of license; prerequisites to obtaining building permit and mandatory written contracts; requiring informational list for basic universal design features; providing injunction and criminal penalties for violation of article; specific administrative duties of board and record keeping by the board; authorizing to grant reciprocity and to provide training to students who desire to obtain a West Virginia contractor license; and misdemeanor criminal penalties for violations of article,”

With the recommendation that the committee substitute do pass.

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

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

**H. B. 2752**, Relating to abuse and neglect of livestock,

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. 2752) was referred to the Committee on the Judiciary.

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

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

**H. B. 2693**, Relating to state ownership of wildlife,

**H. B. 2696**, Relating to crossbow hunting,

And,

**H. B. 2699**, Making information about Division of Natural Resources licensees exempt from the provisions of the Freedom of Information Act,

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. 2693, H. B. 2696 and H. B. 2699) were each 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. 190** - "A Bill to amend and reenact §5A-3-37 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18B-5-4 of said code, all relating to eliminating preferences for certain vendors bidding on state contracts for commodities or printing; establishing a reciprocal preference that is to be applied to resident vendors against a nonresident vendor from any state that gives or requires a preference to bidders from that state; and providing resident vendor qualifications"; 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. 209** – “A Bill to amend and reenact §59-1-2a of the Code of West Virginia, 1931, as amended, relating to defining the term ‘veteran’ as that term pertains to veteran-owned businesses and fees paid to the Secretary of State”; which was referred to the Committee on Veterans’ Affairs and Homeland Security then Government Organization.

A message from the Senate, by

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

**Com. Sub. for S. B. 221** - “A Bill to amend and reenact §5-16-4 of the Code of West Virginia, 1931, as amended, relating to the composition of the Public Employees Insurance Agency Finance Board; reducing the number of members; and changing the experience requirements for members”; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

**Com. Sub. for S. B. 224** - “A Bill to repeal §21-5-14, §21-5-14a and §21-5-16 of the Code of West Virginia, 1931, as amended; and to amend and reenact §21-5-15 of said code, relating to repealing the requirement for an employer’s bond for wages and benefits for certain designated employers; and related requirements”; 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. 263** - “A Bill to amend and reenact §24A-1-3 of the Code of West Virginia, 1931, as amended, relating to creating an exemption from certain contract and common carrier laws for

motor vehicles used by contract carriers exclusively for the transportation of railroad personnel”; which was referred to the Committee on Roads and Transportation then the Judiciary.

A message from the Senate, by

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

**S. B. 400** – “A Bill to amend and reenact §31-15A-3 of the Code of West Virginia, 1931, as amended, relating to eliminating an unnecessary and contradictory provision concerning appointments to the West Virginia Infrastructure and Jobs Development Council”; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

**Com. Sub. for S. B. 429** - “A Bill to amend and reenact §25-1-17 and §25-1-18 of the Code of West Virginia, 1931, both relating to monitoring inmate communications, generally; adding electronic communications to types of communications for which monitoring is authorized; defining terms; and authorizing law enforcement to receive inmate communications without a court order under certain circumstance”; 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. 436** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-3-6, relating to Attorney General’s investigators; allowing them to carry firearms while engaged in their official duties; establishing initial and ongoing training and certification

requirements; and requiring the designated investigators be bonded through the Office of the Attorney General”; 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. 445** - “A Bill to amend and reenact §49-1-201 of the Code of West Virginia, 1931, as amended, relating to amending the definition of ‘abused child’ to include a child conceived as a result of an act of sexual assault; and clarifying that being a victim of sexual abuse does not constitute being an abusive parent”; which was referred to the Committee on the Judiciary.

### **Resolutions Introduced**

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

**H. C. R. 52** – “Requesting the Joint Committee on Government and Finance study how costs of crisis response programs and institutions such as jails, prisons and out of state juvenile placement can be reduced and redirected to fund crisis prevention and family support services such as drug courts, day report centers for juveniles and families and adult offenders, school truancy programs, and other help to schools in dealing with troubled students.”

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on Government and Finance is hereby requested to conduct a study on how costs of crisis response programs and institutions such as jails, prisons and out of state juvenile placement can be reduced and redirected to fund crisis prevention and family support services such as drug courts, day report centers for juveniles and families and adult offenders, school truancy programs, and other help to schools in dealing with troubled students; and, be it

*Further Resolved*, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2018, on its findings, conclusions and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

*Further Resolved*, That the expenses necessary to conduct this study, to prepare a report, and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Mr. Speaker, Mr. Armstead and Delegate Boggs offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

**H. C. R. 53** – “Requesting the Division of Highways to name bridge number 04-5/6-7.33 (O4A193), (latitude 38.75026, longitude -80.74277), locally known as the Riffle Box Beam Bridge, carrying County Route 5/6 over Perkins Fork of Cedar Creek in Braxton County, as the ‘US Army Corporal Jerry Lee Noble Memorial Bridge’.”

Whereas, Corporal Jerry Lee Noble was born on March 28, 1932, in Breathitt County, Kentucky, the son of George Noble and Loraine Cole Noble. Jerry Lee Noble grew up and attended a one room school in the Braxton County community of Riffle. He was inducted into the US Army on October 8, 1952, as a Private First Class; and served in the Korean War and was wounded and reported missing in action on July 9, 1953; and

Whereas, Corporal Jerry Lee Noble was discharged from the US Army on November 18, 1954. During his service in the United States Army, Corporal Jerry Lee Noble was awarded the Bronze Star for heroic action along with the Purple Heart. He was married to Marlene Hunter Noble and they were the parents of Jerry Don Noble, Janet Noble Gibson, and Beverly Noble Smith; and

Whereas, It is fitting that an enduring memorial be established to commemorate the service of Corporal Jerry Lee Noble; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Legislature hereby requests the Division of Highways to name bridge number 04-5/6-7.33 (04A193), (latitude 38.75026, longitude -80.74277), locally known as the Riffle Box Beam Bridge, carrying County Route 5/6 over Perkins Fork of Cedar Creek in Braxton County, as the “US Army Corporal Jerry Lee Noble 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 “US Army Corporal Jerry Lee Noble Memorial Bridge”; and, be it

*Further Resolved, That* the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation.

Delegates Hartman, Isner, Sponaugle and Lynch offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 54** – “Requesting the Division of Highways to name the Keren’s Bridge on Corridor H (U.S. Route 48) located in Kerens, Randolph County, Bridge Number 42-48-41.0 NB-SB (42A211 & 42A212) at latitude 39.01366, longitude -79.81116, originally called the Kerens Bridge Lazy Run, the ‘U.S. Army PVT Preston D. Vanscoy Memorial Bridge’.”

Whereas, Private Preston D. Vanscoy was born at Kerens in Randolph County, West Virginia, on April 26, 1912. Prior to entering the military service to serve in WWII he was employed by Monongahela Power Company. He trained at Camp Walters, Texas and Fort George B. Meade in Maryland before entering the war. After receiving his military training, he was sent overseas to France to enter combat against the German military. Private Vanscoy was engaged in ferocious combat against the German military in Normandy, Northern France and the Rhineland and Ardennes-Alsace in Central Europe as a member of the United States Army, 134<sup>th</sup> Infantry Regiment, 35<sup>th</sup> Infantry Division.

Private Vanscoy was killed in action in France on September 30, 1944, and for his courage exhibited in combat, he was posthumously awarded the Purple Heart; and

Whereas, The ultimate sacrifice made by PVT Preston D. Vanscoy in service to his country should not go unnoticed; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name the Keren's Bridge on Corridor H (U.S. Route 48) located in Kerens, Randolph County, Bridge Number 42-48-41.0 NB-SB (42A211 & 42A212) at latitude 39.01366, longitude -79.81116, originally called the Kerens Bridge Lazy Run, the "U.S. Army PVT Preston D. Vanscoy 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 proclaiming the bridge the "U.S. Army PVT Preston D. Vanscoy Memorial 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.

Delegates Butler, Rohrbach, Queen, Martin, Higginbotham, Brewer, Howell, Arvon, Rowan, R. Romine and A. Evans offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

**H. C. R. 55** – "Requesting the Division of Highways to name the North and South bound lanes of bridge number 10713 at the intersection of U. S. Route 35 and Grimm Road # 4714, near Point Pleasant, in Mason County, ending at latitude 38.8147072, longitude -81.1117675, the 'Dr. John McClure Grubb' Memorial Bridge'."

Whereas, John McClure Grubb was born on April 6, 1921, in Indianapolis, Indiana. His family moved to Charleston, West Virginia, at age six. He attended Charleston High School. He

earned All-State honors in football. He graduated in 1939, with a scholarship to Butler University in football, where he played football for three years. In 1941 he enlisted in the U. S. Army Air Force. That same year, he married Shirley Simpson. They had four children. He served four years in the Air Force as a Flying Sergeant as a test pilot on B-17 and B-24 bombers. In January 1945, he enrolled in West Virginia Wesleyan College in pre-med and in 1946 he transferred to the Medical School of Virginia, graduating in 1951; and

Whereas, Dr. Grubb opened his medical practice in Kanawha City, practicing there for ten years. He returned to school at Memorial Hospital and after four years as a resident in OB/Gyn he graduated and moved to Point Pleasant practicing in the Pleasant Valley Hospital OB/Gyn Department. He served the Point Pleasant community in many capacities, including donating his time and profession to the Point Pleasant High School Athletic Department for physicals for the football team. He attended every football game for twenty-five years in case he was needed if a player was injured. He was the Mason County Coroner for twenty-five years during the time of the Silver Bridge Collapse. Dr. Grubb was active in the North American Cancer Society. He also served as the doctor for the Mason County Health Department and during his career delivered more than 10,000 babies. Dr. Grubb died on February 19, 1991; and

Whereas, Naming this bridge is an appropriate recognition of Dr. John McClure Grubb's contributions to his country, state and community; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name the North and South bound lanes of bridge number 10713 at the intersection of U. S. Route 35 and Grimm Road # 4714, near Point Pleasant, in Mason County, ending at latitude 38.8147072, longitude -81.1117675, the "Dr. John McClure Grubb 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 “Dr. John McClure Grubb” Memorial Bridge”; and, be it

*Further Resolved*, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation.

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

**H. C. R. 56** – “Requesting the Division of Highways to name the road from the mouth of Harts Creek on Harts Creek Road 1.2 miles to Warrens Way off SR 10 on CR 19 Lincoln County, the ‘U. S. Army CPL George Browning Memorial Road’.”

Whereas, George Edward Browning was born on January 28, 1949, in Harts, Lincoln County, West Virginia. Corporal George Edward Browning was an infantryman in A Troop, 3<sup>rd</sup> Squadron, 4<sup>th</sup> Cavalry, 25<sup>th</sup> Infantry Division, US Army. He began his tour of duty on January 1, 1968 in Vietnam and was killed in action on March 28, 1968, in Tay Ninh Province, South Vietnam; and

Whereas, Naming the road from the mouth of Harts Creek on Harts Creek Road to Warrens Way 1.2 mile off SR 10 on CR 19 Lincoln County, the ‘U. S. Army CPL George Browning Memorial Road’ is an appropriate recognition of his ultimate sacrifice to his country, state and Lincoln County; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name the road from the mouth of Harts Creek on Harts Creek Road to Warrens Way 1.2 mile off SR 10 on CR 19 Lincoln County, the “U. S. Army CPL George Browning Memorial Road”; and, be it

*Further Resolved*, That the Division of Highways is requested to have made and be placed, signs identifying the road as the “U. S. Army CPL George Browning Memorial Road”; and, be it



*Further Resolved*, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation.

Delegates Walters, Westfall and Howell offered the following resolution, which was read by its title and referred to the Committee on Pensions and Retirement then Rules:

**H. C. R. 57** – “Requesting the Joint Committee on Government and Finance study closing the West Virginia Public Employees Retirement System and the West Virginia Teachers Retirement System to employees newly hired on or after July 1, 2018 and providing new 401K type retirement plans for those employees.”

Whereas, The Legislature finds that providing retirement benefits for employees is in the best interests of both employers and employees; and

Whereas, The Legislature finds that the state’s contribution obligation to present defined benefit retirement plans places a disproportionate obligation on the employer as opposed to the employee; and

Whereas, For some employees, a portable 401K plan better meets the needs of the employee; and

Whereas, Many states have concluded in recent years that defined benefit retirement plans are an unsustainable burden on employers; and

Whereas, The state’s burden to sustain these two pension plans for additional members threatens the financial integrity of the plans; and

Whereas, The State of West Virginia finds that it is no longer prudent to continue providing benefits under the Public Employees Retirement System and the Teachers Retirement System to persons newly hired on or after July 1, 2018; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on Government and Finance is hereby requested to study, in cooperation with the West Virginia Consolidated Public Retirement Board, appropriate 401K type retirement plans to be established for employees hired after July 1, 2018, who would otherwise be eligible for membership in the Public Employees Retirement System or the Teachers Retirement System; and, be it

*Further Resolved*, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2018, on its findings, conclusions and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

*Further Resolved*, That the expenses necessary to conduct this study, to prepare a report and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Delegates C. Miller, C. Romine, Lovejoy, Rohrbach, Sobonya, Hicks, Thompson, Hornbuckle and Westfall offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

**H. C. R. 58** – “Requesting the Division of Highways to name the Section of U.S. Route 60 in Cabell County from the Guyan Golf and Country Club to the Huntington City Limits, the ‘William C. Campbell Memorial Highway’.”

Whereas, William Cammack Campbell was born on May 5, 1923, in Huntington, West Virginia, to Rolla and Ruth Campbell; and

Whereas, William Cammack Campbell served in the United States Army, where he saw combat duty in World War II, rose in rank to Captain and was awarded the Bronze Star for Valor and his 100<sup>th</sup> infantry division three Battle Stars; and

Whereas, William Cammack Campbell graduated from Princeton University in 1947 with a degree in history; and

Whereas, William Cammack Campbell was not only an accomplished amateur golfer, he also served a two-year term as President of the United States Golf Association (USGA) and a two-year term as the Captain of the Royal and Ancient Golf Club at St. Andrews in Scotland. Mr. Campbell is the only person ever to have led both prestigious golfing organizations; and

Whereas, William Cammack Campbell played in thirty-seven U.S. Amateurs, including thirty-three consecutively from 1941-1977, and won the event in 1964; and

Whereas, William Cammack Campbell played on eight Walker Cup teams from 1951 to 1975, captaining the 1955 team, and finished with an overall record of 11-4-2 and 7-0-1 in single matches; and

Whereas, William Cammack Campbell won three West Virginia Opens, four North and South Amateurs, and fifteen West Virginia Amateur titles; and

Whereas, William Cammack Campbell won the U.S. Senior Amateur in 1979 and 1980 and finished second overall in the 1980 U.S. Senior Open; and

Whereas, William Cammack Campbell served on the Executive Committee of the USGA from 1962-1965, and again from 1977-1984, serving as the treasurer in 1978-1979, the vice-president in 1980-1981, and as the president from 1982-1983; and

Whereas, William Cammack Campbell was awarded the Bob Jones Award in 1956, the USGA's highest honor; the Old Tom Morris Award from the Golf Course Superintendents Association of America (GCSAA) in 1991, the GCSAA's highest honor; and was inducted into the West Virginia Golf Hall of Fame in 2009; and

Whereas, William Cammack Campbell served as a member of the West Virginia House of Delegates from 1948-1951; and

Whereas, William Cammack Campbell was a lifetime owner and manager of Campbell Insurance of Huntington, WV; and

Whereas, William Cammack Campbell was an active member of the community and contributed to many organization and causes, including: Serving as President for the Marshall University Foundation, the Huntington YMCA, the Greater Huntington Chamber of Commerce and the Central Ohio Industrial Council; serving as the director of the Cabell County American Red Cross; serving as the Vice President of the Ohio Valley Improvement Association; and serving as a board member of Our Jobs, Our Children, Our Future, Inc.; 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 60, from the Guyan Golf and Country Club to the Huntington City Limits in Cabell County, the “William C. Campbell Memorial Highway”; and, be it

*Further Resolved,* That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the designated highway containing bold and prominent letters proclaiming that portion of U.S. Route 60, from the Guyan Golf and Country Club to the Huntington City Limits in Cabell County, the “William C. Campbell Memorial Highway”; 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.

Delegates Gearheart, Phillips, Butler, Ellington, McGeehan, Shott, O’Neal, Paynter and Longstreth offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 59** – “Requesting the Division of Highways name the intersection of Athens Road and Thorn Street (Rt. 20 and Rt. 104) in Athens, Mercer County, the ‘USMC LCpl Timothy J. Dunnigan Memorial Intersection’.”

Whereas, Lance Corporal Dunnigan was born on December 8, 1961, in Princeton; and

Whereas, Lance Corporal Dunnigan and 240 other military personnel lost their lives when a suicide bomber crashed a truck loaded with explosives through the front gates of the U.S. Marine barracks in Beirut, Lebanon, Oct. 23, 1983, during the Lebanese Civil War; and

Whereas, On October 23, 2016, when a memorial was unveiled in Princeton for those fallen heroes, Brian Meadows, who grew up with Lance Corporal Dunnigan, reminisced about his childhood with Dunnigan. “As a child he was such a wonderful, quiet person, but he loved adrenaline. He had a little go-cart and he put a 350 car engine on it. And he was going around the neighborhood. And he stopped to talk to me. I said ‘Tim, what are you going to do man’. He said ‘I’m going to join the Marines man’. He said ‘I’m going to see you one day soon’. So afterwards, I found out that he was killed and it was just heartbreaking. Today, I drove a long way to get here for closure”; and

Whereas, Marine Corps League Event Coordinator Rod Mayberry helped lead the ceremony said, “We were asked a couple of months ago to try to put together a memorial for our very own here in Princeton, Timothy Dunnigan. We talked about it and thought about and we said if Timothy were here he wouldn’t want just the memorial for him”; and

Whereas, Mayberry described what happened at the Beirut bombings. “President Reagan sent a bunch of the Marines over there to keep two factions apart. To keep from having a civil war, to try and stop it and have a peaceful discussion. They set up a camp at the Beirut Airport. And no one had ever been attacked the way they had been attacked. There hadn’t been a 5 ton 12,000-pound bomb on anybody before. So on a Sunday morning at 6 a.m., this guy drove a truck through the building and detonated it”; and

Whereas, It is fitting and proper that Lance Corporal Dunnigan be remembered and acknowledged for having given the ultimate sacrifice; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name the intersection of Athens Road and Thorn Street (Rt. 20 and Rt. 104) in Athens, Mercer County, the “USMC LCpl Timothy J. Dunnigan Memorial Intersection”; and, be it

*Further Resolved*, That the Commissioner of the Division of Highways is hereby requested to erect signs at all four entrances to that intersection, containing bold and prominent letters, proclaiming the bridge the “USMC LCpl Timothy J. Dunnigan Memorial Intersection”; and, be it

*Further Resolved*, That the Clerk of the House of Delegates forward a certified copy of this concurrent resolution to the Secretary of the Department of Transportation.

Delegates Summers, Ward, Caputo and Longstreth offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 60** – “Requesting Division of Highways name bridge number SS-25-33-3.93 (39.47318, -80.05074) carrying County Route 33 over Piney Creek in Marion County, the ‘William “Bill” R. VanGilder Memorial Bridge’.”

Whereas, Mr. William Robert VanGilder was born on January 23, 1945, the son of Clyde and Davily Corbin VanGilder; and

Whereas, Mr. VanGilder’s mother died when he was one-year-old and was raised by his paternal grandparents, Freeman and Bessie VanGilder; and

Whereas, Mr. VanGilder married Deborah Gale Mahaffey on August 15, 1970. Their son Jonathan Eric VanGilder was born on September 8, 1975, and died December 24, 1991; and

Whereas, Both Mr. VanGilder and his wife Debbie became active member of the Bunnors Ridge Volunteer Fire Department. Ms. VanGilder works as an Emergency Medical Technician for both the fire department and the Marion County Rescue Squad; and

Whereas, On April 4, 1986 the Bunnors Ridge Volunteer Fire Department (Company 3), the Marion County Rescue Squad (Station 20) and Squad 29 (Heavy Rescue) were dispatched to a farm machinery accident in Marion County with an entrapment on Tom Moran; and

Whereas, Responding to that call, the Bunnors Ridge Fire Department (Company 3) responded with an engine and an engine/tanker and the Marion County Rescue Squad responded with two ambulances and a heavy rescue (Squad 29). En route to the scene the engine/tanker that firefighter VanGilder was aboard lost control and ran off the roadway; and

Whereas, Upon exiting the road, the engine/tanker landed in a field and rolled over, causing Mr. VanGilder to be ejected. Whereupon the engine/tanker then rolled on top of him, crushing him to death; and

Whereas, One of the two ambulances that responded to the original farm machinery accident was then diverted to the engine/tanker accident. The ambulance that was diverted to the fire apparatus accident was crewed by Mr. VanGilder's wife, Debbie; and

Whereas, Firefighter William R. VanGilder has been memorialized at both the West Virginia Fallen Firefighter Memorial in Charleston, and the National Fallen Firefighter Memorial at Emmetsburg, Maryland. Both of these memorials are dedicated to those firefighters who have died in the line of duty while serving their communities; and

Whereas, It is a fitting tribute to Mr. VanGilder and his unselfish heroism to name this bridge for him; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number SS-25-33-3.93 (39.47318, -80.05074), carrying County Route 33 over Piney Creek in Marion County, the "William 'Bill' R. VanGilder 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 “William ‘Bill’ R. VanGilder Memorial 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 Highways.

Delegates Howell, Arvon, Criss, Dean, Fast, G. Foster, Frich, Sypolt, Harshbarger, Hill, Lewis, Martin and Paynter offered the following resolution, which was read by its title and referred to the Committee on Health and Human Resources then Rules:

**H. C. R. 61** – “Urging West Virginia’s congressional delegation to require the federal Department of Health and Human Services to renegotiate state Medicaid expansion contracts to allow new ideas that have been approved for other states to be incorporated into existing contracts of any state.”

Whereas, When the federal Department of Health and Human Services has allowed another state to do something different with its Medicaid expansion contracts, then it should be required to allow other states to include these other “new” options in their contracts, at least every four years; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Legislature of the State of West Virginia urges West Virginia’s congressional delegation to require the federal Department of Health and Human Services to renegotiate state Medicaid expansion contracts to allow new ideas that have been approved for other states to be incorporated into existing contracts of any state; and, be it

*Further Resolved*, That the Clerk of the House of Delegates forward a certified copy of this resolution to United States Senators Joe Manchin, III and Shelley Moore Capito and to Congressional Representatives David McKinley, Alex Mooney and Evan Jenkins.

Delegates Lynch, Hartman, Iaquina, Ferro, Williams, Sponaugle, Caputo, Boggs, Diserio, R. Romine and Hamilton



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

**H. C. R. 62** – “Requesting the Division of Highways to name the portion of West Virginia Route 20 from mile marker 7.30 to mile marker 19.94, in Webster County, the ‘Webster County Veterans Highway’.”

Whereas, A large number of Webster County men and women have served in the nation’s Armed Forces; and

Whereas, Webster County veterans have been wounded or lost their lives in military service; and

Whereas, The citizens of Webster County wish to honor the memory and sacrifices of its many veterans with a fitting memorial; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name the portion of West Virginia Route 20 from mile marker 7.30 to mile marker 19.94, in Webster County, the “Webster County Veterans Highway”; and, be it

*Further Resolved*, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the designated portion of highway containing bold and prominent letters proclaiming the portion of highway the “Webster County Veterans Highway”; and, be it

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

Delegate Rowe offered the following resolution, which was read by its title and referred to the Committee on Government Organization then Rules:

**H. R. 12** – “Calling on all agencies of the State of West Virginia to adhere to essential standards of accessibility to the public.”

Whereas, Public offices and agencies of the state are created to serve the people and to be answerable to them; and

Whereas, The First Amendment of the United States Constitution protects the right of the people to petition the government for the redress of grievances; and

Whereas, Some public offices and agencies may, at times, neglect the courtesy of providing information to assist the public in calling, writing or otherwise seeking answers or petitioning to be heard; and

Whereas, The people of this state now regularly use a variety of means – personal, written and electronic – to communicate in their daily lives and the agencies of government must accommodate all of these means; therefore, be it

*Resolved by the House of Delegates:*

That the House of Delegates calls upon every agency of the state to include, if available, a United States mailing address, electronic mail address, telephone number and fax number on every paper or electronic publication presented or offered to the public; and, be it

*Further Resolved,* That every agency of the state should include the foregoing information in a readily apparent position on the main page of any website that is administered or maintained by the agency; and, be it

*Further Resolved,* That, where possible, the agency’s main webpage should be formatted in such a manner that the primary telephone number may be dialed from the webpage when accessed with a mobile telephone device; and, be it

*Further Resolved*, That every agency should endeavor to prevent excessive delays and waiting times for telephone calls to be answered, with no delays exceeding three minutes.

### **Bills Introduced**

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

**By Delegates Summers, Atkinson, Ellington, Rohrbach and Shott:**

**H. B. 2808** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §27-5A-1, §27-5A-2, §27-5A-3, §27-5A-4, §27-5A-5, §27-5A-6, §27-5A-7, §27-5A-8, §27-5A-9, §27-5A-10, §27-5A-11, §27-5A-12, §27-5A-13, §27-5A-14, §27-5A-15, §27-5A-16 and §27-5A-17, all relating to establishing assisted outpatient treatment of persons suffering from mental illness; defining terms; setting forth policy and goals of the Legislature in establishing assisted outpatient treatment; requiring legal proceedings; and setting forth the procedure by which assisted outpatient treatment be implemented”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Statler, Pethel, Moye, Hill and Kessinger:**

**H. B. 2809** - “A Bill to amend and reenact §18-9A-12 of the Code of West Virginia, 1931, as amended, relating to basic state aid to public education: providing an adjustment to the allocated state aid share to any county on account of, and in the amount of, payments or contributions in lieu of property tax distributed from the sheriff to the county board of education as a result of payment in lieu of tax agreements first entered into on or after July 1, 2016”; to the Committee on Education then Finance.

**By Delegate Rowe:**

**H. B. 2810** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-30-14a, relating to social workers and creating a litigation practice license for social workers”; to the Committee on Government Organization then the Judiciary.

**By Delegates Hanshaw, Hartman, Kelly, Boggs, Miley, Shott, Nelson, Anderson, Westfall and Hamrick:**

**H. B. 2811** - “A Bill to amend and reenact §22-30-3 of the Code of West Virginia, 1931, as amended, relating to the definition of above ground storage tanks to clarify and amend categories of exempt devices”; to the Committee on Energy then the Judiciary.

**By Delegates Rohrbach, G. Foster, Lewis, Walters, Hanshaw and Boggs:**

**H. B. 2812** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-52-1, §16-52-2 and §16-52-3, all relating to the creation of the Office of Rural Health within the Center for Rural Health Development, Inc.; creating a steering committee; and establishing structure and responsibilities”; to the Committee on Government Organization then Finance.

**By Delegates Walters, Howell, Phillips, McGeehan and Barrett:**

**H. B. 2813** - “A Bill to amend and reenact §29-22B-1101 of the Code of West Virginia, 1931, as amended, relating to increasing number of limited video lottery terminals allowed at a retail location; and requiring Lottery Commission to conduct a bid for current permit holders prior to September 1, 2017”; to the Committee on Small Business, Entrepreneurship and Economic Development then the Judiciary then Finance.

**By Delegate Miley**

**[By Request of the Executive]:**

**H. B. 2814** - “A Bill to amend and reenact §11-14C-5 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-15-18b of said code; to amend and reenact §17A-2-13 of said code; to amend and reenact §17A-3-4 of said code; to amend and reenact §17A-4-1 and §17A-4-10 of said code; to amend and reenact §17A-4A-10 of said code; to amend and reenact §17A-7-2; to amend and reenact §17A-10-3, §17A-10-10 and §17A-10-11 of said code; to amend and reenact §17B-2-1, §17B-2-3a, §17B-2-5, §17B-2-6, §17B-2-8 and §17B-2-11 of said code; to amend and reenact §17C-5A-2a of the said code; and to amend and reenact §17D-2-2 of said code, all relating generally to increasing the

funding for the State Road Fund by increasing Division of Motor Vehicle administrative fees and motor fuel excise taxes; changing the flat rate component of the motor fuel excise tax from twenty and one-half cents to thirty and one-half cents per invoiced gallon of motor fuel and on each gallon equivalent for alternative fuel; and to increasing the minimum average wholesale price of motor fuels for purposes of the five percent variable fuel tax as of specified date, deleting superfluous language relating to floorstocks, specifying effective date, increasing Division of Motor Vehicle administrative fees, increasing the fee for vehicle records and the certified record fee; increasing the registration fee for Class A motor vehicles, increasing the fee for the issuance and duplication of various documents by the division including titles, registration, plates and decals; increasing the fee for recording liens and releases; increasing the vehicle transfer fees; increasing the fee for issuance, duplication and renewal of a driver's license and identification card; requiring the payment of the fee for each attempt at the written and road skills test; increasing the fee for driving records; increase these administrative DMV fees every five years on September 1 of the fifth year based on the U.S. Department of Labor, Bureau of Labor Statistics most current Consumer Price Index; and specifying effective dates"; to the Committee on Roads and Transportation then Finance.

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

**H. B. 2815** - "A Bill to repeal §18B-1-5a, §18B-1-8b, §18B-1-10 of the Code of West Virginia, 1931, as amended; to repeal §18B-1A-3 and §18B-1A-5 of said code; to repeal §18B-1B-10 and §18B-1B-13 of said code; to repeal §18B-2-5 and §18B-2-7 of said code; to repeal §18B-5-2a of said code; to amend and reenact §18B-1-2 and §18B-1-6 of said code; to amend and reenact §18B-1B-1, §18B-1B-2, §18B-1B-4, §18B-1B-5 and §18B-1B-6 of said code; to amend and reenact §18B-1D-2, §18B-1D-4 and §18B-1D-7 of said code; to amend and reenact §18B-2A-3 and §18B-2A-4 of said code; to amend and reenact §18B-3-1 of said code; to amend and reenact §18B-4-7 of said code; to amend and reenact §18B-5-4 and §18B-5-9 of said code; to amend and reenact §18B-10-1, §18B-10-1c, §18B-10-8 and §18B-10-16 of said code; to amend

and reenact §18B-19-4, §18B-19-5, §18B-19-6, §18B-19-7, §18B-19-10, §18B-19-13 and §18B-19-14 of said code; and to amend said code by adding thereto two new sections, designated §18B-19-19 and §18B-19-20, all relating to higher education governance generally; defining terms; repealing obsolete provisions of code; clarifying scope of rule-making authority of Higher Education Policy Commission, Council for Community and Technical College Education and certain institutions of higher education; providing for rule-making procedures; providing for shorter time period for the commission and council to review and comment on rules proposed by governing boards of institutions of higher education; providing legislative intent; providing for composition of the commission; providing for primary responsibility of the commission; updating and clarifying powers of the commission; limiting authority of the commission over certain institutions of higher education; eliminating authority of the commission to assess institutions for payment of expenses of commission and for funding of statewide higher education services, obligations or initiatives on and after July 1, 2018; eliminating outdated language; eliminating authority of the commission with respect to certain financial and budget reviews and approvals; providing for updated authority and powers of the chancellor of the commission; expanding authority of certain governing boards over appointment of presidents of certain higher education institutions; eliminating requirement for approval by the commission of appointment of presidents for certain institutions of higher education; eliminating jurisdiction of the commission relative to the accountability system over certain institutions of higher education; providing for updated responsibility of the commission in development and advancement of public policy agenda and collection of data for certain institutions of higher education; eliminating certain reporting responsibilities for certain institutions of higher education; eliminating authority of the commission over institutional compacts of certain institutions of higher education; eliminating requirement for certain institutions of higher education to prepare an institutional compact for submission to the commission; eliminating application of certain data-based measures on certain institutions of higher education; eliminating commission approval of institutional compacts of certain institutions of higher education;

eliminating authority of the chancellor over coordination of policies, purposes and rules of governing boards of certain institutions of higher education; eliminating requirement for governing boards to cooperate with West Virginia Network for Educational Telecomputing on certain matters; eliminating requirement for WVNET to generate certain reports; updating powers of governing boards; eliminating requirement of commission approval of master plans for certain institutions of higher education; providing that rules of the commission and the council related to administering a system for the management of personnel matters do not apply to certain institutions of higher education; providing for legislative findings and purposes; clarifying authority of certain governing boards to delegate authority to their presidents; clarifying authority of commission and governing boards of certain institutions of higher education with respect to development of rules for accreditation and determination of minimum standards for conferring degrees; eliminating authority of the commission and the council to revoke an institution's authority to confer degrees when the governing board or its chief executive officer does not provide certain information to the commission or the council; eliminating applicability of certain commission and council rules on certain institutions of higher education; requiring certain governing boards to promulgate and adopt rules related to acquisitions and purchases; clarifying authority of certain governing boards over certain purchasing activities; authorizing prepayment by the commission, council or governing boards in certain instances; expanding scope of authorized purchasers of certain purchase contracts; updating power of the Joint Committee over performance audits of purchasing; updating authority of the commission, the council and governing boards over purchase card procedures; requiring certain governing boards to establish purchasing card procedures; updating certain best practices applicable to ensuring fiscal integrity of institutions of higher education; authorizing additional situations where emergency purchase card use is permitted; updating time frame for payment of fees by students; updating applicability of rule by commission and council for tuition and deferred payment plans; authorizing certain governing boards to propose a rule related to tuition and fee

deferred payment plans; authorizing certain governing boards to authorize a mandatory auxiliary fee without commission approval; updating tuition and fee increase percentage that requires commission or council approval; updating conditions commission or council are required to consider in determining whether to approve a tuition or fee increase; revising requirements and parameters for certain revenue bonds issued by certain governing boards; updating approvals required for issuance of certain revenue bonds by state institutions of higher education; providing for deposit of certain fees by certain governing boards into single special revenue account; requiring each governing board to adopt a campus development plan; updating time frame for reporting to the commission and the council of campus development plans; eliminating requirement for commission approval of campus development plans of certain governing boards; eliminating commission approval over certain capital and maintenance project lists; authorizing certain governing boards to undertake projects not contained in campus development plans; eliminating certain commission and council approvals related to capital improvements; updating conditions to be met for certain institutions to be responsible for capital project management; updating requirements for capital project management rule to be promulgated and adopted by certain governing board; eliminating certain requirements related to leasing of real property by the commission, the council, and governing boards; expanding permitted uses of proceeds from sale, lease, conveyance or other disposal of real property received by the commission, the council or a governing board; eliminating requirement of commission approval for certain real estate and construction transactions; authorizing conveyance of real property or any interest therein from governing board to a real estate foundation; providing for procedures related to a real estate foundation; providing for conditions associated with transfer of real property to a real estate foundation by governing board; providing the purpose of real estate foundations; clarifying that real estate foundation provisions do not waive or abrogate sovereign immunity; clarifying that obligations of real estate foundations do not constitute debts or obligations of institution of higher education; setting forth the conditions for a conveyance of property; permitting the governing boards of



exempted schools to take certain actions without commission approval; and requiring certain governing boards to provide notice of actions to the commission, and if requested, provide certain information to the commission”; to the Committee on Education then the Judiciary.

**By Delegate Miley**

**[By Request of the Executive]:**

**H. B. 2816** - “A Bill to amend and reenact §11-13X-4 and §11-13X-13 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-15-3, §11-15-8 and §11-15-9 of said code; to amend and reenact §11-15A-2 of said code; to amend and reenact §11-16-13 of said code; to amend said code by adding thereto a new section, designated §11-21-97; and to amend said code by adding thereto a new article, designated §11-28-1, §11-28-2, §11-28-3, §11-28-4, §11-28-5, §11-28-6, §11-28-7, §11-28-8, §11-28-9, §11-28-10, §11-28-11, §11-28-12, §11-28-13, §11-28-14 and §11-28-15, all relating to taxation, generally; eliminating new film tax credits but preserving credit for taxpayers authorized to claim credit prior to specified date; increasing rate of consumer sales and service tax and use tax to 6.5% and providing for rate of tax to revert to 6% on and after July 1, 2020 as long as certain parameters are met with respect to the revenue shortfall reserve funds; limiting the exemption or exception of certain professional services from consumers sales and service tax and use tax; terminating exemption from consumers sales and service tax and use tax for certain advertising services; eliminating exemption from consumers sales and service tax for certain purchases of materials acquired for use in state highway projects; increasing rate of barrel tax on nonintoxicating beer; creating the West Virginia Personal Income Tax Study Commission to study the feasibility of eliminating the West Virginia personal income tax; providing for the members and operation of the commission; requiring the commission to submit a report by specified date; permitting certain confidential information to be disclosed to the commission and prohibiting further disclosure of confidential information received by the commission; exempting certain information received by the commission from the West Virginia Freedom of Information Act; providing criminal and civil penalties for unauthorized disclosure;

imposing new tax on privilege of engaging in commercial activity in this state; defining terms; specifying measure of commercial activity tax; providing for administration of commercial activity tax; exempting certain entities from commercial activity tax; providing credit against commercial activity tax for payment of certain gross receipts taxes to state; imposing criminal penalties for noncompliance; providing for severability; specifying effective date; and providing sunset date of July 1, 2020 for elimination of the commercial activity tax as long as certain parameters are met with respect to the revenue shortfall reserve funds”; to the Committee on Finance.

**By Delegates Walters, Nelson and Espinosa:**

**H. B. 2817** - “A Bill to amend and reenact §18-9A-6a of the Code of West Virginia, 1931, as amended, relating to the unfunded liability of the state Teachers Retirement System; extending the time period used by the actuary in determining the allowance for the reduction of any unfunded liability of the state Teachers Retirement System; and providing for certain transfers from the state debt reduction fund to the Teachers Retirement Fund”; to the Committee on Finance.

## **House Calendar**

### **Third Reading**

**Com. Sub. for H. B. 2367**, Establishing a criminal offense of organized retail crime; 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. 63**), and there were—yeas 93, nays 4, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Folk, McGeehan, Pushkin and Wilson.

Absent and Not Voting: Ellington, Fleischauer and Lynch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2367) 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. 2579**, Increasing the penalties for transporting controlled substances; on third reading, coming up in regular order, was read a third time.

During the debate, points of order were made regarding the content of the remarks of some members and Mr. Speaker, Mr. Armstead reminded members to confine their remarks to the bill before the House.

Delegates Marcum and Eldridge requested to be excused from voting on the passage of Com. Sub. for H. B. 2579 under the provisions of House Rule 49.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 64**), and there were—yeas 88, nays 10, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Bates, Fluharty, Folk, Hill, Hornbuckle, McGeehan, Pushkin, Robinson, Rowe and Sponaugle.

Absent and Not Voting: Ellington and Fleischauer.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2579) 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. 2674**, Relating to access to and receipt of certain information regarding a protected person; 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. 65**), 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: Ellington and Fleischauer.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2674) 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. 2678**, Changing the amounts of prejudgment and post-judgment interest to reflect today's economic conditions; 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. 66**), 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: Ellington and Fleischauer.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2678) passed.

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

On this question, the yeas and nays were taken (**Roll No. 67**), 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: Ellington and Fleischauer.

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. 2678) takes effect January 1, 2018.

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

**H. B. 2691**, Allowing a person who is qualified by training to be a barber and a cosmetologist to elect to practice solely as a barber; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 68**), and there were—yeas 95, nays 3, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Fluharty, Hornbuckle and Moye.

Absent and Not Voting: Ellington and Fleischauer.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2691) 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. 2725**, Restricting the authority of the Board of Barbers and Cosmetologists to regulate the use of commonly available, retail beauty products; 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. 69**), and there were—yeas 59, nays 39, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Baldwin, Barrett, Bates, Boggs, Brewer, Byrd, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fluharty, Hamilton, Hartman, Hicks, Hornbuckle, Iaquinta, Isner, Longstreth, Love, Lovejoy, Lynch, Marcum, Miley, R. Miller, Moye, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rohrbach, Rowe, Sponaule, Thompson, Westfall, White and Williams.

Absent and Not Voting: Ellington and Fleischauer.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2725) passed.

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

### **Second Reading**

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

**S. B. 176**, Repealing article concerning detection of tuberculosis, high blood pressure and diabetes,

And,

**S. B. 188**, Correcting definition of “telehealth” in medication-assisted treatment programs.

### **First Reading**

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

**Com. Sub. for H. B. 2503**, Relating to the rule-making authority for Board of Osteopathic Medicine,

**Com. Sub. for H. B. 2526**, Classifying additional drugs to Schedules I, II, IV and V of controlled substances,

**Com. Sub. for H. B. 2540**, Permitting a person to practice certain professions for limited time for a charitable function,

And,

**H. B. 2628**, Relating generally to the powers and duties of the Board of Medicine and the Board of Osteopathic Medicine.

### **Leaves of Absence**

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

### **Miscellaneous Business**

Delegate Lynch announced that he was absent when the vote was taken on the passage of Com. Sub. for H. B. 2367 and that had he been present, he would have voted “Yea” thereon.

Delegate Folk asked and obtained unanimous consent that the remarks of Delegates McGeehan, Fluharty and Sponaugle regarding Com. Sub. for H. B. 2579 be printed in the Appendix to the Journal.

Delegate Frich asked and obtained unanimous consent that the remarks of Delegate Hollen regarding Com. Sub. for H. B. 2579 be printed in the Appendix to the Journal.

Delegate Espinosa asked and obtained unanimous consent that the remarks of Delegate Shott on yesterday regarding an amendment offered by Delegates Folk and McGeehan to Com. Sub. for H. B. 2579 be printed in the Appendix to the Journal.

Delegate Caputo asked and obtained unanimous consent that the remarks of Delegates Eldridge, Hornbuckle and Pushkin regarding Com. Sub. for H. B. 2579 be printed in the Appendix to the Journal.

Delegate Eldridge filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2180.

Delegate Eldridge filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2326.

Delegate Eldridge filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2566.

At 1:30 p.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, March 8, 2017.



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Wednesday, March 8, 2017

**TWENTY-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 Tuesday, March 7, 2017, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

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

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

**H. B. 2553**, Relating to an exemption from the consumers sales and service tax and use tax for sales of services and tangible personal property related to the activities of raising and training livestock,

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. 2553) was referred to the Committee on Finance.

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

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

**H. B. 2707**, Relating to the collection, possession and sale of naturally shed deer antlers,

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 the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 2707) was referred to the Committee on the Judiciary.

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

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

**H. B. 2566**, West Virginia Fresh Food 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. 2566) was referred to the Committee on Finance.

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

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

**H. B. 2708**, Relating to a lawful method for a developmentally disabled person to purchase a base hunting license,

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 the absence of objection, the bill (H. B. 2708) was referred to the Committee on Finance.

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. B. 2063**, Extending the expiration of driver's licenses for active military members' spouses,

**H. B. 2164**, Prohibiting the placement of the name or likeness of public officials on state road signs,

**H. B. 2180**, Authorizing the issuance of special "In God We Trust" motor vehicle registration plates,

And,

**H. B. 2576**, Relating to autocycles,

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. 2063, H. B. 2164, H. B. 2180 and H. B. 2576) were each referred to the Committee on the Judiciary.

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. B. 2694**, Relating to the development and implementation of a program to facilitate commercial sponsorship of rest areas,

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. 2694) was referred to the Committee on Finance.

Delegate Fast, Chair of the Committee on Industry and Labor, submitted the following report, which was received:

Your Committee on Industry and Labor has had under consideration:

**H. B. 2546**, Allowing uniform costs to be deducted from an employee's final paycheck if the uniform is not returned,

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. 2546) was referred to the Committee on the Judiciary.

Delegate Walters, 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. 2649**, Adding violations of law upon which a public servant's retirement plan may be forfeited,

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. 2649) was referred to the Committee on the Judiciary.

Delegate Summers, Vice 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. 2132**, Limiting able-bodied adults without dependents receipt of SNAP benefits to three months in a thirty-six month period,

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. 2132) was referred to the Committee on the Judiciary.

Delegate Summers, Vice 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. 2667**, Relating to accreditation of nursing schools,

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 the absence of objection, the bill (H. B. 2667) was referred to the Committee on the Judiciary.

Delegate Summers, Vice 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. 2739**, Relating to supplemental Medicaid provider reimbursement,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2739) was referred to the Committee on Finance.

Delegate Storch, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

**H. B. 2208**, Authorizing counties and municipalities to establish a joint airport hazard comprehensive plan,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2208) was referred to the Committee on Government Organization.

Delegate Storch, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

**H. B. 2709**, Authorizing the City of South Charleston to levy a special district excise tax,

And,

**H. B. 2744**, Local Energy Efficiency Partnership Act,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2709 and H. B. 2744) were each referred to the Committee on Finance.

Delegate Storch, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

**H. B. 2724**, Relating to responsibilities and functions of the Herbert Henderson Office of Inclusion,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2724) was referred to the Committee on Health and Human Resources.

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

Your Committee on Education has had under consideration:

**H. B. 2618**, Relating to body mass index,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2618) was referred to the Committee on Health and Human Resources.

### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates as follows:

**Com. Sub. for H. B. 2740**, Making a supplementary appropriation to the Department of Administration.

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. 236** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-31, relating to claims or damages for medical monitoring; providing for certain elements for a claim for medical monitoring damages in addition to the underlying cause of action that must be shown in order to recover; establishing requirements for an order for payment of medical monitoring expenses; declaring that medical monitoring is not available in certain civil actions; prohibiting awards of punitive damages with respect to medical monitoring awards; establishing a defense if the benefits of medical monitoring are outweighed by the costs of the monitoring; detailing factors that may be considered in assessing the defense established; and requiring any civil action for medical monitoring be brought in the county where the alleged exposure occurred”; 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. 239** - “A Bill to amend and reenact §3-8-12 of the Code of West Virginia, 1931, as amended; to amend and reenact §21-1A-4 of said code; and to amend and reenact §21-5-1 of said code, all relating to limitations on the use of wages and agency shop fees by employers and labor organizations for political activities; prohibiting any person from coercing or intimidating any employee into making a political contribution or engaging in any form of political activity; prohibiting employers and any other persons responsible for the disbursement of wages and salaries from withholding or diverting any portion of an employee’s wages or salary for political activities without express, written authorization; providing that the prohibition against withholding or diverting wages for political activities applies to any written or oral contract or agreement entered into, modified, renewed or extended



on or after July 1, 2017, and shall not otherwise apply or abrogate a written or oral contract or agreement in effect on or before June 30, 2017; providing for criminal penalties; setting forth requirements for employees to provide written authorization for disbursement of wages and salaries by an employer or other person for political activities; requiring the Secretary of State to promulgate forms; defining terms ‘political activities’ and ‘agency shop fees’; modifying definition of ‘deductions’ to exclude amounts for union or club dues; and making it an unfair labor practice under the Labor-Management Relations Act for the Private Sector for a labor organization to use agency shop fees paid by nonmembers for political activities, unless expressly authorized by the individual”; 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. 392** - “A Bill to amend and reenact §8-22A-2, §8-22A-17 and §8-22A-18 of the Code of West Virginia, 1931, as amended, all relating to the Municipal Police Officers and Firefighters Retirement System; defining the term ‘vested’; clarifying factors determining duty/nonduty disability payouts; and requiring ten or more years of contributory service as a municipal police officer or municipal firefighter for a member to be eligible to receive benefits for nonduty disability”; which was referred to the Committee on Finance.

A message from the Senate, by

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

**Com. Sub. for S. B. 442** - “A Bill to amend and reenact §61-2-9 and §61-2-28 of the Code of West Virginia, 1931, as amended, all relating generally to crimes against the person; modifying definitions of ‘assault’, ‘battery’, ‘domestic assault’ and ‘domestic

battery’; and establishing penalties therefore”; 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

**Com. Sub. for S. B. 456** - “A Bill to amend and reenact §49-4-605 of the Code of West Virginia, 1931, as amended, relating to standards for termination of parental rights in child abuse and neglect cases; and clarifying applicability of section when certain crimes are committed by one parent against another”; which was referred to the Committee on the Judiciary.

### **Resolutions Introduced**

Delegates Phillips, Maynard, Marcum, Rodighiero, R. Miller and Eldridge offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 63** – “Requesting the Division of Highways to name a portion of Route 80, known as Wills Creek Road, in Logan County, beginning at latitude 37.730131, longitude -81.873774 and ending at latitude 37.692547, longitude -81.865702, the ‘William B. Burgess Memorial Road’.”

Whereas, Mr. Burgess was born on March 26, 1919, in Logan County, to Bill and Rina Burgess; and

Whereas, Mr. Burgess spent his youth in the communities of Christian and Bruno; and

Whereas, On July 11, 1943, Mr. Burgess was killed in action while serving in the U.S. Army in North Africa; and

Whereas, Naming this road is an appropriate recognition of Mr. Burgess’ contributions to his country, state and community and 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 a portion of Route 80, known as Wills Creek Road, in Logan County, beginning at latitude 37.730131, longitude -81.873774 and ending at latitude 37.692547, longitude -81.865702, the “William B. Burgess Memorial Road”; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs identifying the road as the “William B. Burgess Memorial Road”; and, be it

*Further Resolved*, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation.

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

**H. C. R. 64** – “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’.”

Whereas, Brothers William A. Gill, Jr., James E. Gill, Jack S. Gill, and Foster Ray Gill honorably served their nation and state during World War II. Sergeant William A. Gill, Jr., born on the 16<sup>th</sup> of November, 1916, in Clarksburg, West Virginia, enlisted in the United States Army on the 8<sup>th</sup> of July, 1942, and served in the European and North African Theaters of war. Sgt. Gill received the Good Conduct Medal, the American Theater Ribbon, the European-African-Middle Eastern Ribbon, and the World War II Victory Ribbon. He was honorably discharged on the 28<sup>th</sup> of February, 1946; and

Whereas, Sergeant James E. Gill was born on the 7<sup>th</sup> of July, 1918, in Clarksburg, West Virginia, enlisted in the West Virginia State National Guard on the 1<sup>st</sup> of April, 1944. He was honorably discharged on the 21<sup>st</sup> of September, 1945; and

Whereas, Private Jack S. Gill was born on the 14<sup>th</sup> of June, 1920, in Clarksburg, West Virginia, enlisted in the United States Army on the 9<sup>th</sup> of June, 1942, and served in the European Theater of war. Pvt. Gill received the Purple Heart Medal for wounds sustained in France in 1944, as well as the American Theater Service Ribbon, European-African-Middle Eastern Service Ribbon, the World War II Victory Ribbon, and the Good Conduct Medal. He was honorably discharged on the 29<sup>th</sup> of October, 1945; and

Whereas, Corporal Foster Ray Gill was born on the 23<sup>rd</sup> of February, 1924, in Clarksburg, West Virginia, enlisted in the United States Army on the 22<sup>nd</sup> of March, 1943, and served in the European Theater of war. Cpl. Gill received the Good Conduct Medal, the European-African-Middle Eastern Service Ribbon, and the World War II Victory Ribbon. He was honorably discharged on the 2<sup>nd</sup> of December, 1945; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested 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”; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and erected signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge the “Gill Brothers World War II Veterans’ Memorial 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.

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

**H. C. R. 65** – “Requesting the Division of Highways to name bridge no. 20-77-106.11 NB and SB (20A444, 20A445) (38.41306, -81.63047), locally known as I-77 Edens Fork Interchange Bridge, carrying Interstate 77 NB and SB over Kanawha Two Mile Creek and County Route 27 in Kanawha County, the ‘Hobert G. “Hobie” Underwood Memorial Bridge’.”

Whereas, Hobert Glass “Hobie” Underwood was born on November 7, 1922, on Kanawha Two Mile Road in Charleston, West Virginia to Okey and Goldie Underwood; and

Whereas, Hobie enlisted in the army at age twenty and rose to the rank of Staff Sergeant, serving in France and Germany. Hobie was wounded twice in the line of duty, and for his courage and resilience Hobie was awarded a Bronze Star and a Purple Heart; and

Whereas, Hobie conveyed a profound sense of patriotism throughout his life, proudly flying an American flag in front of his house; and

Whereas, In serving his country, Hobie honored his family, his state, and his country and naming this bridge near his hometown is an appropriate recognition of that service; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge no. 20-77-106.11 NB and SB (20A444, 20A445) (38.41306, -81.63047), locally known as I-77 Edens Fork Interchange Bridge, carrying Interstate 77 NB and SB over Kanawha Two Mile Creek and County Route 27 in Kanawha County, the “Hobert G. ‘Hobie’ Underwood Memorial Bridge”; and, be it

*Further Resolved*, That the Division of Highways is requested to have made and be placed signs at both ends of the bridge identifying the bridge as the “Hobert G. ‘Hobie’ Underwood Memorial Bridge”; and, be it

*Further Resolved*, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation.

Delegates Miley, Ambler, Anderson, Baldwin, Barrett, Bates, Byrd, Canestraro, Caputo, Cooper, Dean, Diserio, Eldridge, Ellington, Espinosa, A. Evans, E. Evans, Ferro, Fleischauer, Fluharty, Folk, G. Foster, Frich, Hamilton, Hamrick, Hartman, Hicks, Hornbuckle, Isner, Lane, Longstreth, Love, Lovejoy, Lynch, Marcum, R. Miller, Moye, Paynter, Pethtel, Phillips, Pushkin, Pyles, Queen, Robinson, Rodighiero, Rohrbach, C. Romine, R. Romine, Sponaugle, Statler, Storch, Summers, Upson, Walters, Westfall, White, Williams, Wilson and Zatezalo offered the following resolution, which was read by its title and referred to the Committee on Education then Rules:

**H. C. R. 66** – “Requesting the Joint Committee on Government and Finance to study the sustainability of the state’s current system of higher education and how the state can better support the public institutions of higher education.”

Whereas, West Virginia is moving through a dramatic transformation during which fundamental regulatory and supply and demand changes have sufficiently altered the trajectory of the state’s coal and natural gas sectors. The state is facing significant budgetary challenges and a current path that is not sustainable; and

Whereas, The best way to further the state’s priorities is not to rely on decades-old models that seek to preserve the status quo, but instead, lies in questioning whether our current way of doing business is sustainable and identifying new solutions; and

Whereas, It is essential that the leaders of the state reinvent the manner in which the state conducts business in order to meet certain goals, including the goal of maintaining productive institutions of higher education that educate the workforce of tomorrow and continue to be economic engines that help to drive the state’s economy; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on Government and Finance is requested to study and review the sustainability of the state's current system of higher education and how the state can better support the institutions; and, be it

*Further Resolved*, That in conducting the study, the Committee review the following issues related to success of the institutions. How to increase retention and graduation rates; how to maintain affordable tuition; how to increase access to institutions; how to promote economic achievement through education; and, be it

*Further Resolved*, That in conducting the study, the Committee review the following issues related to efficiency of institutional oversight: The amount of time institutions spend on multiple levels of approvals and reporting activities to the state; the amount of time institutions spend interacting with the State Treasurer's and Auditor's offices; and whether the Higher Education Policy Commission should be a coordinating or second-step governing body; and, be it

*Further Resolved*, That in conducting the study, the Committee review the following issues related to institutional funding: Whether all eighteen of the state's four-year and two-year institutions are viable as currently constituted; how the institutions should be transformed if they are not currently viable; whether the institutions should share administrative expenses; and the effectiveness of the governing boards at each institution; and, be it

*Further Resolved*, That the Joint Committee on Government and Finance report to the Legislature, on the first day of the regular session 2018, on its findings, conclusions and recommendations together with drafts of any legislation to effectuate its recommendations; and, be it

*Further Resolved*, That the expenses necessary to conduct this study, to prepare a report and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

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

**H. C. R. 67** – “Requesting the Division of Highways to name bridge number 25-79-140.37 NB and SB (25A147, 25A148) (39.5047, -80.0708), 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’.”

Whereas, Robert L. Barker was born in Parkersburg, West Virginia, July 20, 1953, and went to be with the Lord on May 20, 2016; and

Whereas, Robert L. Barker graduated from South Parkersburg High School and went on to receive a Bachelor of Arts in Theology from Baptist University of America in Atlanta, Georgia in 1979; and

Whereas, Robert L. Barker founded Victory Baptist Church in Fairmont, West Virginia in 1983 and was elected the first pastor of the church; and

Whereas, Robert L. Barker had a lifelong mission to spread the word of God in his community and beyond; and

Whereas, Robert L. Barker spread the word of God through outreach ministry weekly at local nursing homes and Union Mission in Fairmont, West Virginia; and

Whereas, Robert L. Barker and Victory Baptist Church supported nearly two hundred missionaries around the world to teach God’s word; and

Whereas, Robert L. Barker was affectionately known as a soul winner in his community; and

Whereas, The congregation of Victory Baptist Church would like to memorialize their beloved pastor; therefore, be it



*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 25-79-140.37 NB and SB (25A147, 25A148) (39.5047, -80.0708), 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”; and, be it

*Further Resolved,* That 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 “Pastor Robert L. ‘Bob’ Barker Memorial 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.

Delegates Phillips, Eldridge, Marcum, Rodighiero and Maynard offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 68** – “Requesting the Division of Highways to name a portion of West Virginia Route 80, near Bruno, beginning at a point, latitude 37.692547, longitude -81.865702, and ending at a point, latitude 37.664654, longitude -81.848732, the ‘James Earl Gibson Memorial Road’.”

Whereas, James Earl Gibson was born in Logan County, West Virginia on November 23, 1921, to Alonzo and Emma Gibson; and

Whereas, James spent his youth in the community of Fanco, West Virginia on Buffalo Creek; and

Whereas, On July 6, 1943, while serving his country in World War II in North Africa, James suffered fatal wounds from a German sub while flying reconnaissance on a photo mission; and

Whereas, James’ courage, commitment and service to his country honors his family, his community and the entire State of West Virginia and should not be forgotten; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name a portion of West Virginia Route 80, near Bruno, beginning at a point, latitude 37.692547, longitude -81.865702, and ending at a point, latitude 37.664654, longitude -81.848732, the “James Earl Gibson Memorial Road”; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs identifying the road as the “James Earl Gibson Memorial Road”; and, be it

*Further Resolved*, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of Transportation and the Commissioner of Highways.

Delegates Overington, Householder, Howell, Butler and Walters offered the following resolution, which was read by its title and referred to the Committee on the Judiciary:

**H. C. R. 69** – “Selecting and Instructing Commissioners to an Article V Convention for Proposing a United States Balanced Budget Amendment.”

Whereas, The Legislature of the State of West Virginia finds the national debt and mounting deficits to be an existential threat to the solvency, security, and prosperity of United States; and

Whereas, The states, acting in convention, have equal authority and responsibility with Congress under Article V to propose an amendment to the United States Constitution; and

Whereas, The Legislature of the State of West Virginia determines that a significant number of states have passed resolutions applying for a convention to propose a balanced budget amendment pursuant to Article V of the Constitution of the United States, thereby rendering it appropriate to select and instruct commissioners to any such convention called on or before December 31, 2018; therefore, be it

*Resolved by the Legislature of West Virginia:*

Section 1. Should a convention for proposing a balanced budget amendment to the United States Constitution be called by Congress pursuant to Article V of the Constitution on or before December 31, 2018, this state legislature shall send a delegation to the convention.

Section 2. The delegation shall be comprised of three commissioners and an equal number of paired alternates, none of which shall be an elected or appointed official of the federal government at the time of election or any time during the term of office.

Section 3. The delegation shall be selected in the following manner:

(a) On a day and time jointly determined by the Speaker of the House and the President of the Senate, each house shall meet at the Capitol to elect commissioners and alternates at which a quorum shall be defined as those members of each body attending.

(b) By a majority vote of the members attending and voting, each body shall choose three commissioners and an equal number of paired alternates.

(c) The Speaker of the House of Delegates and the President of the Senate shall jointly choose one commissioner and one paired alternate.

(d) Should a delegation not be elected prior to the convening of the Nashville Balanced Budget Amendment Planning Convention in July of 2017, then the Speaker of the House and the President of the Senate shall jointly appoint a delegation of commissioners and alternates to represent West Virginia at this convention. This delegation shall be subject to all instructions and restrictions provided in this resolution for the delegation to the Balanced Budget Amendment Convention.

Section 4. After the convention is convened, if a commissioner is not able to participate in the convention either permanently or temporarily, the commissioner's respective alternate shall replace the commissioner for the time he or she is unable to serve. Should

an alternate so designated not be able to participate in the convention, then the delegation shall choose a replacement from the remaining alternates.

Section 5. The delegation shall choose its presiding officer and organize in the manner it desires.

Section 6. The delegation has authority to represent this legislature at formal and informal planning sessions related to the convention including the Nashville Balanced Budget Amendment Planning Convention which will convene in July of 2017; to conduct community meetings and hearings throughout the state prior to the convention, and to correspond with other state commissioners and delegations; provided, however, that the delegation and its members shall at all times adhere to the oath herein and to all instructions.

Section 7. The legislature shall provide the delegation necessary support staff and pay all of the costs of attending the convention and all planning meetings, community meetings and hearings subject to available funding.

Section 8. The term of office for the delegation shall end on the later of December 31, 2018, or the adjournment of a balanced budget convention called prior to that date.

Section 9. Any member of a delegation knowing of any violation of the oath or other misbehavior by a commissioner shall report it to the Article V Convention Committee provided for below.

Section 10. Commissioners and alternates shall take the following Oath of Office prior to accepting their appointment:

*I do solemnly swear or affirm that to the best of my abilities, I will, as a commissioner (alternate commissioner) to a convention for proposing a balanced budget amendment, uphold the Constitution and laws of the United States and the State of West Virginia. I will abide by my instructions from the legislature. I will not discuss or vote to allow consideration of or to approve any amendment proposed for ratification to the United States*

*Constitution that is unrelated to the subject of a balanced budget amendment.*

*I will vote only for convention rules that provide that each state have one equal vote, that no state or commissioner shall be allowed to propose an amendment that is unrelated to balancing the federal budget, and that all but procedural issues be resolved by a simple majority vote of the states voting on the issue. I acknowledge that any violation of this oath may result in my being recalled by the legislature or its authorized committee.*

Section 11: Article V Convention Committee.

(a) An Article V Convention Committee shall be comprised of three individuals, one appointed by the President of the Senate, one appointed by the Speaker of the House, and one appointed jointly by each. No member of the legislature's Article V Convention Committee may be a member of the delegation.

(b) The duties of the Legislature's Article V Convention Committee include:

(i) Monitoring the delegation to determine if it is following legislative instructions and obeying convention rules;

(ii) Advising the delegation on the legislature's position on issues before the convention;

(iii) Disciplining any commissioner who violates the oath of office or instructions or is otherwise guilty of malfeasance or nonfeasance; discipline may include recall from the convention or demotion to alternate delegate;

(iv) Notifying the convention that a commissioner has been recalled or converted to an alternate; and

(v) Replacing any recalled commissioner.

Section 12: Commissioners shall vote only for convention rules consistent with the following principles:

(a) The convention is convened under the authority granted to the state legislatures of the several states by Article V of the Constitution of the United States.

(b) The only participants at this convention are the several states represented by their respective delegations duly selected in such manner as their respective legislatures have determined.

(c) The scope of the convention's authority is defined by applications adopted by at least two thirds of the legislatures of the several states, which authority is limited to the subject of a balanced budget amendment. The convention has no authority to propose or discuss an amendment on any other subject.

(d) The convention shall provide for disciplining a commissioner or delegation for exceeding the scope of the convention's authority by raising subjects for discussion or debate that lie outside the convention's authority.

(e) The convention shall not infringe on the respective state legislatures' authority to instruct, discipline, recall and replace commissioners.

(f) A quorum for all sessions of the convention and for all committee meetings shall be a majority of the states attending the convention or serving as members of the relevant committee.

(g) All voting at the convention or in a committee shall be by state with each state having one vote, without apportionment or division. Each state legislature shall determine the internal voting and quorum rules for casting the vote of its delegation.

(h) A majority vote of the quorum shall prevail on all issues before the convention and in all committees save for procedural votes which may require a supermajority.

(i) An affirmative vote not greater than a majority of the several states shall be necessary to propose an amendment.

Delegates Overington, Anderson, Arvon, Blair, Butler, Dean, Deem, Ellington, A. Evans, Fast, Folk, G. Foster, Frich, Hamrick,

Harshbarger, Householder, Howell, Lewis, Martin, Maynard, C. Miller, Paynter, Phillips, Queen, Rohrbach, C. Romine, R. Romine, Sobonya, Storch, Summers, Walters, Ward and Wilson offered the following resolution, which was read by its title and referred to the Committee on the Judiciary:

**H. C. R. 70** – “Applying to the Congress of the United States to call a convention for proposing amendments pursuant to Article V of the United States Constitution limited to proposing amendments that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress; and adopting certain reservations, understandings and declarations limiting the application.”

**SECTION 1. Application for a convention for proposing amendments.**

Whereas, Executive orders by the President of the United States have become a vehicle through which the President may overstep the limits of his constitutional authority; and

Whereas, The concentration of power at the federal level has had the effect of making federal officials less responsive to the will of the people and more readily influenced by lobbyists, wealthy corporations and special interests in Washington, D.C.; and

Whereas, Much of federal law is now enacted by federal bureaucrats who were never chosen by the people and have no accountability to the people whatsoever; and

Whereas, Policy decisions made at the state level tend to be more responsive to the needs and desires of the people; and

Whereas, The federal government has created a crushing national debt through improper and imprudent spending; and

Whereas, The federal government has invaded the legitimate roles of the states through the manipulative process of federal mandates, many of which are unfunded to a great extent; and

Whereas, The states have the ability to restore the responsiveness of government to the people and to restrain abuses of federal power by proposing Amendments to the Constitution of the United States through a limited Convention of the States under Article V; therefore, be it

*Resolved by the Legislature of West Virginia:*

That it hereby applies to Congress, under the provisions of Article V of the Constitution of the United States, for the calling of a convention of the states limited to proposing amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress; and, be it

*Further Resolved,* That the Clerk of the House of Delegates forward a copy of this resolution, legislative call and application to the President and Secretary of the United States Senate and to the Speaker and Clerk of the United States House of Representatives, and copies to the members of the said Senate and House of Representatives from this State; also to transmit copies hereof to the presiding officers of each of the legislative houses in the several states, requesting their cooperation; and, be it

*Further Resolved,* That this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two thirds of the several states have made applications on the same subject.

## **SECTION 2. Reservations, understandings and declarations.**

The West Virginia Legislature adopts this application expressly subject to the following reservations, understandings and declarations:

1. An application to the Congress of the United States to call an amendment convention of the states pursuant to Article V of the United States Constitution confers no power to Congress other than the power to call such a convention. The power of Congress to



exercise this ministerial duty consists solely of the authority to name a reasonable time and place for the initial meeting of a convention;

2. Congress shall perform its ministerial duty of calling an amendment convention of the states only upon the receipt of applications for an amendment convention for the substantially same purpose as this application from two thirds of the legislatures of the several states;

3. Congress does not have the power or authority to determine any rules for the governing of an amendment convention of the states called pursuant to Article V of the United States Constitution. Congress does not have the power to set the number of delegates to be sent by any state to such a convention, nor does it have the power to name delegates to such a convention. The power to name delegates remains exclusively within the authority of the legislatures of the several states;

4. By definition, an amendment convention of the states means that states shall vote on the basis of one state, one vote;

5. A convention of the states convened pursuant to this application shall be limited to consideration of the topics specified herein and no other. This application is made with the express understanding that an amendment that in any way seeks to amend, modify, or repeal any provision of the Bill of Rights shall not be authorized for consideration at any stage. This application shall be void ab initio if ever used at any stage to consider any change to any provision of the Bill of Rights;

6. Pursuant to Article V of the United States Constitution, Congress may determine whether proposed amendments shall be ratified by the legislatures of the several states or by special state ratification conventions. The West Virginia Legislature recommends that Congress select ratification by the legislatures of the several states; and

7. The West Virginia Legislature may provide further instructions to its delegates and may recall its delegates at any time for a breach of a duty or a violation of the instructions provided.

Delegates Hornbuckle, Eldridge, Moye, Paynter, Cooper, Harshbarger, Ambler, Rohrbach, Miley, Caputo and Rodighiero offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 71** – “Designating March 8, 2017, as Disability Advocacy Day.”

Whereas, There are over 400,000 West Virginians with disabilities; and

Whereas, People with disabilities have the right to live, work and fully participate in their communities to realize their dreams; and

Whereas, People with disabilities have the right to receive the support they need to exercise self-determination, achieve independence, and become productive employees in the workplace; and

Whereas, West Virginia’s citizens with disabilities have banded together in a collective group called the Fair Shake Network, to help bring their concerns to the forefront of public awareness; and

Whereas, The Fair Shake Network has developed a statewide network concerned with all types of disabilities and all age groups, providing opportunities for people to learn from each other and take action together; and

Whereas, The member organizations: Appalachian Center for Independent Living; West Virginia Development Disabilities Council; West Virginia Statewide Independent Living Council; West Virginia Division of Rehabilitation Services; West Virginia Autism Training Center; West Virginian Parent Training and Information; Disability Rights of West Virginia; West Virginia University Center for Excellence in Disabilities; West Virginia

Statewide Rehabilitation Council; Open Doors, Inc.; National Association of Social Workers, West Virginia Chapter; West Virginia Olmstead Office; Mountain State Parents CAN; West Virginia Association of the Deaf; Central West Virginia Action Network; Mountain State Centers for Independent Living; and partner organizations including: Job Squad; Northern West Virginia Center for Independent Living; Ron Yost Personal Assistance Services Program; The Arc of West Virginia; People First of West Virginia; West Virginia Commission for the Deaf and Hard of Hearing; Fair Housing Action Network; and Aging and Disability Resource Network; have joined together to help increase public awareness of issues involving the many concerns of West Virginians with disabilities through the Fair Shake Network; and

Whereas, The Purpose of Disability Advocacy Day is to increase the awareness and understanding of legislators, administrators, policymakers and the public of the public policy issues that are important to people with disabilities; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the House of Delegates hereby designates March 8, 2017, as Disability Advocacy Day; and, be it

*Further Resolved,* That the Clerk of the House of Delegates forward a certified copy of this resolution to the appropriate representatives of the Fair Shake Network.

### **Bills Introduced**

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

**By Delegates Fast, Kessinger, Arvon, Hill, O’Neal and Howell:**

**H. B. 2818** - “A Bill to amend and reenact §18-8-12 of the Code of West Virginia, 1931, as amended, relating to prohibiting West Virginia institutions of higher learning and state agencies from discriminating against graduates of private, nonpublic or home schools by requiring them to submit to alternative testing as

a precondition for acceptance into the institution of higher learning”; to the Committee on Education.

**By Delegates Howell, Lewis, Paynter, Ward, Sypolt, Hamrick, Arvon, Hill, Martin, Storch and Sobonya:**

**H. B. 2819** - “A Bill to amend and reenact §5A-3-43 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §5A-3D-1, §5A-3D-2, §5A-3D-3, §5A-3D-4, §5A-3D-5 and §5A-3D-6; and to amend and reenact §17-2A-14 of said code, all relating to terminating the State Agency for Surplus Property and giving state agencies direct authority to dispose of tangible personal property that has reached the end of a reasonable, useful life; providing for the termination of the State Agency for Surplus Property in an orderly process; terminating rules relating to the State Agency for Surplus Property; defining new terms; specifying items to be reported as fixed assets; establishing the method to calculate the useful life of tangible personal property; granting discretion to agencies to decide when and how to retire fixed assets; providing for the assistance of the Division of Purchasing; establishing minimum value for retirement of assets prior to the end of useful life; modifying the disposition of equipment of the Division of Highways and requiring inventory reporting to be done as specified by the Secretary of Administration”; to the Committee on Government Organization then Finance.

**By Delegates Howell, Hamrick, Paynter, Lewis, Arvon, Martin, Storch, Frich, Blair, Upson and Walters:**

**H. B. 2820** - “A Bill to repeal §60-1-4 of the Code of West Virginia, 1931, as amended; to repeal §60-2-2, §60-2-3, §60-2-7, §60-2-9, and §60-2-10 of said code; to repeal §60-3-1, §60-3-2, §60-3-3, §60-3-4, §60-3-5, §60-3-6, §60-3-7, §60-3-8, §60-3-9, §60-3-10, §60-3-11, §60-3-12, §60-3-13, §60-3-14, §60-3-15, §60-3-16, §60-3-17, §60-3-18, §60-3-20, §60-3-21, §60-3-23, and §60-3-24 of said code; to amend and reenact §11-16-3 and §11-16-4 of said code; to amend said code by adding thereto a new article, designated §29-22D-1, §29-22D-2 and §29-22D-3; to amend and reenact §60-1-5 of said code; to amend and reenact §60-2-1 of said code, all relating to abolishing the Alcohol Beverage Control

Commissioner; transferring its powers and duties to the State Lottery Commission; creating alcohol beverage distributors licenses; and creating a per case tax on alcohol”; to the Committee on Government Organization then Finance.

**By Delegates Boggs, Sponaugle, Walters, Hartman, A. Evans, Anderson, Hamilton, Pethtel and C. Romine:**

**H. B. 2821** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13DD-1, §11-13DD-2, §11-13DD-3, §11-13DD-4, §11-13DD-5, §11-13DD-6 and §11-13DD-7, all relating to creation of farm-to-food bank tax credit; defining terms; providing method for calculation of value of tax credit; limiting tax credit; providing for certification by Department of Agriculture; allowing carryover of unused tax credits for four years; providing for rulemaking; and establishing effective date of tax credit”; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegates Howell, Shott, Lewis, Ward, Hamrick, Arvon, O’Neal, Storch, Martin, Hill and Paynter:**

**H. B. 2822** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-14-3a; to amend said code by adding thereto a new section, designated §29-3B-4a; and to amend said code by adding thereto a new section, designated §29-3D-4a, all relating to allowing military veterans with certain military ratings to qualify for examination for license as a plumber, allowing military veterans with certain military ratings to qualify for examination for license as an electrician; allowing military veterans with certain military ratings to qualify for examination for license as a sprinkler fitter in training or a journeyman sprinkler fitter”; to the Committee on Veterans’ Affairs and Homeland Security then Government Organization.

**By Delegates Miley, Longstreth, Baldwin, Iaquina, Pushkin, Isner, Hornbuckle, E. Evans, Barrett, Williams and Robinson:**

**H. B. 2823** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-5W-1, §16-5W-2, §16-5W-3 and §16-5W-4, all relating to requiring the Commissioner of the Bureau for Public Health to establish an on-

call center for state residents to receive assistance with healthcare”; to the Committee on Health and Human Resources then Finance.

**By Delegates Lynch, Hartman, Iaquina, Ferro, Cooper, Pushkin, Caputo, Boggs, Diserio, R. Romine and Hamilton:**

**H. B. 2824** - “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to exempting State Teachers Retirement System pension benefits from West Virginia personal income taxation”; to the Committee on Pensions and Retirement then Finance.

**By Delegates C. Miller, Sobonya, Upson, Ellington, Rohrbach, Shott, Hornbuckle, Lovejoy and Hicks:**

**H. B. 2825** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-4-5b, relating to requiring state institutions of higher education and community and technical colleges to adopt certain policies and implement certain programs relating to sexual assault, domestic violence, dating violence and stalking”; to the Committee on Education then the Judiciary.

**By Delegate Walters:**

**H. B. 2826** - “A Bill to repeal §16-29G-1, §16-29G-2, §16-29G-3, §16-29G-4, §16-29G-5, §16-29G-6, §16-29G-7 and §16-29G-8 of the Code of West Virginia, 1931, as amended; and to amend and reenact §16-3C-1 and §16-3C-3 of said code, all relating to eliminating provisions and repealing statutes related to the West Virginia Health Information Network and health information exchanges”; to the Committee on Health and Human Resources then Finance.

**By Delegates Ellington and Summers:**

**H. B. 2827** - “A Bill to amend and reenact §33-4A-1, §33-4A-2, §33-4A-3, §33-4A-4, §33-4A-5, §33-4A-6, §33-4A-7 and §33-4A-8 of the Code of West Virginia, 1931, as amended, all relating to the updating the all payor claims database”; to the Committee on Health and Human Resources.

**By Delegates Summers, Canestraro, R. Miller and Hollen:**

**H. B. 2828** - “A Bill to amend and reenact §62-3-3 of the Code of West Virginia, 1931, as amended, relating to changing the number of strikes in jury selection in felony cases to provide four

strikes each to the accused and the prosecution; and setting forth the order the strikes are to be taken”; to the Committee on the Judiciary.

**By Delegates Rowe, Pyles, Byrd, Phillips, Lane, Pushkin and Robinson:**

**H. B. 2829** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-7-4b, relating to establishing a toll-free phone line for receipt of comments from the public about state programs and services which will be reported online for all to see and review”; to the Committee on Government Organization then Finance.

**By Delegates Frich, Ward, Hollen, Butler, Walters, Barrett, Arvon, Householder, C. Miller, Espinosa and Westfall:**

**H. B. 2830** - “A Bill to amend and reenact §5A-3-1 and §5A-3-3 of the Code of West Virginia, 1931, as amended, all relating to agencies exempt from the state purchasing laws and providing for the appointment of the director of purchasing”; to the Committee on Government Organization then Finance.

**By Delegate Gearheart:**

**H. B. 2831** - “A Bill to amend and reenact §17B-2-7a of the Code of West Virginia, 1931, as amended, relating to the reconstitution of the Driver’s Licensing Advisory Board, by requiring one member of the board to be a licensed neurologist in this state, by requiring the board to respond to requests of the commissioner when necessary in the discretion of the commissioner, by striking obsolete sections of code and by adding statutory consistency”; to the Committee on Roads and Transportation then Government Organization.

**By Delegates E. Evans, Paynter, Baldwin, Rowe, Canestraro, Thompson and Robinson:**

**H. B. 2832** - “A Bill to amend and reenact §5-22-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-13-3 of said code; and to amend and reenact §16-13A-7 of said code, all relating to raising the amount required for competitive bidding of construction contracts by the state and its subdivisions from \$25,000 to \$50,000; raising the amount required for competitive

bidding of sanitary board construction contracts from \$10,000 to \$50,000; excepting public service districts from competitive bidding for emergency repairs; and raising the amount required for competitive bidding of public service district construction contracts from \$25,000 to \$50,000”; to the Committee on Government Organization then Finance.

**By Delegates Howell, Frich, Dean, Hill, G. Foster, Martin, Hamrick, Arvon, Criss, Lewis and Sybolt:**

**H. B. 2833** - “A Bill to amend and reenact §30-1-12 of the Code of West Virginia, 1931, as amended, relating to specifying the contents and categories of information for inclusion in annual reports to be submitted by professional licensing boards”; to the Committee on Government Organization.

**By Delegates Howell, Frich, Dean, Hill, Martin, Hamrick, Arvon, Criss, Lewis, Sybolt and Paynter:**

**H. B. 2834** - “A Bill to amend and reenact §21-1B-5 and §21-1B-7 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §21-1B-9, all relating to unlawful employment practices involving unauthorized workers; requiring that an employer’s license or authorization to operate a business in this state be suspended or revoked if the employer is convicted of certain crimes; creating a rebuttable presumption that an employer is not guilty of the offense of knowingly employing, hiring, recruiting or referring an unauthorized worker if the employer complied with federal statutory requirements for verifying employment authorization; establishing factors that the Commissioner of Labor may consider when determining whether to suspend or revoke an employer’s license or authorization to operate a business; requiring licensing agencies to suspend or revoke an employer’s license or authorization to operate a business upon receipt of an order from the Commissioner of Labor; and establishing that a public official or employee of the state has a duty report known employment of an unauthorized worker to federal immigration authorities”; to the Committee on Small Business, Entrepreneurship and Economic Development then the Judiciary.



**By Delegates Howell, Dean, Hill, G. Foster, Martin, Hamrick, Criss, Lewis, Sypolt, Fast and Paynter:**

**H. B. 2835** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-4-5b, relating to permitting an individual with a current West Virginia issued license to carry a concealed deadly weapon to carry such weapon on the campus of a state institution of higher education”; to the Committee on Education then the Judiciary.

**By Delegates Howell, Frich, Dean, Harshbarger, Hill, Martin, Hamrick, Criss, Arvon, Lewis and Sypolt:**

**H. B. 2836** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17A-3-15a, relating to allowing the owner of an antique military vehicle to display alternate registration insignia that is compatible with the vehicle’s original markings in lieu of a registration plate”; to the Committee on Roads and Transportation then the Judiciary.

**By Delegates Howell, Frich, Dean, Harshbarger, Hill, Martin, Hamrick, Criss, Lewis, Rohrbach and Fast:**

**H. B. 2837** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-1-5b, relating to the collection of municipal sales tax by vendors of goods and services; providing that vendors delivering goods by common carrier may not be required to collect tax and providing that vendors delivering goods or services directly to a purchaser may only be required to collect tax if the vendor knows or has reason to know that the delivery location is within a taxing municipality’s boundaries”; to the Committee on Finance.

**By Delegates Howell, Shott, Frich, Dean, Harshbarger, Hill, G. Foster, Martin, Hamrick, Arvon and Criss:**

**H. B. 2838** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-24-8, relating to allowing military veterans who meet certain qualifications to qualify for examination for license as an emergency medical technician”; to the Committee on Veterans’ Affairs and Homeland Security then Health and Human Resources.

**By Delegates Howell, Frich, Dean, Hill, G. Foster, Martin, Hamrick, Arvon, Lewis, Sypolt and Rohrbach:**

**H. B. 2839** - “A Bill to amend and reenact §4-10-6, §4-10-7, §4-10-8, §4-10-10 and §4-10-14 of the Code of West Virginia, 1931, as amended, all relating generally to updating the procedures for legislative review of departments and licensing boards; amending definitions; defining the timing and scope of department presentations; eliminating analysis of websites as a review component; updating regular schedules for agency and regulatory board reviews; and authorizing reviews and reorganizations outside of the regular review schedules”; to the Committee on Government Organization.

**By Delegates Howell, Frich, Dean, Hill, G. Foster, Martin, Hamrick, Arvon, Criss, Lewis and Sypolt:**

**H. B. 2840** - “A Bill to amend and reenact §5A-1-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §5F-2-1 of said code; and to amend said code by adding thereto twelve new sections, designated §5F-2-1a, §5F-2-1b, §5F-2-1c, §5F-2-1d, §5F-2-1e, §5F-2-1f, §5F-2-1g, §5F-2-1h, §5F-2-1i, §5F-2-1j, §5F-2-1k and §5F-2-1l, all relating to the reorganization of certain code provisions that organize the executive branch of state government”; to the Committee on Government Organization then Finance.

**By Delegates Howell, Frich, Dean, Harshbarger, Hill, G. Foster, Martin, Hamrick, Arvon, Criss and Lewis:**

**H. B. 2841** - “A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new section, designated §5F-2-8, relating to requiring board members to have attended a board meeting in order to be compensated for the meeting; requiring the member to attest to his or her attendance and it be witnessed; and requiring records be kept for at least five years”; to the Committee on Government Organization then Finance.

**By Delegates Hornbuckle, Pushkin, White, C. Romine, Rohrbach, C. Miller, Blair, Westfall, Canestraro, Lovejoy and Robinson:**

**H. B. 2842** - “A Bill to amend and reenact §11-16-10 of the Code of West Virginia, 1931, as amended, relating to authorizing

a temporary foreign brewers import license”; to the Committee on the Judiciary then Finance.

**By Delegates Fast, Kessinger, Hill, Howell, Ward, Lane, Hamrick and Storch:**

**H. B. 2843** - “A Bill to amend and reenact §7-11B-3, §7-11B-4 and §7-11B-7 of the Code of West Virginia, 1931, as amended, all relating to permitting Class III and Class IV municipalities to be included in the West Virginia Tax Increment Act”; to the Committee on Political Subdivisions then Finance.

**By Delegates Upson, Householder, O’Neal, Wilson, Cooper, Blair, McGeehan, Dean, Wagner, N. Foster and Hill:**

**H. B. 2844** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §30-1B-2a and §30-1B-2b, all relating to provisions applicable to military members and their spouses”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

**By Delegates Lane, Byrd, Walters, Robinson, Rowe, Pushkin and Mr. Speaker (Mr. Armstead):**

**H. B. 2845** - “A Bill to amend and reenact §31-20-10a of the Code of West Virginia, 1931, as amended, relating to establishing that the Division of Corrections is responsible for the costs of housing and maintaining an inmate the day following an inmate’s conviction”; to the Committee on the Judiciary then Finance.

**By Delegates Fast, O’Neal, Kessinger, Sobonya, Rowan, G. Foster and Mr. Speaker (Mr. Armstead):**

**H. B. 2846** - “A Bill to amend and reenact §30-5-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-5-12a, all relating to including high school students participating in a competency based pharmacy technician education and training program as persons qualifying to be a pharmacy technician trainee”; to the Committee on Education then Health and Human Resources.

**By Delegates Fleischauer, Rodighiero, Sobonya, McGeehan, Butler, Householder, R. Miller, Baldwin, Lovejoy, Hornbuckle and Longstreth:**

**H. B. 2847** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-25, relating to the state’s Medicaid Home and Community-Based Services Intellectual/Developmental Disability Waiver; requiring the West Virginia Bureau for Medical Services to file a request with the Centers for Medicare and Medicaid Services to reinstate the terms of the state’s amended Intellectual/Developmental Disability Waiver that was approved and in place prior to July 1, 2015; and requiring the bureau to seek legislative approval before filing a future request with the Centers for Medicare and Medicaid Services to amend or renew an Intellectual/Developmental Disability Waiver in a manner that alters the scope or nature of services provided under a current waiver”; to the Committee on Health and Human Resources then Finance.

**By Delegates Rowan, Rohrbach, Lewis, Lynch, Pyles, Sypolt, Maynard, Paynter, Eldridge, Martin and Boggs:**

**H. B. 2848** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13EE-1, §11-13EE-2 and §11-13EE-3, all relating to providing a tax credit for modifications to homes made more accessible for an elderly person or a person with a disability”; to the Committee on Senior Citizen Issues then Finance.

**By Delegates Folk, Wilson, Walters, Paynter, Butler, Summers, Gearheart, Hamrick, Martin, Statler and Hill:**

**H. B. 2849** - “A Bill to amend and reenact §18B-1B-5 of the Code of West Virginia, 1931, as amended, relating to providing that the compensation level of the Chancellor for Higher Education may be no more than the salary of the Governor”; to the Committee on Education then Finance.

**By Delegates Shott, O’Neal, Sobonya and Moore:**

**H. B. 2850** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-31, relating to product liability actions; limiting product liability action against seller other than the manufacturer of the product except in

certain circumstances; and defining terms”; to the Committee on the Judiciary.

**By Delegates White, Westfall, Moore, Dean, Lane, Ward and Frich:**

**H. B. 2851** - “A Bill to amend and reenact §32-2-202 of the Code of West Virginia, 1931, as amended; to amend and reenact §32-3-305 of said code; and to amend and reenact §32-4-406 and §32-4-413 of said code, all relating to updating fee structure provisions for broker-dealers, agents, investment advisers; certain securities offerings and opinions; and increasing the fund cap associated with the fees”; to the Committee on Banking and Insurance then Finance.

**By Delegates Howell, Arvon, Hamrick, Hill, Martin, O’Neal, Storch, Sobonya, Frich, Sypolt and Ward:**

**H. B. 2852** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §5A-2-35 and §5A-2-36, all relating to the preparation of a comprehensive annual financial report; requiring training; requiring notice; requiring reporting; proscribing penalties for non-compliance; providing for an administrative appeal; and establishing deadlines for creation of the comprehensive annual financial report”; to the Committee on Government Organization.

**By Delegates Rowan, Ambler, Cooper and Espinosa:**

**H. B. 2853** - “A Bill to amend and reenact §18-20-5 of the Code of West Virginia, 1931, as amended, relating to more equitable disbursement of funds to county boards to lessen budgetary impact of serving high cost/high acuity special needs students; eliminating requirement to annual review of rules, policies and standards and federal law and report to Legislative Oversight Commission; defining high cost/high acuity special needs; and providing for method of fund disbursement”; to the Committee on Education then Finance.

**By Delegates E. Evans, Maynard, Thompson and Paynter:**

**H. B. 2854** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-14D-11a, relating to adding an annual annuity adjustment of one percent

for eligible retirants or surviving spouses”; to the Committee on Pensions and Retirement then Finance.

**By Delegate Upson:**

**H. B. 2855** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §48-1-235a; to amend and reenact §48-5-508 and §48-5-610 of said code; and to amend and reenact §48-6-101 of said code, all relating to care, custody and visitation of pets involved in separation and divorce proceedings; defining ‘pet’; authorizing courts to provide both temporary and final relief involving the care, custody and visitation of pets; directing that orders for pet care, custody and visitation consider the well-being of the animal; and specifying that terms for pet care, custody and visitation may be included within property settlements or separation agreements”; to the Committee on the Judiciary.

**By Delegates O’Neal, Cooper, Ambler, C. Miller, Boggs, Fast, Kessinger, White, Sobonya, C. Romine and Rohrbach:**

**H. B. 2856** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-2-9a, relating to declaring public policy and legislative intent for improving the marketing, quality and frequency of passenger rail service of the Cardinal Passenger Train operated by the National Railroad Passenger Corporation, doing business as AMTRAK, along the route crossing the south-central region of the state from Huntington eastward to White Sulphur Springs; the powers and duties of the Commissioner of the Division of Tourism and the Tourism Commission to achieve those policies and Legislative intent; cooperation and assistance to be provided by the West Virginia Department of Transportation and the West Virginia State Rail Authority to the commissioner and Tourism Commission; cooperation of the commissioner with other states and the National Railroad Passenger Corporation; participation in an interstate body to achieve such cooperation; and creation of a Cardinal Passenger Train Enhancement Fund as a special revenue account”; to the Committee on Finance.

**By Delegates G. Foster, Westfall, White, Walters, Moore and Summers:**

**H. B. 2857** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-3E-1, §21-3E-2, §21-3E-3, §21-3E-4, §21-3E-5, §21-3E-6, §21-3E-7, §21-3E-8, §21-3E-9, §21-3E-10, §21-3E-11, §21-3E-12, §21-3E-13, §21-3E-14, §21-3E-15 and §21-3E-16, all relating to creating West Virginia Safer Workplaces Act; permitting employers to test employees and prospective employees for drugs and alcohol; providing a short title; defining terms; declaring public policy; clarifying exceptions to the applicability of the West Virginia Safer Workplaces Act for employers covered by other drug and alcohol testing statutes; determining a collection of samples, scheduling of tests and testing procedures; providing for ability to request split sample be tested to challenge a positive test result; establishing responsibility for cost of split sample testing; setting forth testing policy requirements; providing for disciplinary procedures; providing for sensitive employees; providing for preemption; providing protection from liability; establishing causes of action; providing exceptions; providing for confidentiality; providing for termination of employment; providing for forfeiture of certain benefits; clarifying that the drug and alcohol testing provisions of the West Virginia Safer Workplace Act cannot be used to show intoxication pursuant to section two, article four, chapter twenty-three of this code; and requiring employers to have drug and alcohol testing policies and procedures when implementing drug and alcohol testing”; to the Committee on Industry and Labor then the Judiciary.

**By Delegate Rowe:**

**H. B. 2858** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18C-2-10, relating to creating a loan tuition forgiveness program to encourage students in selected and necessary fields to remain in the state; creating a ‘New College Families’ loan forgiveness program; and creating a loan forgiveness program for counties with low college attendance”; to the Committee on Education then Finance.

**By Delegates Hamrick, Miley, Queen and Iaquinta:**

**H. B. 2859** - “A Bill to amend and reenact §7-11B-7, §7-11B-10 and §7-11B-22 of the Code of West Virginia, 1931, as amended, all relating generally to tax increment financing districts; authorizing county commission or municipality to modify termination time of certain districts; extending length of certain districts; providing for the discharge of any tax increment financing obligations outstanding on termination date of a district; and extending maturation of tax increment financing obligations”; to the Committee on Finance.

**By Delegates Hamrick, Miley, Queen and Iaquinta:**

**H. B. 2860** - “A Bill to amend and reenact §16-13E-8 of the Code of West Virginia, 1931, as amended, relating to modification of assessments in a community enhancement district”; to the Committee on Finance.

**By Delegates G. Foster, Higginbotham, Kessinger and Lane:**

**H. B. 2861** - “A Bill to amend and reenact §16-30-6 of the Code of West Virginia, 1931, as amended, relating to authorizing a medical power of attorney representative to sign a binding arbitration agreement with an extended care facility operated in conjunction with a hospital, an assisted living facility, a nursing home or their related entities and employees on behalf of an incapacitated person unless the representative’s authority is clearly limited”; to the Committee on the Judiciary.

**By Delegates Fluharty and Miley:**

**H. B. 2862** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-25; to amend said code by adding thereto a new section, designated §18-2-41; and to amend said code by adding thereto a new section, designated §18B-2A-9, all relating to establishing the ‘Stay in State’ tax credit against personal income for higher education tuition for certain state residents; creating credit for student loan payments for all in-state community college, college or university undergraduates and their in-state employers against personal income tax; establishing conditions and qualifications for the tax credit; providing methodology for calculating credit;



providing for graduate and employer eligibility for payments against student loans for employees; defining terms; and providing that the board of education, State Board of Education and governing boards of colleges promotion of the program”; to the Committee on Education then Finance.

**By Delegates Fluharty, Pushkin, Fleischauer and Miley:**

**H. B. 2863** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-11-4c, relating to insurance unfair trade practices; prohibiting use of a person’s credit history in certain insurance transactions”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegates O’Neal, Householder, Sypolt, Upson, Hill, Kessinger, Atkinson, C. Miller, Queen, Hamrick and N. Foster:**

**H. B. 2864** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §59-1-2d, relating to waiving certain business start-up and occupational licensing fees for low-income individuals”; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

**By Delegates Anderson, Kelly, Zatezalo, Kessinger, Phillips, Butler, Wilson and McGeehan:**

**H. B. 2865** - “A Bill to amend and reenact §11-3-27 of the Code of West Virginia, 1931, as amended, relating to erroneous tax assessments and overpayments to the county; clarifying that relief may be sought for overpayment of taxes by a taxpayer; establishing a procedure for petitioning the Auditor for additional review of a county commission’s decision; granting the Auditor express authority to order the county commission to make reimbursement or issue a tax credit where a county commission’s decision is found to be clearly erroneous; and granting the Auditor express authority to promulgate emergency rules in order to comply with this section”; to the Committee on Finance.

**By Delegate Rowe:**

**H. B. 2866** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §16-1-16 and §16-1-16a, all relating to social determinants of health; establishing the Minority Health Advisory Team including its

composition and duties; authorizing a Community Health Equity Initiative Demonstration Project; authorizing the Commissioner of the Bureau for Public Health to establish a Community Health Equity Initiative Demonstration Project; establishing eligibility requirements; providing for the administration of the demonstration project; establishing requirements for a demonstration project plan and the selection of communities for participation; establishing reporting requirements; and establishing the date on which the demonstration project terminates”; to the Committee on Health and Human Resources then Finance.

**By Delegates Hamilton, Miley, Pyles, R. Romine, Iaquinta, Pethtel and Williams:**

**H. B. 2867** - “A Bill to amend and reenact §17C-14-9a of the Code of West Virginia, 1931, as amended; to amend and reenact §17C-15-26 of said code; and to amend and reenact §24A-2-2b of said code, all related to emergency vehicles; increasing penalties for failure to use due caution when approaching an emergency vehicle while using emergency signals; authorizing the use of red flashing lights by tow trucks and wreckers; and providing that Public Service Commission publish guidelines for use of certain safety equipment and a fee schedule for use of secondary vehicle”; to the Committee on Roads and Transportation then the Judiciary.

**By Delegates Hanshaw and Westfall:**

**H. B. 2868** - “A Bill to amend and reenact §36-8-2 of the Code of West Virginia, 1931, as amended, relating generally to Uniform Unclaimed Property Act; and clarifying that presumed abandoned property in the form of amounts owed by an insurer on a life or endowment insurance policy or an annuity that has matured or terminated, and obligations related thereto, are guided by policies, requirements and interpretations of the Insurance Commissioner”; to the Committee on Banking and Insurance then the Judiciary.

## **House Calendar**

### **Third Reading**

**S. B. 176**, Repealing article concerning detection of tuberculosis, high blood pressure and diabetes; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 70**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Ellington and Williams.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 176) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

**S. B. 188**, Correcting definition of “telehealth” in medication-assisted treatment programs; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 71**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Ellington and Williams.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 188) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

### Second Reading

**Com. Sub. for H. B. 2503**, Relating to the rule-making authority for Board of Osteopathic Medicine; 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. 2526**, Classifying additional drugs to Schedules I, II, IV and V of controlled substances; on second reading, coming up in regular order, was reported by the Clerk.

Delegate Cowles asked unanimous consent to postpone the bill one day, which consent was not given, objection being heard.

Delegate Cowles moved to postpone the bill one day.

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

The yeas and nays having been ordered, they were taken (**Roll No. 72**), and there were—yeas 61, nays 38, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Baldwin, Barrett, Bates, Boggs, Brewer, Byrd, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Folk, Hamilton, Hartman, Hicks, Hornbuckle, Iaquina, Isner, Love, Lovejoy, Lynch, Marcum, McGeehan, Miley, R. Miller, Moye, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaugle, Thompson and Williams.

Absent and Not Voting: Ellington.

So, a majority of the members present and voting having voted in the affirmative, the motion to postpone the bill one day was adopted.

**Com. Sub. for H. B. 2540**, Permitting a person to practice certain professions for limited time for a charitable function; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2628**, Relating generally to the powers and duties of the Board of Medicine and the Board of Osteopathic Medicine; 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 H. B. 2554**, West Virginia Contractor Licensing Act,

**Com. Sub. for H. B. 2571**, Developing a resource for use by parents to monitor and track deaf and hard-of-hearing children's expressive and receptive language acquisition,

**H. B. 2675**, Relating to primary elections and nominating procedures,

**H. B. 2706**, Authorizing legislative rules regarding higher education,

**Com. Sub. for H. B. 2726**, Authorizing home incarceration officers to arrest participants for violating the terms and conditions of his or her supervision with or without a court order,

And,

**Com. Sub. for H. B. 2731**, Clarifying civil actions heard in circuit court.

### **Leaves of Absence**

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

### **Miscellaneous Business**

Delegate Williams announced that he was absent on today when the votes were taken on Roll Nos. 70 and 71, and that had he been present, he would have voted "Yea" thereon.

Delegates Phillips and Rodighiero filed forms with the Clerk's Office per House Rule 94b to be added as cosponsors of H. B. 2180.

Delegate Nelson filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2734.

Delegate Frich filed forms with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2794, H. B. 2846 and H. B. 2868.

Delegates Marcum and Rodighiero filed forms with the Clerk's Office per House Rule 94b to be removed as cosponsors of H. B. 2569.

Delegate Gearheart filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. C. R. 70.

At 12:05 p.m., the House of Delegates adjourned until 11:00 a.m., Thursday, March 9, 2017.

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Thursday, March 9, 2017

**THIRTIETH 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 Wednesday, March 8, 2017, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

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

Your Committee on Finance has had under consideration:

**H. B. 2500**, Supplementary appropriation to the Department of Health and Human Resources, Division of Human Services,

And,

**H. B. 2501**, Supplementary appropriation to the Department of Education, State Board of Education – School Lunch Program,

And reports the same back with the recommendation that they each 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:

**H. B. 2119**, Repealing West Virginia Health Benefit Exchange Act,

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:

**H. B. 2007**, Eliminating courtesy patrol programs,

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

**Com. Sub. for H. B. 2007** – “A Bill to amend and reenact §17-1-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §17-16A-6a, all relating to eliminating courtesy patrol programs operated by the Division of Highways and the Parkways Authority,”

With the recommendation that the committee substitute do pass.

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

Your Committee on Education has had under consideration:

**H. B. 2720**, Allowing the School Building Authority to transfer funds allocated into the School Construction Fund,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2720) 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:

**H. B. 2574**, Middle School Technical Education Program 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. 2574) was referred to the Committee on Finance.

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

Your Committee on Government Organization has had under consideration:

**H. B. 2773**, Relating to purchase of inmate-made goods by state agencies,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2773) was referred to the Committee on Finance.

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

Your Committee on Government Organization has had under consideration:

**H. B. 2538**, Relating to the licensure of physician assistants,

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

**Com. Sub. for H. B. 2538** - "A Bill to amend and reenact §30-3E-4, §30-3E-6 and §30-3E-7 of the Code of West Virginia, 1931, as amended, all relating to the licensure of physician assistants,"

With the recommendation that the committee substitute do pass.

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

Your Committee on Government Organization has had under consideration:

**H. B. 2518**, Creating a legislative rule to permit a pharmacist or pharmacy intern to administer certain immunizations,

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

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

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

**H. B. 2771**, Relating to temporary teaching certificates for Armed Forces spouses,

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 Education.

In accordance with the former direction of the Speaker, the bill (H. B. 2771) was referred to the Committee on Education.

### **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

**S. B. 198** – “A Bill to amend and reenact §18C-3-3 of the Code of West Virginia, 1931, as amended, relating to expansion of the Health Sciences Service Program to allow for persons who practice emergency medicine in underserved areas of the state”; which was referred to the Committee on Health and Human Resources then Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2017, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 280** - “A Bill to repeal §29-2A-3a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §15-1K-1, §15-1K-2, §15-1K-3, §15-1K-4, §15-1K-5, §15-1K-6, §15-1K-7, §15-1K-8 and §15-1K-9, all relating to the West Virginia wing of the Civil Air Patrol; eliminating the State Aeronautics Commission’s authority to expend funds to support the West Virginia wing of the Civil Air Patrol; providing for legislative findings and intent; defining terms; providing for the Adjutant General to administer the West Virginia wing of the Civil Air Patrol; providing the Adjutant General the authority to expend appropriated funds to provide certain support to the West Virginia wing of the Civil Air Patrol; providing for unpaid Civil Air Patrol leave and the protection of employees performing Civil Air Patrol missions; providing that employers may not discriminate based on an employee’s membership in the Civil Air Patrol; and providing that an employee may bring a civil action to enforce the provisions of this article but shall not recover monetary damages”; which was referred to the Committee on Veterans’ Affairs and Homeland Security then Government Organization.

A message from the Senate, by

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

**Com. Sub. for S. B. 338** - “A Bill to amend and reenact §55-7B-2, §55-7B-4, §55-7B-6, §55-7B-10 and §55-7B-11 of the Code of West Virginia, 1931, as amended, all relating to medical professional liability; defining the term ‘occurrence’ in medical professional liability causes of action; providing for statute of limitations on certain actions for medical professional liability; establishing venue in claims against certain health care providers; addressing screening certificates of merit in certain medical professional liability causes of action; tolling the statute of

limitations under certain circumstances; establishing the effective date; and providing for severability”; 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

**Com. Sub. for S. B. 358** - “A Bill to amend and reenact §55-7B-2, §55-7B-4, §55-7B-6, §55-7B-10 and §55-7B-11 of the Code of West Virginia, 1931, as amended, all relating to medical professional liability; defining the term ‘occurrence’ in medical professional liability causes of action; providing for statute of limitations on certain actions for medical professional liability; establishing venue in claims against certain health care providers; addressing screening certificates of merit in certain medical professional liability causes of action; tolling the statute of limitations under certain circumstances; establishing the effective date; and providing for severability”; which was referred to the Committee on the Judiciary.

### **Resolutions Introduced**

Delegates G. Foster, Cowles, O’Neal, Walters, Overington, Howell and Hanshaw offered the following resolution, which was read by its title and referred to the Committee on the Judiciary then Rules:

**H. C. R. 72** – “Requesting the Joint Committee on the Judiciary study the feasibility of authorizing the House Clerk to make nonsubstantive alterations to the code, specifically, correcting spelling errors and outdated or improperly numbered internal code references.”

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on the Judiciary is hereby requested to study the feasibility of authorizing the House Clerk to make nonsubstantive alterations to the code, specifically, correcting

spelling errors and outdated or improperly numbered internal code references; and, be it

*Further Resolved*, That the Joint Committee on the Judiciary report to the regular session of the Legislature, 2018, on its findings and conclusions; and, be it

*Further Resolved*, That the expenses necessary to conduct this study, to prepare a report and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Delegates Hartman, Iaquina, Lynch, Sponaugle and Pyles offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 73** – “Requesting the Division of Highways that bridge number 42-23-2.73 (42A045) (38.90822, -79.86085), locally known as Southgate Bridge, carrying County Route 23 over Tygart Valley River in Randolph County, West Virginia, be named the ‘U S Army Air Corps PVT William James Irwin, Memorial Bridge’.”

Whereas, PVT William James Irwin was born on April 20, 1923, in Elkins, WV, and reared and educated in Randolph County, the son of John and Mabel Irwin. He graduated from Elkins High School on May 23, 1941, and was sworn into the United States Army Air Corps, June 14, 1941. While serving in the U.S. Army Air Corps as a member of 27<sup>th</sup> Bombardment Group (Light), 91<sup>st</sup> Bombardment Squadron in the Philippine Islands, until he was reported missing in action on May 7, 1942, when Corregidor Island fell to Japanese Forces. PVT William James Irwin while in captivity of Japanese forces, forced marched in the Bataan Death March and then died in a prisoner of war camp at O’Donnell in the Philippine Islands on May 24, 1942. He was one of several hundred West Virginia residents and one of over 20 Randolph County residents to make the ultimate sacrifice for his county during World War II in the Pacific Theatre; and

Whereas, PVT William James Irwin, on the date of death, left his father and mother, John and Mabel Irwin, brothers, Jim Irwin, Gary Irwin, John Irwin, Robert Irwin, Fredrick Irwin, and sister Margaret Irwin, and is now survived by brothers, Gary Irwin and James Irwin; and

Whereas, The ultimate sacrifice of this brave and courageous son of Randolph County, West Virginia, should not go unnoticed and the naming of a bridge is a proper way to honor PVT William James Irwin and by ensuring that future generations are aware of his sacrifice in the cause of freedom; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested that bridge number 42-23-2.73 (42A045) (38.90822, -79.86085), locally known as Southgate Bridge, carrying County Route 23 over Tygart Valley River in Randolph County, West Virginia, be named the “U S Army Air Corps PVT William James Irwin Memorial Bridge”; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and placed on the bridge signs identifying it as the “U S Army Air Corps PVT William James Irwin, Memorial Bridge”; and, be it

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

Delegates Marcum, Phillips, Westfall, R. Miller, Frich, Dean, McGeehan, Folk, Butler, Hamilton and Eldridge offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

**H. C. R. 74** – “Requesting the Division of Highways to name bridge number 30-119-14.28 (30A132) (37.77335, -82.20450), locally known as Myrtle Bridge, carrying US 119 over Trace Fork in Mingo County, the ‘James L. “Bud” Hall, Sr. Memorial Bridge’.”

Whereas, James L. “Bud” Hall, Sr. was born in Delbarton, West Virginia on April 24, 1921, to the late Silas Hall and Lucretia Vernatter Hall; and

Whereas, Bud answered the call to serve his country during World War II, deploying twice to France, including the Normandy Theater; and

Whereas, Bud’s military service ended in France when his jeep hit a land mine, killing all aboard but himself; and

Whereas, Bud suffered severe injuries in the blast, losing an eye and requiring surgery to replace part of his skull with a metal plate; and

Whereas, Like so many other young men sent to war, Bud suffered psychological trauma for the remainder of his life; and

Whereas, Despite the horrors he experienced, Bud persevered and raised a beautiful family with his beloved wife Janie, including daughters Audrey, Sarah and Margaret and sons James and Tom; and

Whereas, Bud left a lasting impact on those that knew him best including his son-in-law, friend and confidante, Robbie Mahone; and

Whereas, Bud’s life and his service is an enduring tribute to his community, his family and the State of West Virginia; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 30-119-14.28 (30A132) (37.77335, -82.20450), locally known as Myrtle Bridge, carrying US 119 over Trace Fork in Mingo County, the “James L. ‘Bud’ Hall, Sr. Memorial Bridge.”

*Further Resolved,* That the Commissioner of Highways is hereby requested to have made and be placed signs at both ends of

the bridge identifying the bridge as the “James L. ‘Bud’ Hall, Sr. Memorial Bridge”; and, be it

*Further Resolved*, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of Transportation and the Commissioner of Highways.

Delegates Walters, Maynard, Folk, McGeehan, Dean, Ambler, Bates, Blair, Boggs, Butler, Byrd, Canestraro, Cooper, Criss, Deem, Diserio, Eldridge, A. Evans, E. Evans, Fluharty, G. Foster, Sypolt, Hamilton, Hamrick, Harshbarger, Hartman, Hollen, Hornbuckle, Householder, Howell, Lane, Lewis, Longstreth, Love, Lynch, Marcum, C. Miller, R. Miller, Moye, Nelson, Overington, Paynter, Phillips, Pushkin, Robinson, Rodighiero, Rowe, Sponaugle, Upton, Westfall, Wilson 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. 75** – “Requesting the Commissioner of Highways to increase the speed limit on highways to 75 miles per hour where appropriate.”

Whereas, The Commissioner of Highways is authorized by section two, article six-c, chapter seventeen-c of the Code of West Virginia to establish speed limits on West Virginia highways and the maximum speed limit on those highways is currently 70 miles per hour; and

Whereas, The maximum speed limit on West Virginia highways has been 75 miles per hour in years gone by on roads that are not as able to safely handle those speeds; and

Whereas, The existing highway system is far better adapted to accommodate the higher speeds; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Commissioner of Highways is requested to increase the speed limit on highways to 75 miles per hour where appropriate; and, be it



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

Delegates Caputo, Ferro, Ward, Paynter, Maynard, Lane, Sponaugle, Miley, Pethtel, Hornbuckle, Thompson, Ambler, Atkinson, Baldwin, Barrett, Bates, Blair, Boggs, Brewer, Byrd, Canestraro, Diserio, Eldridge, E. Evans, Fast, Fleischauer, Fluharty, Hamilton, Hartman, Hicks, Hill, Iaquina, Isner, Longstreth, Love, Lovejoy, Lynch, Marcum, R. Miller, Moye, Phillips, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sobonya, Walters and Williams offered the following resolution, which was read by its title and referred to the Committee on Energy then Rules:

**H. C. R. 76** – “Urging the United States Congress to keep America’s promise to our retired coal miners and widows and to pass the Miners Protection Act as soon as possible and provide the full measure of benefits these retirees were promised and have earned.”

Whereas, In 1946, faced with the prospect of a long strike that could hamper post-war economic recovery, President Harry Truman issued an Executive Order directing the Secretary of the Interior to take possession of all bituminous coal mines in the United States and to negotiate with the United Mine Workers of America “appropriate changes in the terms and conditions of employment”. After a week of negotiations, the historic Krug-Lewis agreement was announced and signed in the White House with Truman as a witness. The agreement created a welfare and retirement fund that guaranteed lifetime payments to miners and their dependents and survivors in cases of sickness, permanent disability, death or retirement and the agreement also created a separate medical and hospital fund. In 1947, the government returned control of the mines back to their owners and a new collective bargaining agreement was reached with the companies that guaranteed retirement benefits to miners and their dependents and survivors for life. For the next seventy years, miners bargained for money to be dedicated to their health care in retirement, because they knew when they retired they would be sicker than the average

senior citizen, with more nagging injuries and a greater risk of black lung or some other cardiopulmonary disease. The federal government has repeatedly confirmed its role in guaranteeing retirement benefits for coal miners. In 1992, Congress passed and President George H. W. Bush signed into law the Coal Act, which established an industry-funded mechanism for paying for the health care of retirees whose companies had gone out of business. In 2006, Congress and President George W. Bush amended the Coal Act to expand the financial resources available to the Fund; and

Whereas, A depression reigns in America's coalfields today, with tens of thousands of jobs eliminated. Multiple companies have filed for bankruptcy, and received approval from bankruptcy courts to shed their retiree obligations, leaving more than 26,000 retirees confronting the loss of their health care benefits. Like many other multi-employer pension funds, the UMWA 1974 Pension Fund lost a significant portion of its value in the 2008-09 recession and due to the devastation of the coal industry will not receive enough contributions from the employers to make up the shortfall, leading the fund to likely become insolvent by 2022. On December 9, 2016, Congress passed a Continuing Resolution (C.R.) to continue funding for federal programs and services until April 28, 2017, including a provision providing \$45 million for continued health care benefits for these retirees and their families until April 30, 2017. Senators Joe Manchin (D-WV) and Shelley Moore Capito (R- WV) have introduced legislation, S. 175, the Miners Protection Act, co-sponsored by Republicans and Democrats that would amend the Coal Act to allow retirees from recently bankrupt companies to get health care coverage from the UMWA Health and Retirement Funds and would repurpose the balance of an existing appropriation to provide funding to shore up the Pension Plan. Rep. David McKinley (R- WV) has introduced the Miners Protection Act in the House as H.R. 179, co-sponsored by both Republicans and Democrats; and

Whereas, America's coal miners have sacrificed much for our nation, with more than 105,000 killed on the job in the last century and more than 100,000 having died from coal workers'

pneumoconiosis, or Black Lung. Knowing those risks, miners have continued to go to work every day to provide for their families, build a secure future for themselves and produce the fuel that has allowed America to become the most powerful nation on earth. America has an obligation to our retired coal miners for the sacrifices they have made for our nation; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the United States Congress is urged to keep America's promise to our retired coal miners and widows and to pass the Miners Protection Act as soon as possible and provide the full measure of benefits these retirees were promised and have earned; and, be it

*Further Resolved*, That the Clerk of the House of Delegates forward a certified copy of this resolution to the members of the United States Senate and House of Representatives.

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

**H. C. R. 77** – “Requesting the Division of Highways to name bridge number 30-3/5-16.65 (30A020) (37.91287, -82.25294), locally known as Breeden Tunnel Girder, carrying County Route 3/5 over the West Fork of Twelvepole Creek in Mingo County, the ‘US Army SGT Benny Fleming Memorial Bridge’.”

Whereas, Sergeant Fleming was born on June 9, 1948, to Goodlow and Lora Evans Fleming of Wilsondale and passed away August 30, 2013; and

Whereas, Sergeant Fleming was a lifelong resident of Mingo County and it was there that he raised a family and made a living as a coal miner. Throughout his life, he overcame many obstacles, all while maintaining a great attitude. This made him the man he would eventually become; and

Whereas, As a young boy, Sergeant Fleming spent his days exploring the very countryside he would eventually call home. He

attended Lowney Grade School near his family home, and graduated from Lenore High School in 1966. That same year, he enlisted in the U.S. Army. In the five years he served, he was promoted to the level of Army Sergeant E-5, served in Vietnam, and eventually received an honorable discharge. After returning home, he worked for the West Virginia Department of Highways; and

Whereas, Sergeant Fleming began working underground in the coal mines in the early to mid-1970s, when the danger of working underground was at its highest. He worked for Dehue Mines in Logan until they closed, and then went to work at Rawl Sales Rocky Hollow for nearly fifteen years until he suddenly became sick while on vacation with his family. He was diagnosed with transverse myelitis. After spending months in the hospital, and at a rehabilitation center, he was left paralyzed from the waist down, and confined to a wheelchair; and

Whereas, When faced with an obstacle such as this, most people would have given up, but not Sergeant Fleming. He had to learn how to use his hands again, and how to sit up again. He learned how to cook, clean, do laundry, and be self-sufficient. Eventually, he would mow his own grass, and the grass of his sister, just to keep busy. He also became active in helping facilities become handicapped accessible. It was very important to him to be able to get in and out of places without having to ask for assistance; and

Whereas, Sergeant Fleming had two daughters, Machel and Teresa. He loved them dearly. They married and had children of their own. Machel had his first grandchild, Jarrid, in 1991. This gave Benny something to get stronger for, and something to look forward to. Jarrid was his whole world. He would spend weekends with Benny, and he would feed him, bathe him, and change his diaper, all while being confined to a wheelchair; and

Whereas, Five years later, Machel had Sergeant Fleming's second grandchild, Seann Cameron. He and Benny spent their time fishing, riding four wheelers, and Benny would point out deer and

bear tracks to his grandson. Some weekends, Benny would keep both boys. That was when he was at his happiest; and

Whereas, In August of 1998, Teresa had Sergeant Fleming's third grandchild, a boy named Carson. Just as he did with the grandsons before him, Sergeant Fleming loved to spend time with him, watching him play basketball and talk about trains. He too would spend the night with Benny, and he would see to it that he was well taken care of; and

Whereas, Because of his grandkids, the last years of Sergeant Fleming's life were his happiest. In 2002, he was the official scorekeeper for his grandson Jarrid's baseball team, and never missed a game. He traveled to the away games, as well as the home games, and treated Jarrid's teammates as if they were his own. He would buy the kids drinks, hotdogs, and candy at the games, and they loved him as if he were their own grandpa. He also spent time with his companion and life partner, Cathy Perry. They were at their happiest when spending time outdoors and sharing memories; and

Whereas, In his last few years, Sergeant Fleming began reflecting on his life. He began compiling notes and started the process of writing a short story about the life and times of growing up in the 1950s. He titled it "Growing Up Lowney". It tells the story of when he was young, and going to Lowney Grade School near his childhood home. He goes into great detail, and tells everything he can remember of growing up in that area of Mingo County. He typed the story himself, and surprised his children and grandchildren each with a copy. The seven-page story is Benny's legacy. It is a small glimpse into the type of man that he was. Although confined to a wheelchair for the last twenty-five years of his life, Benny overcame many obstacles with the love and support of his family. He overcame them to become a loving father, extraordinary grandfather, and outstanding member of the community, all with a smile on his face; and

Whereas, For these reasons it is fitting and proper that the bridge be named in honor of Sergeant Fleming. With his short story titled "Growing Up Lowney", and the bridge known as the Lowney

Singing Bridge, the irony is clear. It would be a testament to the strong, loving family man that was taken from us way too soon; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 30-3/5-16.65 (30A020) (37.91287, -82.25294), locally known as Breeden Tunnel Girder, carrying County Route 3/5 over the West Fork of Twelvepole Creek in Mingo County, the “U.S. Army SGT Benny Fleming Memorial Bridge”; and, be it

*Further Resolved,* That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the bridge as the “U.S. Army SGT Benny Fleming Memorial Bridge”; and, be it

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

Delegates Moye, Bates, Arvon, Ellington, Love, O’Neal, Kessinger, Shott and Cooper offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

**H. C. R. 78** – “Requesting the Division of Highways to name the bridge number 41-16-14.36 (pipe bridge) (37.74369, -81.22630), locally known as Crab Orchard Creek Pipe, carrying WV 16 over Crab Orchard Creek in Raleigh County as the ‘Almond Brothers and Family Veterans Bridge’.”

Whereas, John William Almond, Levi Garfield “Al” Almond, Richard Ray Almond, Frederick Lee Almond, Robert Loren “Jack” Almond and Gerald Ross Almond were brothers from Raleigh County, the sons of Levi and Jennie Almond; and

Whereas, All six Almond brothers served in the U.S. Armed Forces; and

Whereas, John W. Almond served in the Navy from October 1943 through February 1946; and

Whereas, Levi G. Almond served in the Navy from July 1941 through October 1945; and

Whereas, Richard R. Almond served in the Army/Air Force from February 1946 through December 1947; and

Whereas, Frederick L. Almond served in the Air Force from November 1947 through January 1959 and in the National Guard from January 1959 through March 1986; and

Whereas, Robert L. Almond served in the United States Army from January 1949 through June 1952 during the Korean War and then reenlisted in the Navy from January 1955 through July 1972; and

Whereas, Gerald R. Almond served in the Air Force from June 1952 through February 1959 and was killed while piloting a jet; and

Whereas, Service to country is a family tradition for the Almond brothers, their three sons and other family members serving in various branches of the Armed Services; and

Whereas, It is fitting to honor John William Almond, Levi Garfield “Al” Almond, Richard Ray Almond, Frederick Lee Almond, Robert Loren “Jack” Almond and Gerald Ross Almond for their service to their community, their state and their country by naming the bridge near MacArthur in Raleigh County on WV State Route 16 where it crosses Whitestick Creek as the “Almond Brothers and Family Veterans Bridge”; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Legislature hereby requests the Division of Highways to name the Bridge Number 41-16-14.36 (PipeBridge) (37.74369, -81.22630), locally known as Crab Orchard Creek Pipe, carrying WV 16 over Crab Orchard Creek in Raleigh County as the “Almond Brothers and Family Veterans Bridge”; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge, both east bound and west bound, as the “Almond Brothers and Family Veterans Bridge”; and, be it

*Further Resolved*, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation.

### **Bills Introduced**

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

**By Mr. Speaker (Mr. Armstead) and Delegates Hanshaw and Ambler:**

**H. B. 2869** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-5-15b, relating to providing that certain state employees may be granted a leave of absence with pay while providing assistance as an essential member of an emergency aid provider during a declared state of emergency”; to the Committee on the Judiciary.

**By Delegates G. Foster and Hanshaw:**

**H. B. 2870** - “A Bill to amend and reenact §15-2C-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-3C-1 of said code; to amend and reenact §28-1-2 of said code; to amend and reenact §33-4-20 of said code; to amend and reenact §48-9-201 and §48-9-205 of said code; to amend and reenact §61-2-14h of said code; to amend and reenact §61-6-25 of said code, all relating to addressing certain cross references in the code that are no longer correct with regard to definitions of ‘child abuse and neglect’, ‘child abuse or neglect’, ‘juvenile offender’, ‘delinquent’, ‘child abuse’, ‘domestic violence’, ‘abused child’ and ‘child sexual abuse’”; to the Committee on the Judiciary.

**By Delegates Walters, Nelson, Gearheart, Householder and Overington:**

**H. B. 2871** - “A Bill to amend and reenact §5-16-5 of the Code of West Virginia, 1931, as amended, relating to eliminating the



mandated employer versus employee cost share of eighty percent employer, twenty percent employee for Public Employee Insurance Agency active employee premiums by setting a maximum eighty percent employer share and a minimum twenty percent employee share”; to the Committee on Banking and Insurance then Finance.

**By Delegates Espinosa, Upson, Moore, Wilson, Zatezalo, Householder, Dean, Blair, Folk, McGeehan and Storch:**

**H. B. 2872** – “A Bill to amend and reenact §29-22A-10d and §29-22A-10e of the Code of West Virginia, 1931, as amended, all relating to changes in distribution of net terminal income, excess net terminal income and excess lottery fund”; to the Committee on Finance.

**By Delegate Rowe:**

**H. B. 2873** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-11-16a, relating to alternate sentencing for nonviolent felony offenders”; to the Committee on the Judiciary then Finance.

**By Delegates Lynch, Longstreth, Moye, Marcum, Dean, Pyles, Iaquina, Ferro, Williams, Hollen and Phillips:**

**H. B. 2874** - “A Bill to amend and reenact §11-1C-2 of the Code of West Virginia, 1931, as amended, relating to the definition of ‘Managed Timberland’; and providing that property that is described as ‘any tract or parcel of real estate that is being leased by the owner to another party for monetary gain’ is not considered as managed timberland”; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegate Westfall:**

**H. B. 2875** - “A Bill to repeal §18-2A-9 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-2A-1, §18-2A-2, §18-2A-3, §18-2A-4, §18-2A-5, §18-2A-6, §18-2A-7 and §18-2A-8 of said code, all relating to the selection and purchase of instructional educational resources; defining instructional resources; requiring publishers to file statement of instructional resources with State Board of Education; prohibiting publishers from violating article and providing monetary penalty

for violating article; permitting supplemental instructional resources to be used in public schools; requiring State Board of Education to establish a policy setting criteria required for instructional resources; allowing county boards of education to adopt instructional resources for use in schools, requiring county boards of education to adopt a policy regarding instructional resource adoption; prohibiting board of education employees from acting as sales agents for publishers of instructional resources and providing penalty for violation”; to the Committee on Education.

**By Delegates Rowe, Frich, Caputo, Pyles and White:**

**H. B. 2876** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18C-2-10, relating to creating a loan tuition forgiveness program to encourage students in selected and necessary fields to remain in the state; creating a ‘New College Families’ loan forgiveness program; and creating a loan forgiveness program for counties with low college attendance”; to the Committee on Education then Finance.

**By Delegates White and Westfall:**

**H. B. 2877** - “A Bill to amend and reenact §15-2C-6 of the Code of West Virginia, 1931, as amended, relating to fees collected to conduct criminal background checks”; to the Committee on the Judiciary.

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

**H. B. 2878** - “A Bill to amend and reenact §17-17A-1 of the Code of West Virginia, 1931, as amended, relating to increasing the amount of authorized Federal Grant Anticipation Notes the Division of Highways may apply for from \$200 million to \$500 million”; to the Committee on Finance.

**By Delegate Miley  
[By Request of the Executive]:**

**H. B. 2879** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-1-30, relating to authorizing the Governor to issue executive orders to furlough state employees”; to the Committee on Government Organization then Finance.

**By Delegates Howell, Frich, Dean, Harshbarger, Hill, G. Foster, Martin, Hamrick, Arvon, Criss and Sypolt:**

**H. B. 2880** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-1-15, relating to requiring the Division of Natural Resources to create and publicly post an inventory of areas in state-managed forests and wildlife areas where the operation of off-highway vehicles by the public is permitted”; to the Committee on Agriculture and Natural Resources then Government Organization.

**By Delegates Howell, Frich, Dean, Hill, G. Foster, Martin, Hamrick, Arvon, Criss, Lewis and Rohrbach:**

**H. B. 2881** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-14-1, §15-14-2 and §15-14-3, relating to robotic technology; making findings; defining terms; and establishing minimum safety standards for the design of any robot operated in the state”; to the Committee on Industry and Labor then Government Organization.

**By Delegates Howell, Walters, Hamrick, Householder, Butler, Lewis, Atkinson, Maynard, Ward, Lynch and Criss:**

**H. B. 2882** - “A Bill to repeal §17C-15-48 of the Code of West Virginia, 1931, as amended; to amend and reenact §17C-16-4, §17C-16-5 and §17C-16-6, of said code, all relating to changing the frequency with which vehicles must be inspected; requiring only used motor vehicles to receive inspection upon purchase; eliminating requirements for new motor vehicles to be inspected; directing inspection fees to be placed in general revenue fund; limiting number of inspection station inspectors employed by the Superintendent of the West Virginia State Police; altering calculation for imposing inspection fees; and repealing section related to stickers for modified vehicles”; to the Committee on Roads and Transportation then Finance.

**By Delegates Householder, O’Neal, Sypolt, Upson, G. Foster, Blair and Higginbotham:**

**H. B. 2883** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-1E-1, §30-1E-2, §30-1E-3, §30-1E-4 and §30-1E-5, all relating to

professions and occupations; creating the Freedom to Prosper Act; and limiting the authority of political subdivisions of the state to create new occupations fees or licensing requirements or otherwise regulated certain professions”; to the Committee on Political Subdivisions then the Judiciary.

**By Delegates Overington, Moore, Householder, Espinosa, Cowles, Blair, Upson, Barrett, Frich, Statler and Wilson:**

**H. B. 2884** - “A Bill to amend and reenact §10-1-20 of the Code of West Virginia, 1931, as amended, relating to requiring funding by the West Virginia Library Commission to local libraries be based on the population served by each respective library; and requiring population adjustments be made every five years”; to the Committee on Political Subdivisions then Finance.

**By Delegates Rowe, Pyles and Pushkin:**

**H. B. 2885** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §49-9-101, relating to designation of social workers in the Department of Health and Human Services to promote better student school attendance and performance, and the health and well-being of students at home; duties described; limitation on use of information obtained”; to the Committee on Education then Finance.

**By Delegates Espinosa, Moye, Cooper, Wilson, Dean, R. Romine and Westfall:**

**H. B. 2886** - “A Bill to amend and reenact §18-2-6 of the Code of West Virginia, 1931, as amended, relating to generally applied associate of science degrees that target workforce needs; authorizing certain schools to grant applied associate of science degrees that target workforce needs; requiring the West Virginia State Board of Education to promulgate rules setting the minimum standards for granting applied associate of science degrees that target workforce needs; and limiting the schools that grant applied associate of science degrees that target workforce needs to vocational technical schools which are accredited by the appropriate nationally recognized accrediting agency or association approved by the United States Department of Education”; to the Committee on Education.

**By Delegates Espinosa, Statler, Walters, Upson, Blair, Wilson, Cooper and Higginbotham:**

**H. B. 2887** - “A Bill to amend and reenact §18B-1-1d of the Code of West Virginia, 1931, as amended, relating to retirement and separation incentives”; to the Committee on Education.

**By Delegates Walters, Howell, Phillips, Folk, Hamrick, Frich and Wilson:**

**H. B. 2888** - “A Bill to amend and reenact §11-16-18 of the Code of West Virginia, 1931, as amended, relating to removing the restriction on liquor licensees from having speakers outside or playing music outdoors”; to the Committee on Political Subdivisions then the Judiciary.

**By Delegates Howell, Shott, Hamrick, Arvon, Storch, Ward, Lewis, Maynard, Ferro, Lynch and Criss:**

**H. B. 2889** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-14-15a, relating to allowing military veterans with certain military ratings to qualify for examinations required of a probationary police officer”; to the Committee on Veterans’ Affairs and Homeland Security then Government Organization.

**By Delegates Lovejoy, Sobonya, C. Romine, Rohrbach, Hornbuckle, Canestraro, Thompson, Hicks, Isner and Baldwin:**

**H. B. 2890** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §10-1-23, relating to establishing a Library Facilities Improvement Fund that will serve to support library facilities construction, maintenance and improvement projects; setting forth general structure of fund and distribution of funds; and providing for rulemaking”; to the Committee on Finance.

**By Delegates R. Miller, Canestraro, Hollen, Summers, Marcum, Robinson, Eldridge and Isner:**

**H. B. 2891** - “A Bill to amend and reenact §25-1-17 and §25-1-18 of the Code of West Virginia, 1931, all relating to including electronic communications to and from inmates with the types of communications that the Division of Corrections currently

monitors and may record, retain and, for certain law-enforcement purposes, disclose”; to the Committee on the Judiciary.

**By Delegates Folk and McGeehan:**

**H. B. 2892** - “A Bill to amend and reenact §51-1-4a of the Code of West Virginia, 1931, as amended, relating to the West Virginia State Bar; and removing requirement that persons who pass the bar in West Virginia be members of the West Virginia State Bar in order to practice law in this state”; to the Committee on the Judiciary.

**By Delegate Westfall:**

**H. B. 2893** - “A Bill to amend and reenact §19-12A-6a of the Code of West Virginia, 1931, as amended, relating to the Land Division of the Department of Agriculture; and increasing the amount of money this division may retain from various sources”; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegates Hill, Martin, Atkinson and Caputo:**

**H. B. 2894** - “A Bill to amend and reenact §8-13-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §60-3-9d of said code; to amend and reenact §60-4-3b of said code; and to amend and react §60-8-4 of said code, all relating to the collection of taxes on wine and intoxicating liquors; providing that no wine or liquor excise tax shall be collected on purchases of wine or intoxicating liquors in the original sealed package for the purpose of resale, if the final purchase of such wine or intoxicating liquor is subject to the excise tax; providing that no liter tax shall be collected on wine sold in the original sealed package for the purpose of resale, if the subsequent sale of such wine is subject to the liter tax; and defining terms”; to the Committee on the Judiciary then Finance.

**By Delegates Brewer, Ferro, Boggs, Caputo, Moye, Eldridge, Hartman, Diserio, Pushkin, Williams and Rodighiero:**

**H. B. 2895** - “A Bill to repeal §21-5G-1, §21-5G-2, §21-5G-3, §21-5G-4, §21-5G-5, §21-5G-6 and §21-5G-7 of the Code of West Virginia, 1931, as amended; and to amend and reenact §21-1A-3

and §21-1A-4 said code, all relating to restoring employees' rights associated with agreeing to be represented by a labor organization; and providing that employees being represented by an elected representative union pay their share for representation to the labor organization"; to the Committee on Industry and Labor then the Judiciary.

**By Delegates G. Foster, Lane, Paynter, Butler, Rowe and Criss:**

**H. B. 2896** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-3-11, relating to requiring a warning light to be erected on certain roads to warn of a traffic light ahead"; to the Committee on Roads and Transportation then the Judiciary.

**By Delegates Criss and Lane:**

**H. B. 2897** - "A Bill to amend and reenact §5-22-1 of the Code of West Virginia, 1931, as amended, to amend and reenact §8-16-5 of said code; to amend and reenact §16-12-11 of said code; to amend and reenact §16-13-3 of said code; and to amend and reenact §16-13A-7 of said code, all relating to raising the amount required for competitive bidding of construction contracts by the state and its subdivisions from \$25,000 to \$50,000; raising the amount required for competitive bidding of construction contracts by municipalities from \$25,000 to \$50,000; exempting municipalities from competitive bidding of construction contracts in emergency situations; raising the amount required for competitive bidding of construction contracts by sanitary districts for sewage disposal from \$500 to \$50,000; exempting sanitary districts for sewage disposal from competitive bidding of construction contracts in emergency situations; raising the amount required for competitive bidding of sanitary board construction contracts from \$10,000 to \$50,000; excepting public service districts from competitive bidding for emergency repairs; and raising the amount required for competitive bidding of public service district construction contracts from \$25,000 to \$50,000; and exempting sanitary boards from competitive bidding of construction contracts in emergency situations"; to the Committee on Industry and Labor then Government Organization.

**By Mr. Speaker (Mr. Armstead):**

**H. B. 2898** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §4-3-6, relating to authorizing the Joint Committee on Government and Finance to request and obtain criminal background checks of employees of the Legislature"; to the Committee on the Judiciary.

**By Delegate Miley****[By Request of the Executive]:**

**H. B. 2899** - "A Bill to repeal §5B-2-8, §5B-2-8a, §5B-2-9, §5B-2-11, §5B-2-12 and §5B-2-12a of the Code of West Virginia, 1931, as amended; to amend and reenact §5B-1-2 of said code; to amend said code of by adding thereto a new article, designated §5B-2I-1, §5B-2I-2, §5B-2I-3, §5B-2I-4, §5B-2I-5, §5B-2I-6, §5B-2I-7 and §5B-2I-8, all relating to the reorganization of the Division of Tourism; transfers all powers and duties of the Tourism Commission to the new West Virginia Tourism Office; requiring quarterly meetings; restructuring the Tourism Advertising Partnership Program as a cooperative advertising program administered by the West Virginia Tourism Office; vesting in the Executive Director all authority for expenditures of funds in the Tourism Promotion Fund; and requiring confidentiality of certain private information"; to the Committee on Government Organization then Finance.

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

**H. B. 2900** - "A Bill to repeal §5A-7-1, §5A-7-2, §5A-7-3, §5A-7-4, §5A-7-4a, §5A-7-5, §5A-7-6, §5A-7-7, §5A-7-8, §5A-7-9, §5A-7-10 and §5A-7-11 of the Code of West Virginia, 1931, as amended; to amend and reenact §5A-6-4 of said code; to amend said code by adding thereto two new sections, designated §-5A-6-4d and §5A-6-4e; and to amend and reenact §18B-4-2 of said code, all relating to the Office of Technology; dissolving the Information Services and Communications Division; authorizing the Chief Technology Officer to assess fees for services provided; requiring the Chief Technology Officer to oversee telecommunications services to state spending units; requiring the Chief Technology Officer to supervise and maintain the central mailing office; requiring the Chief Technology Officer to oversee the West Virginia Network for Educational Telecomputing; directing the



deposit of any moneys received for services; creating a special revenue account for administration of telecommunications services; authorizing the Chief Technology Officer to review and pay uncontested amounts due for telecommunications services; providing a process for state spending units to contest amounts due; authorizing the Chief Technology Officer to invoice spending units for amounts paid on behalf of the spending unit; authorizing the Secretary of the Department of Administration to make a final decision on contested amounts due; authorizing the secretary to direct the transfer of funds into the special revenue account for unpaid telecommunications services; authorizing the secretary to assess a penalty with notice on spending units for unpaid amounts for telecommunications services; and authorizing a special fund to receive moneys for services provided by the agency”; to the Committee on Government Organization then Finance.

**By Delegates Sponaugle, Caputo, Hartman, Phillips, McGeehan, A. Evans, Longstreth, Baldwin, Iaquina, Butler and Williams:**

**H. B. 2901** - “A Bill to amend and reenact §29-6-10 of the Code of West Virginia, 1931, as amended, relating to giving all honorably discharged veterans ten extra points when successfully completing a civil service examination”; to the Committee on Veterans’ Affairs and Homeland Security then Government Organization.

**By Delegates Atkinson, Cooper, Ambler, Ward, Hollen, Wagner, Sypolt, Kelly, Eldridge, R. Miller and Criss:**

**H. B. 2902** - “A Bill to amend and reenact §18-5-22 of the Code of West Virginia, 1931, as amended, relating to requiring county school boards to provide adequate mental health and counseling services in the form of the employment of a psychologist or psychiatrist to pupils to address issues stemming from rampant drug abuse”; to the Committee on Education then Prevention and Treatment of Substance Abuse.

**By Delegates G. Foster, N. Foster, Higginbotham, Butler and Maynard:**

**H. B. 2903** - “A Bill to amend and reenact §7-11-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §7-12-3 and §7-12-3a of said code; and to amend and reenact §8A-2-3 of said code, all relating to limiting the maximum number of

appointees to certain county and municipal bodies; and imposing quorum requirements on certain county and municipal bodies”; to the Committee on Political Subdivisions then Government Organization.

**By Delegate Ellington:**

**H. B. 2904** - “A Bill to repeal §16-2D-5c and §16-2D-5f of the Code of West Virginia, 1931, as amended; to repeal §16-29I-1, §16-29I-2, §16-29I-3, §16-29I-4, §16-29I-5, §16-29I-6, §16-29I-7, §16-29I-8, §16-29I-9 and §16-29I-10 of said code; to amend and reenact §5F-1-3a of said code; to amend and reenact §6-7-2a of said code; to amend and reenact §9-4C-7 of said code; to amend and reenact §11-27-9 and §11-27-11 of said code; to amend and reenact §16-2D-2, §16-2D-3, §16-2D-4, §16-2D-9, §16-2D-10, §16-2D-11, §16-2D-13 and §16-2D-16; to amend and reenact §16-5F-2, §16-5F-3, §16-5F-4, §16-5F-5 and §16-5F-6 of said code; to amend and reenact §16-29B-3, §16-29B-5, §16-29B-6, §16-29B-7, §16-29B-8, §16-29B-9, §16-29B-10, §16-29B-11, §16-29B-12, §16-29B-13, §16-29B-14, §16-29B-15, §16-29B-24, §16-29B-25 and §16-29B-26 of said code; to amend said code by adding thereto two new sections, designated §16-29B-5a and §16-29B-12a; to amend and reenact §16-29G-2, §16-29G-4, §16-29G-5 and §16-29G-6 of said code, all relating generally to the Health Care Authority; reorganizing the West Virginia Health Care Authority; replacing the salaried board of directors with a volunteer board of review; creating the position of Executive Director of the Health Care Authority as the administrative head of the authority; establishing a salary for the position of Executive Director; establishing the duties and powers of the Health Care Authority; establishing the board of review to adjudicate certificate of need applications; adding additional exemptions to the certificate of need review; clarifying certain provisions of the certificate of need review, including procedures for review and appeals of unfavorable determinations; updating provisions related to financial disclosures by health care facilities; authorizing the Secretary of the Department of Health and Human Resources to coordinate the gathering of information by the authority and other bureaus of the department; and correcting references to the authority; eliminating rate review from the authority of the Health Care Authority; repeal of the West Virginia Health Care Authority Revolving Loan and Grant Fund; making technical corrections;

and updating code references”; to the Committee on Health and Human Resources then Finance.

**By Delegates Kessinger, Isner, Gearheart, Blair and Byrd:**

**H. B. 2905** - “A Bill to amend and reenact §7-1-14 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto two new sections, designated §7-10-1a and §7-10-6; and to amend and reenact §7-10-2 of said code, all relating to animal cruelty; requiring the maintenance of a public animal shelter; providing definitions; providing for the inspection of animal shelters by humane officers or others; establishing standards for animal shelters; providing consequences for failure to follow the standards”; to the Committee on the Judiciary.

**By Delegates Kessinger, Hill and Lane:**

**H. B. 2906** - “A Bill to amend and reenact §16-4C-1, §16-4C-2, §16-4C-3, §16-4C-4, §16-4C-5, §16-4C-6, §16-4C-6a, §16-4C-6b, §16-4C-6c, §16-4C-8, §16-4C-9, §16-4C-10, §16-4C-12, §16-4C-13, §16-4C-14, §16-4C-15, §16-4C-16, §16-4C-20, §16-4C-21 and §16-4C-23 of the Code of West Virginia, 1931, as amended, all relating to the Office of Emergency Medical Services; transferring the Office of Emergency Medical Services from the Department of Health and Human Resources to the Department of Military Affairs and Public Safety; transferring responsibilities of the Commissioner of the Bureau for Public Health; continuing the Emergency Medical Services Advisory Council as the Emergency Medical Services Commission; providing for composition, authority and duties of the Emergency Medical Services Commission; and providing for qualifications for certain staff of Office of Emergency Medical Services”; to the Committee on Government Organization.

## House Calendar

### Third Reading

**Com. Sub. for H. B. 2503**, Relating to the rule-making authority for Board of Osteopathic Medicine; 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. 73**), 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: Ellington.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2503) 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. 2540**, Permitting a person to practice certain professions for limited time for a charitable function; 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. 74**), 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: Ellington.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2540) 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. 2628**, Relating generally to the powers and duties of the Board of Medicine and the Board of Osteopathic Medicine; 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. 75**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Love.

Absent and Not Voting: Ellington.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2628) passed.

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

### Second Reading

**Com. Sub. for H. B. 2526**, Classifying additional drugs to Schedules I, II, IV and V of controlled substances; on second reading, coming up in regular order, was reported by the Clerk.

Delegates Fluharty and Sponaugle moved to amend the bill on page eight, section two hundred four, by striking out line one hundred eight in its entirety, and renumbering the subsequent subdivisions accordingly.

On pages eight and nine, subsection two hundred four, by striking out lines one hundred fifty through one hundred fifty-eight in their entirety and renumbering subsequent subdivisions accordingly.

And,

On page twenty-eight, section two hundred ten, line one hundred two, following the period, by inserting the following:

“(g) Hallucinogenic substances-

(1) Marihuana; and

(2) Tetrahydrocannabinols; synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, immediate derivatives and their isomers with similar chemical structure and pharmacological activity such as the following:

delta-1 Cis or trans tetrahydrocannabinol, and their optical isomers;

delta-6 Cis or trans tetrahydrocannabinol, and their optical isomers;

delta-3, 4 Cis or trans tetrahydrocannabinol, and its optical isomers;

(Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.)”

During the debate, points of order were raised regarding the content of the remarks of some Members.

The Speaker replied and stated that he was granting some leeway but admonished Members to direct their remarks to the amendment before the House.

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

The yeas and nays having been ordered, they were taken (**Roll No. 76**), and there were—yeas 35, nays 64, absent and not voting 1, with the yeas and absent and not voting being as follows:

Yeas: Baldwin, Barrett, Bates, Boggs, Brewer, Byrd, Canestraro, Caputo, Dean, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Folk, Hamilton, Hill, Hornbuckle, Iaquina, Longstreth, Love, Marcum, McGeehan, Miley, Paynter, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaugle, Storch, Wagner and Williams.

Absent and Not Voting: Ellington.

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

The bill was ordered to engrossment and third reading.

**Com. Sub. for H. B. 2554**, West Virginia Contractor Licensing 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. 2571**, Developing a resource for use by parents to monitor and track deaf and hard-of-hearing children's expressive and receptive language acquisition; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2675**, Relating to primary elections and nominating procedures; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2706**, Authorizing legislative rules regarding higher education; 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. 2726**, Authorizing home incarceration officers to arrest participants for violating the terms and conditions of his or her supervision with or without a court order; 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. 2731**, Clarifying civil actions heard in circuit court; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

### **Leaves of Absence**

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

### **Miscellaneous Business**

Delegate Rohrbach asked and obtained unanimous consent that the remarks of Delegate Westfall during Remarks by Members today be printed in the Appendix to the Journal.

Delegate Howell asked and obtained unanimous consent that the debate today regarding the amendment to Com. Sub. for H. B. 2526 be printed in the Appendix to the Journal.

Delegate Frich filed form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2007.

Delegate Maynard filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2180.

Delegate Thompson filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2195.

Delegate R. Miller filed forms with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2564, H. B. 2525 and H. B. 2558.

Delegate Robinson filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2832.

Delegate Zatezalo filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. C. R. 70.

Delegates Atkinson and Eldridge filed forms with the Clerk's Office per House Rule 94b to be removed as cosponsors of H. B. 2552.

Delegate Frich filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2560.

Delegate Canestraro filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2832.

Delegate Thompson filed forms with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2832 and H. B. 2854.

At 2:29 p.m., the House of Delegates adjourned until 11:00 a.m., Friday, March 10, 2017.



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Friday, March 10, 2017

**THIRTY-FIRST DAY**

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

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

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

The Clerk proceeded to read the Journal of Thursday, March 9, 2017, 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 moved H. B. 2500 and H. B. 2501 on First Reading, Special Calendar, to the House Calendar.

**Committee Reports**

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

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

**H. B. 2591**, Small Business Tax Credit,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2591) was referred to the Committee on Finance.

Delegate Frich, 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. 2794**, Relating to the means of giving notice to a debt collector of a consumer's representation by legal counsel,

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. 2794) was referred to the Committee on the Judiciary.

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

Your Committee on Energy has had under consideration:

**H. B. 2811**, Relating to the definition of above ground storage tanks,

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. 2811) was referred to the Committee on the Judiciary.

Delegate Summers, Vice 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. 2808**, The West Virginia Assisted Outpatient Treatment Act,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2808) was referred to the Committee on the Judiciary.

Delegate Summers, Vice 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. 2618**, Relating to body mass index,

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

**Com. Sub. for H. B. 2618** - AA Bill to amend and reenact §18-2-7a of the Code of West Virginia, 1931, as amended, all relating to body mass index,@

With the recommendation that the committee substitute do pass.

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

Your Committee on Banking and Insurance has had under consideration:

**H. B. 2868**, Relating generally to Uniform Unclaimed Property Act,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2868) 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

**S. B. 185** – “A Bill to amend and reenact §5A-3-45 of the Code of West Virginia, 1931, as amended, relating to the sale or transfer of surplus property; and allowing spending units to designate the fund into which proceeds from the sale or transfer of surplus property shall be deposited if the fund that was used to purchase the property no longer exists”; 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. 206** - “A Bill to amend and reenact §61-2-14a of the Code of West Virginia, 1931, as amended, relating generally to the criminal offense of kidnapping; making unlawful the taking, gaining custody of, confining, concealing or restraining of another person by force or threat of force, duress, fraud, deceit, inveiglement, misrepresentation or enticement; and providing penalties”; 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. 220** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-4-414, relating generally to offenses and penalties under the Uniform Controlled Substances Act; creating the felony offense of delivering or dispensing controlled substances or counterfeit controlled substances, the use, ingestion or consumption of which alone or in combination with another

controlled substance or counterfeit controlled substances results in the death of another person; creating the felony offense of delivering or dispensing controlled substances or counterfeit controlled substances without remuneration and without an intent to cause death or serious bodily injury the use of which alone or in combination with another controlled substance or counterfeit controlled substances causes death; and providing criminal penalties”; 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. 365** - “A Bill to amend and reenact §21A-8-16 of the Code of West Virginia, 1931, as amended, relating to maintaining the solvency of the Unemployment Compensation Fund; and extending the time period for borrowing funds from the Revenue Shortfall Reserve Fund for the Unemployment Compensation Fund to September 1, 2018”; which was referred to the Committee on Finance.

A message from the Senate, by

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

**S. C. R. 3** – “Urging Congress call a convention of the states, under the authority reserved to the states in Article V of the United States Constitution, limited to proposing amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government and limit the terms of office for its officials and for members of Congress.”

Whereas, Article IV, Section 4 of the Constitution of the United States guarantees to every state a republican form of government

which gives each state equal standing when calling for an amendments convention. Article V of the Constitution of the United States reserves to the several states the right to call for a convention for the purpose of amending the United States Constitution when Congress or the courts or both Congress and the courts refuse to address an egregious wrong suffered by the people; and

Whereas, The states alone have the authority to “limit” the agenda and authority of a convention. The states alone can call for a “Single Issue” convention by agreeing among themselves the purpose, terms, conditions, duration and agenda for the convention. Congress does not have the authority to define a “Single Issue” convention. The authority of Congress, under Article V of the United States Constitution, empowers it to convene a convention as called for and defined by the several states; and

Whereas, The founders of our constitution empowered state legislators to be guardians of liberty against future abuses of power by the federal government which has created a crushing national debt through improper and imprudent spending; and

Whereas, The federal government has invaded the legitimate roles of the states through the manipulative process of federal mandates, most of which are unfunded to a great extent, and the federal government has ceased to live under a proper interpretation of the Constitution of the United States; and

Whereas, It is the solemn duty of the states to protect the liberty of our people—particularly for the generations to come—by proposing amendments to the Constitution of the United States through a convention of the states under Article V for the purpose of restraining these and related abuses of power; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Legislature hereby urges Congress call a convention of the states, under the authority reserved to the states in Article V of the United States Constitution, limited to proposing amendments to the Constitution of the United States that impose fiscal restraints

on the federal government, limit the power and jurisdiction of the federal government and limit the terms of office for its officials and for members of Congress; and, be it

*Further Resolved*, That the State of West Virginia hereby applies to Congress, under the provisions of Article V of the Constitution of the United States, for the calling of a convention of the states limited to proposing amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government and limit the terms of office for its officials and for members of Congress and absolutely no other business will be authorized at this convention; and, be it

*Further Resolved*, That this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two thirds of the several states have made applications on the same subject; and, be it

*Further Resolved*, That the Clerk of the Senate is hereby directed to forward a copy of this resolution and application to the President and Secretary of the United States Senate, to the Speaker and Clerk of the United States House of Representatives, to the members of West Virginia's congressional delegation and to the presiding officers of each of the legislative houses in the several states requesting their cooperation.

### **Resolutions Introduced**

Delegates Rowe, Pushkin and Robinson offered the following resolution, which was read by its title and referred to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary:

**H. C. R. 79** – “Requesting the Joint Committee on Government and Finance to study the costs and benefits of medicinal marijuana and the costs and benefits of enforcement of criminal marijuana laws, in light of the state’s opioid epidemic.”

Whereas, Modern medical research has discovered a beneficial use for medicinal marijuana in treating and alleviating the pain and other symptoms associated with certain debilitating medical conditions and injuries that often fail to respond to conventional treatments; and

Whereas, Medicinal marijuana has a beneficial use for the relief of nausea, vomiting and other side effects of drugs increasing the chances of patients continuing on life-saving treatment regimens; and

Whereas, Reports have shown the therapeutic value of medicinal marijuana in treating a wide array of debilitating medical conditions including, but not limited to, cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis (Lou Gehrig's disease), Crohn's disease, epilepsy, Alzheimer's disease, Parkinson's disease, post-traumatic stress disorder, depression, anxiety, addiction to opiates or amphetamines, chronic and debilitating diseases or medical conditions or the treatments that produce one or more of the following: cachexia or wasting syndrome, severe or chronic pain, severe nausea, seizures and severe and persistent muscle spasms; and

Whereas, The Legislature is committed to evaluating the use of appropriate pain therapy techniques as those develop within various regulated clinical environments and applying those methodologies in this state to provide appropriate and cost-effective pain therapy for the citizens of this state thus reducing the likelihood of addiction and abuse; and

Whereas, Over one hundred forty-six million people in the United States reside in a state where some form of marijuana is legalized; and

Whereas, For many years in West Virginia, there have been more marijuana arrests on an annual basis than arrests for all other drugs combined; and



Whereas, FBI statistics show that in 2012, there were about seven thousand nine hundred drug arrests in West Virginia, including about four thousand two hundred for marijuana, and of those about three thousand seven hundred, were for mere possession; and, therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on Government and Finance conduct a study on the costs and benefits of medicinal marijuana and the costs and benefits of enforcement of the criminal marijuana laws, in light of the state's opioid epidemic; and, be it

*Further Resolved,* That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2018, on its findings, conclusions and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

*Further Resolved,* That the expenses necessary to conduct this study, to prepare a report and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Delegates Rowe, E. Evans, Moye, White, Eldridge, Bates, Phillips, Byrd and Robinson offered the following resolution, which was read by its title and referred to the Committee on Finance then Rules:

**H. C. R. 80** – “Urging the Governor and the Cabinet of the Governor to take immediate action to pursue diversification of the economies of West Virginia’s southern coalfield communities.”

Whereas, Due to reliance on the continuing success of the coal industry, the economies of West Virginia’s southern coalfield communities have suffered in recent years with decline in coal and coal-related economic activities; and

Whereas, Absent a significant, coordinated intervention by the state government and federal government, West Virginia’s southern coalfield communities will continue to endure hardships,

including a lack of school and government funding, drug addiction, poor health, lack of education and lack of job opportunities; and

Whereas, Urgent action is needed by both the state government and the federal government to locate new federal facilities for technology, research and military development in the Montgomery to Bluefield corridor in association with the West Virginia University Institute of Technology, Concord University, Bluefield State College, BridgeValley Community and Technical College, New River Community and Technical College and Southern West Virginia Community and Technical College, and to construct a modern Appalachian corridor, to fully accommodate vehicles of all sizes, with two to four lanes, connecting that corridor from the Beckley area to Corridor G and Logan and Mingo Counties, and to expand U.S. Route 52 into a modern commercial and tourism highway from Bluefield to Interstate 64 at Ceredo; and

Whereas, Along with the aforementioned projects, state and federal regulatory policies should be aligned with the advancement of the following goals to encourage commercial tourism development in West Virginia's southern coalfield communities, creating new jobs in technology and research, promoting service industries, supporting new community and housing development, and expanding regional access to West Virginia's institutions of higher learning for both in-state and out-of-state students; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Legislature urges the Governor and the Cabinet of the Governor to require all state agencies to evaluate and report to the Governor ideas on potential projects that could assist in diversifying West Virginia's southern coalfield economies; and, be it

*Further Resolved,* That the Legislature urges the Governor and the Cabinet of the Governor to pursue aggressively federal resources and projects to develop economic diversification in the Southern West Virginia coalfields.

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

**H. C. R. 81** – “Requesting that a one-mile section of Route 17, from mile marker 9.87 to mile marker 10.87, in Boone County, West Virginia, the ‘U.S. Army SPC Larry E. Nunnery, Sr. Memorial Highway’.”

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

Whereas, Army Specialist Nunnery married Janice White Nunnery; and

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

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

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

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

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

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

*Resolved by the Legislature of West Virginia:*

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

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

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

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

**By Delegates Overington, Householder, Howell, Paynter, G. Foster, Sobonya, C. Miller, Phillips, Moore, Blair and Frich:**

**H. J. R. 23** – “Proposing an amendment to the Constitution of the State of West Virginia, amending section fifty-one, article VI thereof, relating to the establishment of a general fund expenditure limit; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Finance then the Judiciary.

### **Bills Introduced**

**By Delegates Ambler, Cooper, Fleischauer, Dean, Williams, Baldwin, Fluharty, Storch, Rohrbach, Rowan and Walters:**

**H. B. 2907** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §37-16-1, §37-16-2, §37-16-3, §37-16-4, §37-16-5, §37-16-6 and §37-16-7, all relating to real property option to purchase contracts executed with lease agreements”; to the Committee on the Judiciary.

**By Delegates Folk and McGeehan:**

**H. B. 2908** - “A Bill making appropriations of public money out of the Treasury in accordance with section fifty-one, article VI of the Constitution”; to the Committee on Finance.

**By Delegates Phillips, Maynard, Paynter, Walters, Howell, McGeehan, Gearheart, Eldridge, R. Miller, Statler and Westfall:**

**H. B. 2909** - “A Bill to amend and reenact §22-20-1 of the Code of West Virginia, 1931, as amended, relating to abolishing the office environmental advocate within the Department of Environmental Protection”; to the Committee on Government Organization then Finance.

**By Delegates Hamrick, Howell, Walters, Westfall, Dean, Storch, McGeehan and Folk:**

**H. B. 2910** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17-7-1, §17-7-2 and §17-7-3, all relating to autonomous vehicles; definition; operation; liability of manufacturers limited”; to the Committee on Roads and Transportation then the Judiciary.

**By Delegates Barrett, Storch, Walters, Bates, Westfall, Ambler and Householder:**

**H. B. 2911** - “A Bill to amend and reenact §29-22B-1101 of the Code of West Virginia, 1931, as amended, relating to increasing the number of video lottery terminals authorized for retailers and fraternal societies or veteran’s organizations”; to the Committee on Small Business, Entrepreneurship and Economic Development then the Judiciary then Finance.

**By Delegates Walters, Ambler and Cooper:**

**H. B. 2912** - “A Bill to amend and reenact §18-2-5b, §18-2-24, §18-2-26 and §18-2-26a of the Code of West Virginia, 1931, as amended; to amend and reenact §18-2E-5 of said code; and to amend and reenact §30-31-11 of said code, all relating to abolishing regional service education agencies; transferring duties, powers and services provided by the regional education service agencies to various government agencies; establishing that state board rules about regional education service agencies remain in

effect until new rules promulgated; and removing references to the regional education service agencies throughout the code”; to the Committee on Education then Finance.

**By Delegates Espinosa, Moore, Upson, Nelson, Storch, Zatezalo, Householder, Walters and Barrett:**

**H. B. 2913** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-23-12e, relating to the licensing of advance deposit wagering; providing for source market fees; providing for the distribution of those fees from wagers made by West Virginia account holders, for distribution of those fees from wagers made by account holders located within and outside thirty miles of a licensed racing association and for distribution of those fees from wagers made by account holders located within thirty miles of two or more licensed racing associations; providing for regulatory authority in the Racing Commission over advance deposit wagering; providing for the assessment and imposition of regulatory fees and taxes on advance deposit wagering licensees’ wagering in West Virginia and for the distribution of the fees and taxes; prohibiting advance deposit wagering in West Virginia unless conducted through an advance deposit wagering licensee or as otherwise provided by law; providing for criminal penalties for accepting or attempting to accept advance deposit wagers without a license; providing authority for the Racing Commission to seek civil remedies and damages; providing that all advance deposit wagers placed by residents or nonresidents within the state are considered to be wagering within West Virginia subject to the laws of this state and rules of the Racing Commission; authorizing rulemaking; and defining terms”; to the Committee on the Judiciary then Finance.

**By Delegates Walters, Maynard and Fast:**

**H. B. 2914** - “A Bill to amend and reenact §16-1-6 of the Code of West Virginia, 1931, as amended; and to amend and reenact §16-2-5 and §16-2-11 of said code, all relating to powers and duties of the Commissioner of Public Health; modifying administration of local boards of health; providing for regionalization of administration and services of local health departments; requiring local health departments to bill health insurance plans for services

that are provided; mandating development of needle exchange programs in local health departments; and providing for rule-making authority”; to the Committee on Political Subdivisions then Health and Human Resources.

**By Delegates Lynch, Fast, Hollen and Pyles:**

**H. B. 2915** - “A Bill to amend and reenact §15-12-2 of the Code of West Virginia, 1931, as amended, relating to requiring any person who has been convicted or adjudicated delinquent of a qualifying offense to comply with registration requirements of the sex offender registration act”; to the Committee on the Judiciary.

**By Delegates Pethel and Hanshaw:**

**H. B. 2916** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-15-19; to amend said code by adding thereto a new section, designated §8-15-28; and to amend said code by adding thereto a new section, designated §16-4C-24, all relating to authorizing certain first responders to carry firearms; authorizing supervising entities to authorize ambulance crew members, firefighters, rescue squad members and emergency service personnel to carry firearms; specifying the training required for them to be eligible to carry a firearm; and allowing reimbursement for the cost of the training”; to the Committee on the Judiciary.

**By Delegates Marcum, Rodighiero, R. Miller, Eldridge, Phillips, Rohrbach, Sobonya, Isner, Thompson and Hicks:**

**H. B. 2917** - “A Bill to amend and reenact §61-2-30 of the Code of West Virginia, 1931, as amended, relating to changing the Unborn Victims of Violence Act to the Unborn Victims of Abuse Act; adding that a ‘person’ is also exempt from a certain provision of the act; and defining the term ‘person’;” to the Committee on the Judiciary.

**By Delegates Byrd, Phillips and Hanshaw:**

**H. B. 2918** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-2-10c, relating to creating a felony penalty of life without mercy for the first degree murder of a law-enforcement officer”; to the Committee on the Judiciary.

**By Delegates Ward and Martin:**

**H. B. 2919** - “A Bill to amend and reenact §17C-2-8 of the Code of West Virginia, 1931, as amended, relating to parking along state highways; prohibiting local authorities from allowing parking along U.S. and primary state highways when doing so reduces flow of traffic to less than one lane of traffic moving in each direction; providing exception for one-way state highways; and requiring Division of Highways to erect appropriate signage”; to the Committee on Roads and Transportation then the Judiciary.

**By Delegates Marcum, Hicks, Westfall, Rodighiero, R. Miller, Eldridge and Thompson:**

**H. B. 2920** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-4-406a; and to amend and reenact §60A-4-409 of said code, all relating to the Uniform Controlled Substances Act; offenses and penalties; providing mandatory minimum sentences for trafficking drugs into the state and for other drug offenses; increasing period of ineligibility for parole for certain violations of possession or distribution of controlled substances and establishing applicable conditions; increasing period of ineligibility for parole for transporting certain controlled substances into the state and establishing applicable conditions; prohibiting application of alternative sentences; and increasing the penalties for transporting controlled substances into the state”; to the Committee on the Judiciary.

**By Delegates Rowe and Lynch:**

**H. B. 2921** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-1-9, relating to establishing a website clearinghouse for sharing information about potential sources of revenue, financial, technical and legal assistance for government agencies; requiring state agencies to provide information based upon the experience and knowledge of the agency; and authorizing rule-making to facilitate and clarify the process for submitting information”; to the Committee on Government Organization.

**By Delegates Barrett, Phillips, Blair, Summers, Maynard, Overington, Paynter, Eldridge and Householder:**

**H. B. 2922** - “A Bill to amend and reenact §61-7-4 and §61-7-4a of the Code of West Virginia, 1931, as amended, all relating to



reducing the cost of the fee for a state license to carry a concealed weapon”; to the Committee on Finance.

**By Delegates Boggs, Nelson, A. Evans, Miley, Cowles and Caputo:**

**H. B. 2923** - “A Bill to amend and reenact §17-4-19 of the Code of West Virginia, 1931, as amended, relating to requiring the Commissioner of Highways to verify legal employment status of contractors and vendor’s employees for certain road and bridge contracts”; to the Committee on Roads and Transportation then the Judiciary.

**By Delegates Walters, Boggs, Miley, Ambler, Nelson, Blair, Hamrick, Queen, Fast, Hill and Moore:**

**H. B. 2924** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-4-17e, relating to installation of conduit for fiber optic cable on state highway construction projects”; to the Committee on Roads and Transportation then Finance.

**By Delegates Phillips, Westfall, Hollen, Walters, Hanshaw, Lane, R. Miller and Rohrbach:**

**H. B. 2925** - “A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new section, designated §48-9-605, relating to domestic relations; and permitting a child sixteen years of age or older to petition for a change of parental custody”; to the Committee on the Judiciary.

**By Delegates Walters and Fast:**

**H. B. 2926** - “A Bill to amend and reenact §18-2E-5 of the Code of West Virginia, 1931, as amended, relating to the comprehensive statewide student assessment; and requiring ACT and ACT Aspire to be used as the comprehensive statewide student assessment”; to the Committee on Education.

**By Delegates Walters, Frich and Butler:**

**H. B. 2927** - “A Bill to amend and reenact §19-23-10, §19-23-12b, §19-23-13 and §19-23-13c of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §19-23-10a; to amend and reenact §29-22-18a

of said code; to amend and reenact §29-22A-7, §29-22A-10, §29-22A-10b, §29-22A-10d and §29-22A-10e of said code; and to amend and reenact §29-22C-8, §29-22C-27 and §29-22C-27a of said code, all relating to transferring certain revenues derived from racetrack video lottery and racetrack table games from the special fund established for greyhound racetrack licensees to the State Excess Lottery Revenue Fund; defunding the West Virginia Greyhound Breeding Development Fund and transferring money dedicated to the Greyhound Breeding Development Fund to the State Excess Lottery Revenue Fund for appropriation by the Legislature; and eliminating the requirement that video lottery licensee must hold a racing license to renew video lottery license or racetrack table games license”; to the Committee on Finance.

**By Delegates Walters, Boggs, Wilson, Fast and Maynard:**

**H. B. 2928** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18C-8-1, relating to creating a low-interest student loan refinancing program for teachers; creating a special fund; establishing allocations to the fund; making legislative findings; establishing eligibility requirements; establishing refinancing rate; and providing for rulemaking”; to the Committee on Education then Finance.

**By Delegates Zatezalo, Storch and McGeehan:**

**H. B. 2929** - “A Bill to amend and reenact §11-21-12d of the Code of West Virginia, 1931, as amended, relating to allowing an adjustment to gross income for calculating the personal income tax liability of certain retirees receiving pensions from defined-benefit pension plans that have been terminated with a consequent reduced benefit and extending the effective period of the allowed adjustment”; to the Committee on Finance.

**By Delegates Shott and Lane:**

**H. B. 2930** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-22-15a; and to amend and reenact §29B-1-4 of said code, all relating to allowing powerball winners to remain anonymous; and providing for an exemption under the Freedom of Information Act for powerball winner information”; to the Committee on the Judiciary.

**By Delegates Walters and Deem:**

**H. B. 2931** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-6-33a, relating to authorizing shut-in of oil and gas wells in West Virginia; providing for payment of shut-in royalty or shut-in payments; and providing for deferment of certain charges or fees in certain circumstances”; to the Committee on Energy then the Judiciary.

**By Delegates Walters and Frich:**

**H. B. 2932** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-12-9, relating to providing owner of conservation easement be given the right of first refusal to purchase the land upon which it enjoys a conservation easement when a landowner intends to sell land upon which the easement exists”; to the Committee on the Judiciary.

**By Delegates Moore, Ambler, G. Foster, C. Miller, Arvon, Maynard and Shott:**

**H. B. 2933** - “A Bill to repeal §11-15-9k of the Code of West Virginia, 1931, as amended; to amend and reenact §11-15-2, §11-15-3, §11-15-3c, §11-15-8, §11-15-8a, §11-15-9 and §11-15-9i of said code; to amend said code by adding thereto a new section, designated §11-15-3d; and to amend and reenact §11-15A-2 and §11-15A-3 of said code, all relating to the consumers sales and service taxes and use taxes generally; reducing the general rate of taxation; providing for further reductions to the general rate of taxation in certain circumstances; eliminating exemption for the rental of passenger vehicles by daily rental vehicle business; imposing tax on sales of telecommunications services and ancillary services; eliminating exemption for sales of personal services; eliminating exemption for sales of professional services; eliminating exemption for sales of contracting services; clarifying that sales of hookup, connection and installation services incidental to the sale of tangible property are not exempt from tax; removing outdated language from the code regarding an obsolete exemption related to contracting services; eliminating reduced rate of taxation for sales of mobile homes and imposing tax on such sales at the general rate; providing an exemption for sales of tangible property or services directly used or consumed by

contractor providing contracting services; eliminating exemption for sales of services by day care centers; eliminating exemption for sales of electronic data processing services and related software when purchased by an ultimate consumer; eliminating exemption for tuition to attend educational summer camps; eliminating exemption for sales of services for opening or closing a burial lot; eliminating exemption for sales of membership or services provided by health and fitness organizations and related programs; eliminating exemption for sales of primary opinion research when purchased by an ultimate consumer; eliminating exemption for sales of instructional services by a music teacher and certain artistic services; eliminating exemption for sales of services providing evaluations for compliance with certain environmental laws when purchased by an ultimate consumer; and deleting outdated language in the code relating to an obsolete annual sales tax holiday for energy efficient products”; to the Committee on Finance.

**By Delegates Nelson and Householder:**

**H. B. 2934** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-4g, relating to eliminating the tax brackets under the personal income tax and changing the rate of the tax”; to the Committee on Finance.

**By Mr. Speaker (Mr. Armstead) and Delegates Hanshaw, Ambler, Hill, Boggs and Baldwin:**

**H. B. 2935** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-30-1, §29-30-2, §29-30-3 and §29-30-4, all relating to state flood protection planning; providing legislative findings; defining terms; establishing the state Flood Protection Planning Council and authorizing certain duties; and establishing a Joint Legislative Committee on Flooding”; to the Committee on Government Organization.

## **Special Calendar**

### **Third Reading**

**Com. Sub. for H. B. 2526**, Classifying additional drugs to Schedules I, II, IV and V of controlled substances; 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. 77**), 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: Anderson and Ellington.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2526) 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. 2554**, West Virginia Contractor Licensing 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. 78**), and there were—yeas 72, nays 26, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Baldwin, Boggs, Brewer, Byrd, Canestraro, Caputo, Diserio, Eldridge, Ferro, Fleischauer, Fluharty, Hamilton, Hornbuckle, Isner, Lovejoy, Lynch, Marcum, Miley, R. Miller, Pethtel, Pushkin, Robinson, Rowe, Sobonya, Sponaugle and Williams.

Absent and Not Voting: Anderson and Ellington.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2554) passed.

Delegate Cowles moved that the bill take effect July 1, 2017.

On this question, the yeas and nays were taken (**Roll No. 79**), and there were—yeas 83, nays 15, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Boggs, Byrd, Caputo, Diserio, Eldridge, Fleischauer, Fluharty, Isner, Longstreth, Lynch, Miley, Pushkin, Robinson, Sponaugle and Williams.

Absent and Not Voting: Anderson and Ellington.

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. 2554) takes effect July 1, 2017.

*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. 2571**, Developing a resource for use by parents to monitor and track deaf and hard-of-hearing children's expressive and receptive language acquisition; 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. 80**), 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: Anderson and Ellington.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2571) 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. 2675**, Relating to primary elections and nominating procedures; 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. 81**), 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: Anderson and Ellington.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2675) 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. 2706**, Authorizing legislative rules regarding higher education; 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. 82**), and there were—yeas 96, nays 2, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Butler and Folk.

Absent and Not Voting: Anderson and Ellington.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2706) 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. 2726**, Authorizing home incarceration officers to arrest participants for violating the terms and conditions of his or her supervision with or without a court order; 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. 83**), 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: Anderson and Ellington.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2726) 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. 2731**, Clarifying civil actions heard in circuit court; 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. 84**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Rowe.

Absent and Not Voting: Anderson and Ellington.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2731) passed.

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

### **First Reading**

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



**Com. Sub. for H. B. 2007**, Eliminating courtesy patrol programs,

**H. B. 2119**, Repealing West Virginia Health Benefit Exchange Act,

**H. B. 2518**, Creating a legislative rule to permit a pharmacist or pharmacy intern to administer certain immunizations,

And,

**Com. Sub. for H. B. 2538**, Relating to the licensure of physician assistants.

### **Leaves of Absence**

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

### **Miscellaneous Business**

Delegate Eldridge asked and obtained unanimous consent that the remarks of Delegate R. Miller during Remarks by Members today be printed in the Appendix to the Journal.

Delegate McGeehan asked and obtained unanimous consent that the remarks of Delegate Folk during Remarks by Members today be printed in the Appendix to the Journal.

Delegate Frich filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2734.

Delegate Lovejoy filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2821.

Delegate Moore filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2934.

Delegate Longstreth filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2729.

Delegate Frich filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2876.

Delegate Robinson filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2842.

Mr. Speaker, Mr. Armstead and Delegates Ambler, Arvon, Atkinson, Baldwin, Barrett, Blair, Boggs, Brewer, Butler, Byrd, Canestraro, Cooper, Criss, Dean, Deem, Diserio, Eldridge, Espinosa, A. Evans, E. Evans, Ferro, Folk, G. Foster, Gearheart, Hamilton, Hamrick, Hartman, Higginbotham, Hill, Hornbuckle, Howell, Iaquina, Isner, Kelly, Lane, Lewis, Love, Lovejoy, Martin, Maynard, McGeehan, Miley, C. Miller, R. Miller, Moore, Moye, O'Neal, Overington, Paynter, Pushkin, Queen, Rodighiero, Rohrbach, C. Romine, R. Romine, Rowan, Rowe, Shott, Sponaugle, Storch, Sypolt, Thompson, Wagner, Ward, Westfall and White filed a form with the Clerk's Office per House Rule 94b to be added as cosponsors of H. C. R. 26.

Delegate Hill filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. C. R. 70.

Delegate Eldridge filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. R. 8.

Delegate Longstreth filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. R. 8.

At 12:17 p.m., the House of Delegates adjourned until 11:00 a.m., Monday, March 13, 2017.

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Monday, March 13, 2017

**THIRTY-FOURTH DAY**

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

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

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

The Clerk proceeded to read the Journal of Friday, March 10, 2017, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

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

Your Committee on Finance has had under consideration:

**H. B. 2601**, Relating to municipal policemen's or municipal firemen's pension and relief funds,

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

**Com. Sub. for H. B. 2601** – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §8-22-27a and §8-22-27b, all relating to municipal policemen's or municipal firemen's pension and relief funds; providing mechanism for the correction of errors; and providing criminal penalties,"

And,

**H. B. 2603**, Relating to municipal policemen's or firemen's pension and relief funds that are funded at one hundred and twenty-five percent or more,

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

**Com. Sub. for H. B. 2603** – “A Bill to amend and reenact §8-22-20 of the Code of West Virginia, 1931, as amended, relating to municipal policemen’s or firemen’s pension and relief funds that are funded at one hundred and twenty-five percent or more; and authorizing certain costs not be paid,”

With the recommendation that the committee substitutes each do pass.

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

Your Committee on Education has had under consideration:

**H. B. 2763**, Relating to the approval by the Council for Community and Technical College Education of acquisitions,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2763) was referred to the Committee on Finance.

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. 5**, U. S. Navy Rear Admiral Frederick Burdett Warder Memorial Bridge,

**H. C. R. 6**, U. S. Army SPC 4 Thurman “Duwayne” Young Memorial Road,

**H. C. R. 13**, U. S. Army SSG Brian Curtis Rogers Memorial Bridge,

**H. C. R. 36**, U. S. Army PFC John Ira Pinkerman Memorial Bridge,

And,

**H. C. R. 60**, William “Bill” R. VanGilder Memorial Bridge,

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

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. 37**, U. S. Army SPC 4 William L. Amos Memorial Bridge,

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

**Com. Sub. for H. C. R. 37** – ARequesting the Division of Highways to name bridge number 40-60-0.03 (40A142) (38.41962, -82.05132), locally known as Culloden Railroad Overpass, carrying US 60 over CSX Railroad in Putnam County, the ‘U. S. Army SPC 4 William L. Amos Memorial Bridge’,”

With the recommendation that the committee substitute be adopted.

Delegate Hanshaw, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 10<sup>th</sup> day of March, 2017, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

**Com. Sub. for H. B. 2740**, Making a supplementary appropriation to the Department of Administration.

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

Your Committee on Government Organization has had under consideration:

**H. B. 2344**, Transferring the assets of the Library Commission relating to media broadcasting to the Educational Broadcasting Authority,

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. 2344) was referred to the Committee on Finance.

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

Your Committee on Government Organization has had under consideration:

**H.B. 2767**, Authorizing the Secretary of State to transmit electronic versions of undeliverable mail to the circuit clerks,

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. 2767) was referred to the Committee on the Judiciary.

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

Your Committee on Government Organization has had under consideration:

**H. B. 2427**, Requiring agencies listed in the online state phone directory to update certain employee information,

And,

**H. B. 2446**, Relating to the requirement that all executive branch agencies maintain a website that contains specific information,

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

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

Your Committee on Government Organization has had under consideration:

**H. B. 2792**, Requiring the Library Commission to survey the libraries of the state,

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

**Com. Sub. for H. B. 2792** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §10-1-23, relating to requiring the Library Commission to survey the libraries of the state; requiring the Library Commission develop a status report and ten-year plan for public libraries; requiring a report to the Governor and the Legislature; and posting the report electronically,”

With the recommendation that the committee substitute do pass.

Delegate Hanshaw, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 10<sup>th</sup> day of March, 2017, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

**S. B. 176**, Repealing article concerning detection of tuberculosis, high blood pressure and diabetes.

And,

**S. B. 188**, Correcting definition of “telehealth” in medication-assisted treatment programs.

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2522**, Nurse licensure compact,

And,

**H. B. 2796**, Relating to the West Virginia National Guard entering into contract and subcontract for specialized technical services,

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

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2373**, Authorizing school bus drivers trained in administration of epinephrine auto-injectors to administer auto-injectors,

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

**Com. Sub. for H. B. 2373** – “A Bill to amend and reenact §18-5-22c of the Code of West Virginia, 1931, as amended, relating to authorizing school transportation personnel trained in administration of epinephrine auto-injectors and designated and authorized by the school or county board to administer auto-injectors to a student or school personnel experiencing an anaphylactic reaction; making school transportation personnel immune from liability for administration of an epinephrine auto-injector except in cases of gross negligence or willful misconduct;



and requiring the State Board of Education to promulgate rules necessary to effectuate the provisions of this section,”

With the recommendation that the committee substitute do pass.

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2631**, Relating to time standards for disposition of complaint proceedings,

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

**Com. Sub. for H. B. 2631** – “A Bill to amend and reenact §30-1-5 of the Code of West Virginia, 1931, as amended, relating to time standards for disposition of complaint proceedings and tolling the time periods for delays attributable to the accused,”

**H. B. 2649**, Adding violations of law upon which a public servant’s retirement plan may be forfeited,

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

**Com. Sub. for H. B. 2649** – “A Bill to amend and reenact §5-10A-2 of the Code of West Virginia, 1931, as amended, relating to adding violations of law upon which a public servant’s retirement plan may be forfeited; changing the definition of less than honorable service; removing the exception of a misdemeanor from the definition of less than honorable service relating to impeachment and conviction of a participant or former participant under the Constitution; removing the exception for certain lesser included crimes to constitute less than honorable service; and adding additional violations of law which constitute less than honorable service,”

And,

**H. B. 2683**, Relating to West Virginia Insurance Guaranty Association Act,

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

**Com. Sub. for H. B. 2683** – “A Bill to amend and reenact §33-26-2, §33-26-3, §33-26-4, §33-26-5, §33-26-8, §33-26-9, §33-26-10, §33-26-11, §33-26-12, §33-26-13, §33-26-14 and §33-26-18 of the Code of West Virginia, 1931, as amended, all relating to West Virginia Insurance Guaranty Association Act; modifying scope and construction of act; adding and amending definitions; clarifying and adding powers, duties and rights of association; modifying provisions concerning effect of paid claims, exhaustion of coverage, prevention of insolvencies and stay of proceedings; changing due date of annual financial report; limiting covered claims; expanding association’s right to recover and be reimbursed; providing for confidentiality of financial information; and exempting certain reports and recommendations from Freedom of Information Act,”

With the recommendation that the committee substitutes each do pass.

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

Your Committee on the Judiciary has had under consideration:

**S. B. 330**, Relating to WV Workplace Freedom Act,

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

### **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. 173** – “A Bill to amend and reenact §17B-1-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §17B-2-7b of said code; to amend said code by adding thereto a new section, designated §17C-1-69; and to amend and reenact §17C-15-44 of said code, all relating to certain motor vehicles, including motorcycles, motor-driven cycles and autocycles; creating an autocycle exemption from motorcycle examination, licensing and endorsement requirements; allowing a person with a valid driver’s license to operate an autocycle; creating an autocycle exemption from helmet and certain other motorcycle or motor-driven cycle safety requirements; defining terms; eliminating requirement that persons age eighteen and older operating or riding a motorcycle or motor-driven cycle wear a protective helmet; prohibiting individuals under the age of eighteen from operating or being a passenger on any motorcycle or motor-driven cycle without a protective helmet; deleting obsolete language regarding the motorcycle safety and education committee; and making technical corrections”; which was referred to the Committee on Roads and Transportation then the Judiciary.

A message from the Senate, by

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

**S. B. 235** - “A Bill to amend and reenact §17A-10-3 of the Code of West Virginia, 1931, as amended, relating to providing that, after its initial registration, the annual registration fees of motorcycles are owed in the same month as the original registration”; 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. 259** – “A Bill to amend and reenact §44-1-1, §44-1-6, §44-1-7, §44-1-8, §44-1-14a and §44-1-26 of the Code of West Virginia, 1931, as amended; and to amend and

reenact §44-5-3 of said code, all relating generally to personal representatives of estates; waiving surety requirements for administrators of estates where grantee is sole beneficiary or sole distributee of the decedent; requiring county commission to hold hearing if application filed by interested party to compel nonresident executor otherwise exempt from bond requirements to post bond; requiring county commission to hold hearing if application filed by interested party to compel sole beneficiary to post surety; removing authority of clerk of county commission to require bond or surety upon knowledge; making executor or administrator not required to post surety liable upon his or her own personal recognizance in the event of default, failure or misadministration; requiring interested parties objecting to the qualifications of a personal representative or venue to file notice with the county commission sixty days after the date of first publication; authorizing action against bond surety when execution on judgment or decree against personal representative is returned without being satisfied; and making technical corrections”; 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. 473** – “A Bill to amend and reenact §20-2-4 and §20-2-11 of the Code of West Virginia, 1931, as amended, all relating to wildlife; permitting the collection, possession and sale of naturally shed deer antlers; and clarifying the sale, trade or barter of wildlife or parts thereof”; which was referred to the Committee on Agriculture and Natural Resources.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

**Com. Sub. for H. B. 2347**, Allowing schools licensed to provide barber, cosmetology and related training to hold theory classes and clinical classes at different locations.

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. 350** – “A Bill to amend and reenact §30-31-3, §30-31-6, §30-31-8 and §30-31-9 of the Code of West Virginia, 1931, as amended, all relating to licenses and temporary permits for licensure for professional counselors and marriage and family therapists”; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

**Com. Sub. for S. B. 423** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-25, relating to operation of licensed group homes; requiring the Department of Health and Human Resources to seek a waiver from the Centers for Medicare and Medicaid Services for existing group homes in this state; and requiring the Department of Health and Human Resources to amend filings with the Centers for Medicare and Medicaid Services to allow a greater number of occupants to be served in licensed group homes”; 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. 441** – “A Bill to amend and reenact §8-1-5a of the Code of West Virginia, 1931, as amended, relating to municipal home rule; establishing the Municipal Home Rule Pilot Program as a permanent program identified as the Municipal Home Rule Program; providing that any ordinance, act, resolution, rule or regulation enacted pursuant to the Municipal Home Rule Pilot Program shall continue until repealed; allowing all municipalities

to participate in the Municipal Home Rule Program; prohibiting municipalities participating in the Municipal Home Rule Program from passing an ordinance, act, resolution, rule or regulation that is contrary to certain laws governing the professional licensing or certification of public employees; and eliminating the automatic termination of the Municipal Home Rule Pilot Program on July 1, 2019”; 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. 481** – “A Bill to amend and reenact §8-10-2a and §8-10-2b of the Code of West Virginia, 1931, as amended; and to amend and reenact §17B-3-6 of said code, all relating to eliminating the requirement that municipal courts wait at least ninety days prior to notifying the Division of Motor Vehicles of a person’s failure to appear or failure to pay assessed costs, fines, forfeitures or penalties”; 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. 490** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §31D-8-842a, relating to the standard of liability for officers of a corporation”; 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. 491** – “A Bill to amend and reenact §7-1-3ff of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-29-1 of said code, all relating to county litter control officers who are trained and certified as law-enforcement officers to have the same authority as other law-enforcement officers to enforce litter laws”; 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. 492** – “A Bill to amend and reenact §62-15-4 of the Code of West Virginia, 1931, as amended, relating to eliminating requirement that every judicial circuit participate in a drug court program; and expressing legislative intent in removing requirement to continue legislative authorization for drug courts in circuits where judges have found them effective”; 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. 496** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-4-22, relating generally to guaranteed asset protection waivers; providing short title, scope and legislative intent of section; defining certain terms; specifying requirements for offering guaranteed asset protection waivers; requiring contractual liability or other insurance policies on guaranteed asset protection waivers in certain circumstances; providing for disclosures and cancellation; exempting commercial transactions; providing for enforcement of section and severability; excluding waivers from consumers sales and service tax; specifying effective date of section; and providing for section to apply to guaranteed asset protection waivers issued on and after specified date”; 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. 505** – “A Bill to amend and reenact §22-6A-14 of the Code of West Virginia, 1931, as amended, relating to providing a five-year reclamation period following completion of the construction of a well pad for well pads designed for multiple horizontal wells”; which was referred to the Committee on the Judiciary.

### **Resolutions Introduced**

Delegates Statler, Summers, Frich, Fleischauer, Pethtel, Pyles and Williams offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 82** – “Requesting the Division of Highways to name bridge number 31-7-16.86 (31A009) (39.71202, -80.16171), locally known as Pentress Bridge, carrying WV 7 over Dunkard Creek and County Route 7/13 in Monongalia county, the ‘U.S. Marine Sergeant David Paul McCord Memorial Bridge’.”

Whereas, David Paul McCord was born on January 17, 1945, and raised in Pentress, West Virginia. David McCord was the son of a miner and attended Clay-Battelle High School. Sergeant McCord was an active member in band, 4-H, and Cub Scouts, and graduated from Clay-Battelle High School in 1962. He made the decision to join the U.S. Marines a year later in 1963 to make an impact in the Vietnam Conflict. He attended Boot Camp in Parris Island, South Carolina, leaving behind his wife, Josephina McCord. Sergeant David P. McCord served with the Headquarters and Service Company, Headquarters and Service Battalion, Force Logistics Command Unit, and Third Marine Amphibious Force. These forces were significant in the Vietnam War. His final deployment began on May 23, 1968. Sergeant David Paul McCord was killed in a missile attack in the Quang Nam Providence on August 28, 1968, at age 23. He was laid to rest in Rosecrans National Cemetery – San Diego, California. During his four years



of dedicated service, Sergeant David McCord received the Vietnam Gallantry Cross Unit Citation, Vietnam Civil Actions Citation, National Defense Service Medal (1968), Purple Heart (1968), Vietnam Campaign Medal (1968), Vietnam Service Medal (1968), Marine Corps Good Conduct Medal (1963) for his good behavior and faithful service during the Vietnam War and his merit worthy actions in assisting South Vietnam during the war; and

Whereas, Naming this bridge in his hometown is an appropriate recognition of U.S. Marine Sergeant David P. McCord's ultimate sacrifice to his country, state and community; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 31-7-16.86 (31A009) (39.71202, -80.16171), locally known as Pentress Bridge, carrying WV 7 over Dunkard Creek and County Route 7/13 in Monongalia county, the "U.S. Marine Sergeant David Paul McCord Memorial Bridge"; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs identifying the road as the "U.S. Marine Sergeant David Paul McCord Memorial Bridge"; and, be it

*Further Resolved,* That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation.

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

**H. C. R. 83** – "Requesting the Division of Highways to name bridge number 31-7-13.09 (31A005) (39.71883, -80.21993), locally known as West Blacksville Bridge, carrying WV 7 over Dunkard Creek and Railroad in Monongalia County, the 'U. S. Army SPC John R. Tennant Memorial Bridge'."

Whereas, U. S. Army Specialist Fourth Class Electrician John R. Tennant was born on July 25, 1949, and raised near Daybrook. He was the son of an electrician and graduated from Clay-Battelle High School in 1966. Army Specialist Tennant was an active member of the choir, and an award-winning thespian; and

Whereas, Army Specialist Tennant worked in the field of construction until joining the United States Army in 1968, to show his dedication to his country during the Vietnam Conflict. Tennant served with Company D, 554<sup>th</sup> Engineer Battalion, 79<sup>th</sup> Engineer Group, 20<sup>th</sup> Engineer Brigade. He served as an electrician and his rank was Specialist Fourth Class; and

Whereas, Army Specialist Tennant was killed on February 26, 1969, by a massive rocket attack that struck the Cu Chi Base Camp which was then followed by a ground attack by sappers, also known as combat engineers. The sappers managed to destroy nine Chinook heavy lift helicopters. However, more than twenty enemy combatants were killed and several captured during the battle; and

Whereas, During his short time in the military, Army Specialist Tennant was awarded the National Defense Service Medal, the Purple Heart, the Vietnam Campaign Medal and the Vietnam Service Medal for his dedication, hard work and commitment to his duties in the U. S. Army; and

Whereas, Army Specialist Tennant's sacrifice for the nation was an important one. His efforts in the Vietnam War showed his passion for the country and his desire to protect communities like his own; and

Whereas, It is fitting and proper that U. S. Army Specialist Fourth Class Electrician John R. Tennant be honored by having this bridge named for a soldier who gave 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 31-7-13.09 (31A005) (39.71883, 80.21993), locally known as West Blacksville Bridge, carrying WV 7 over Dunkard

Creek and Railroad in Monongalia County, the “U. S. Army SPC John R. Tennant 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 “U. S. Army SPC John R. Tennant Memorial Bridge”; and, be it

*Further Resolved*, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation.

### **Bills Introduced**

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

**By Delegates Fast, Howell, Arvon, Martin, Butler, Householder, Walters, C. Miller, Storch, Westfall and Rowan:**

**H. B. 2936** - “A Bill to repeal §5A-3-10e of the Code of West Virginia, 1931, as amended; and to amend and reenact §5A-3-11 of said code, all relating to requiring competitive bidding for all state purchases of commodities, printing and services of \$25,000 or less in cost; repealing the provision for master contracts and approved vendors; requiring purchases to be made at the lowest retail cost for the desired level of quality of the commodities, printing and services; eliminating requirements for written bids for purchases of \$2,500 or less; requiring purchases to be made at the lowest retail price available for the commodities, printing and services at the level of quality sought by the spending unit”; to the Committee on Government Organization then Finance.

**By Delegates Nelson and Boggs:**

**H. B. 2937** - “A Bill to amend and reenact §11-4-2 of the Code of West Virginia, 1931, as amended, relating to authorizing county assessors to make separate entries in their land books when real property is partly used for exempt, and partly for nonexempt, purposes”; to the Committee on Finance.

**By Delegates Folk, McGeehan, Phillips, Blair, Wilson, Hamilton, Hamrick, Hanshaw, Overington, Paynter and Shott:**

**H. B. 2938** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-8-11a, relating to deduction from jail sentence for litter cleanup”; to the Committee on the Judiciary then Finance.

**By Delegate Hamilton:**

**H. B. 2939** - “A Bill to amend and reenact §15-2-17, §15-2E-3 and §15-2E-5 of the Code of West Virginia, 1931, as amended, all relating to the sale of items in the State Police Academy post exchange to the public”; to the Committee on Government Organization then the Judiciary.

**By Delegate Rowe:**

**H. B. 2940** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12j; and to amend said code by adding thereto a new section, designated §11-24-23h, all relating to creating a tax credit for improving facades in historic districts; providing that individuals and corporations are entitled to a twenty-five percent tax credit of the replacement cost of historic facades; and setting forth conditions”; to the Committee on Finance.

**By Delegates Gearheart, Storch, Hamrick, Criss, Hanshaw, Westfall, Paynter, Cooper, Moore and Ambler:**

**H. B. 2941** - “A Bill to amend and reenact §17-2A-7 and §17-2A-8 of the Code of West Virginia, 1931, as amended, all relating to the Division of Highways utilization of the Attorney General for legal services; requiring the Commissioner of the Division of Highways to utilize the Attorney General for all legal assistance and services; and providing for exceptions”; to the Committee on the Judiciary.

**By Delegate Westfall:**

**H. B. 2942** - “A Bill to amend and reenact §33-17A-4 of the Code of West Virginia, 1931, as amended, relating to prohibiting insurers from cancelling or failing to renew insurance policies do to the mere filing of a claim that was later denied or making an

inquiry about whether a loss was potentially covered by a policy; and permitting insurers to cancel or not renew policies for filing numerous frivolous or unfounded claims”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegates Moore, Espinosa, Upson, Householder, Blair, Wilson, Zatezalo, Walters, McGeehan and Folk:**

**H. B. 2943** - “A Bill to amend and reenact §29-22-9 of the Code of West Virginia, 1931, as amended, relating to authorizing the Lottery Commission to introduce games whose winning tickets are determined by the outcome of a licensed horse race”; to the Committee on the Judiciary then Finance.

**By Delegates Barrett, Householder, Overington, Canestraro and Robinson:**

**H. B. 2944** - “A Bill to amend and reenact §51-10-1 and §51-10-8 of the Code of West Virginia, as amended, all relating to requiring the Insurance Commissioner to regulate professional bondsmen”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegates Folk, Wilson, Paynter, Storch, McGeehan, Kessinger, Sobonya, Rodighiero, Marcum and Fast:**

**H. B. 2945** - “A Bill to amend and reenact §16-3-4 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §18B-1-12; and to amend and reenact §21-1A-3 of said code, all relating to exemptions from mandated immunizations”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Butler, Criss, Hollen, Paynter, Kelly, C. Miller, Wilson, Frich, Sobonya, Cooper and Hill:**

**H. B. 2946** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-14-1, §15-14-2, §15-14-3, §15-14-4, §15-14-5, §15-14-6, §15-14-7 and §15-14-8, all relating to enacting the refugee absorptive capacity act; short title; definitions; state office within the department of health and human services which deals with refugees; moratorium applications and cessations; fiscal impact assessment; reports

required; administration and severability”; to the Committee on the Judiciary then Finance.

**By Delegate Rodighiero:**

**H. B. 2947** - “A Bill to amend and reenact §31-20-27 of the Code of West Virginia, 1931, as amended, relating to salary increase for Regional Jail Authority employees of \$5,000 paid over a three-year period”; to the Committee on the Judiciary then Finance.

**By Delegates Hanshaw, Sypolt, Zatezalo, Ward, Paynter, Harshbarger, G. Foster, Deem, Anderson, N. Foster and Fast:**

**H. B. 2948** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-1-20; to amend and reenact §17C-17A-7 of said code; to amend and reenact §19-1A-3a of said code; to amend and reenact §19-2A-4 of said code; to amend and reenact §19-9A-3 of said code; to amend and reenact §19-12D-7 of said code; to amend and reenact §19-15-2 of said code; to amend and reenact §19-34-6 of said code; to amend and reenact §19-35-3 of said code; to amend and reenact §20-3-5 of said code; to amend and reenact §20-7A-5 of said code; to amend and reenact §21-10-7 of said code; to amend and reenact §21-12-7 of said code; to amend and reenact §21-15-10 of said code; to amend and reenact §24A-3-3 of said code; to amend and reenact §29-3-12 of said code; to amend and reenact §29-29-4 of said code; and to amend and reenact §47-1A-10 of said code, all relating to establishing timelines for taking final action on certain permits”; to the Committee on Energy then the Judiciary.

**By Delegate Hamilton:**

**H. B. 2949** - “A Bill to amend and reenact §20-1-7 of the Code of West Virginia, 1931, as amended; and to amend and reenact §20-5-15 of said code, all relating to exempting Division of Natural Resources’ contracts for the replacement, repair or design of repairs to revenue-producing facilities and related infrastructure where protecting public safety or public enjoyment and use of the facilities is required; and exempting intergovernmental cooperative agreements and operational contracts for Prickett’s Fort from review and approval requirements of the Division of Purchasing”;

to the Committee on Agriculture and Natural Resources then Government Organization.

**By Delegate Kessinger:**

**H. B. 2950** - “A Bill to amend and reenact §18-3-1 of the Code of West Virginia, 1931, as amended, relating to requiring the State Superintendent of Schools to have a terminal degree”; to the Committee on Education.

**By Delegates Fleischauer, Pushkin, Fluharty, Lovejoy, Hornbuckle, Longstreth, Diserio, Rowe and Pyles:**

**H. B. 2951** - “A Bill to amend and reenact §16-1-6 of the Code of West Virginia, 1931, as amended; and to amend and reenact §22-1-3 of said code, all relating to requiring the Commissioner of the Bureau for Public Health to conduct a public health impact statement assessing the health impact of any new, or modification to, rule proposed by the Secretary of the Department of Environmental Protection; and requiring the Secretary of the Department of Environmental Protection to incorporate findings of the impact statement into the proposed rule”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Rowe:**

**H. B. 2952** - “A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new section, designated §11A-3-2a, relating to the right of municipalities and counties to buy real estate for delinquent taxes”; to the Committee on Political Subdivisions then Finance.

**By Delegates E. Evans and Bates:**

**H. B. 2953** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-1B-1, §5B-1B-2, §5B-1B-3 and §5B-1B-4, all relating to establishing the Southern West Virginia Lake Development Study Commission; providing legislative findings; establishing the commission and designating its membership; defining components of commission study; authorizing the commission to create committees and utilize university and other state government resources; providing for expense reimbursement for certain

commission members; and requiring reports to the Legislature”; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegate Wilson:**

**H. B. 2954** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60-3A-32; and to amend and reenact §60-7-12 of said code, all relating to cut off time for serving liquor”; to the Committee on the Judiciary.

**By Delegates Walters, Moore, Storch, Byrd, Upson, Householder, Nelson and Ambler:**

**H. B. 2955** - “A Bill to amend and reenact §19-23-2 and §19-23-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto six new sections, designated §19-23-9a, §19-23-9b, §19-23-9c, §19-23-9d, §19-23-9e and §19-23-9f, all relating to advance deposit wagering; adding definitions; establishing legislative intent; authorizing advance deposit wagering; establishing prohibited acts; requiring contracts between advance deposit wagering provider and racing association; requiring advance deposit wagering providers obtain bonds; requiring advance deposit wagering providers have a plan of operation; and establishing source market fees”; to the Committee on the Judiciary then Finance.

**By Delegates Walters, Boggs and Rowe:**

**H. B. 2956** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §62-15-9a, relating to establishing a new special revenue fund, designated the Adult Drug Court Participation Fund, for the purpose of collecting and remitting moneys to the State Treasury for participation in an adult drug court program administered by the Supreme Court of Appeals”; to the Committee on the Judiciary then Finance.

**By Delegate Walters:**

**H. B. 2957** - “A Bill to repeal §21-5-14, §21-5-14a and §21-5-15 of the Code of West Virginia, 1931, as amended, relating to labor; employer’s bond for wages; and penalties for violations, including civil and criminal penalties”; to the Committee on the Judiciary then Finance.



**By Delegates Walters, Boggs and Phillips:**

**H. B. 2958** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto seventeen new sections, designated §31-15A-1a, §31-15A-9a, §31-15A-10a, §31-15A-11a, §31-15A-11b, §31-15A-12a, §31-15A-13a, §31-15A-14a, §31-15A-15a, §31-15A-17c, §31-15A-18a, §31-15A-19a, §31-15A-20a, §31-15A-21a, §31-15A-22a, §31-15A-23a and §31-15A-24a; to amend and reenact §31-15A-2, §31-15A-8, §31-15A-10, §31-15A-11 and §31-15A-17 of said code; and to amend and reenact §31-15C-4 of said code, all relating generally to development of infrastructure in the state; establishing purposes for amendments to develop broadband infrastructure; providing for development of broadband middle mile infrastructure; defining new terms; creating separate infrastructure fund for broadband middle mile infrastructure projects; providing for deposits and expenditures; requiring certain agencies to apply for grant funds in furtherance of broadband middle mile infrastructure projects; setting forth additional powers and duties for Water Development Authority and Broadband Enhancement Council; creating West Virginia Infrastructure Fund for Broadband Middle Mile Development; providing for disposition of funds on termination or dissolution of authority; authorizing issuance of broadband middle mile revenue bonds; creating West Virginia Broadband Middle Mile Infrastructure Revenue Debt Service Fund; providing for funding of debt service fund; specifying requirements for issuance of bonds; providing for contents of trust agreement and trustee for bonds; specifying remedies available to bondholders, noteholders and trustees; making broadband middle mile infrastructure revenue bonds lawful investments; providing for purchase, cancellation and refunding of bonds; declaring bonds are not state debts and are exempt from taxation; requiring periodic reporting; limiting personal liability; and permitting legislative and emergency rulemaking”; to the Committee on Government Organization then Finance.

**By Delegate Walters:**

**H. B. 2959** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §47-26-2a, relating to requiring all pawnbrokers to upload pictures to their

website of all pawned items before these items may be sold”; to the Committee on the Judiciary.

**By Delegates Nelson and Boggs:**

**H. B. 2960** - “A Bill to amend and reenact §11-10-12 of the Code of West Virginia, 1931, as amended, relating generally to tax procedures and administration; and providing additional circumstance allowing the Tax Commissioner to withdraw tax liens”; to the Committee on Finance.

**By Delegates Nelson and Boggs:**

**H. B. 2961** - “A Bill to amend and reenact §47-20-23 of the Code of West Virginia, 1931, as amended; and to amend and reenact §47-21-21 of said code, all relating generally to charitable bingo games and charitable raffles; setting forth procedures for appealing administrative sanctions against charitable bingo or charitable raffle licensee by timely petitioning the Office of Tax Appeals”; to the Committee on the Judiciary then Finance.

**By Delegates Nelson and Boggs:**

**H. B. 2962** - “A Bill to amend and reenact §11-1-1 of the Code of West Virginia, 1931, as amended, relating to enlarging the authority of the Tax Commissioner to perform background investigations of employees and contractors; and making technical corrections”; to the Committee on Finance.

**By Delegates Nelson and Boggs:**

**H. B. 2963** - “A Bill to amend and reenact §11-11-17a of the Code of West Virginia, 1931, as amended, relating to eliminating tax lien waiver requirement for estates of nonresidents”; to the Committee on Finance.

**By Delegate Bates:**

**H. B. 2964** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-1A-2a; to amend and reenact §11-15-3a of said code; to amend and reenact §11-17-3 of said code; to amend said code by adding thereto a new section, designated §11-21-4g; and to amend and reenact §11-24-4 of said code, all relating to implementing the ‘Budget Stabilization Act of 2017’; placing a limited budget freeze

of four years to 2015 Governor's budget proposal, excepting certain funding obligations; providing a temporary food tax; providing for an increase in the tobacco tax; providing for a temporary increase in the personal income tax rates; providing for a temporary increase in the corporation net income tax; and providing for a removal of certain taxes sooner upon sufficient funding to state reserve account"; to the Committee on Health and Human Resources then Finance.

**By Delegate Bates:**

**H. B. 2965** - "A Bill to amend and reenact §15-2D-3 of the Code of West Virginia, 1931, as amended; relating to Capitol Complex security access; permitting the issuance of electronic keycards to certain individuals by the Director of the Division of Protective Services; providing for the renewal thereof; setting expiration dates; requiring the development of forms for the application for electronic keycards by the director or his or her designee by eligible individuals; establishing application fee; allowing certain state employees to waive certain fees; providing for the deposit of application fees into a special revenue account; providing that privileges attaching to keycards are not transferable; and providing for revocation of keycards for violation of the conditions of issuance and at the discretion of the director"; to the Committee on the Judiciary then Finance.

**By Mr. Speaker (Mr. Armstead) and Delegates Shott, Hanshaw, Summers, Sobonya, Lane, N. Foster, Overington, Fast, G. Foster and O'Neal:**

**H. B. 2966** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-14-1, §61-14-2, §61-14-3 and §61-14-4, all relating to creating the West Virginia Sentencing Commission; establishing composition and membership of commission; providing legislative findings and purpose; setting forth objectives for the commission to pursue; and providing powers and duties of the commission"; to the Committee on the Judiciary.

**By Delegates Nelson and Boggs:**

**H. B. 2967** - "A Bill to amend and reenact §44-3A-3 of the Code of West Virginia, 1931, as amended, relating generally to

administration of estates and trusts; transferring to county commissions duty to administer fiduciary supervisor/fiduciary commissioner qualifying test and provide annual training seminar”; to the Committee on Finance.

**By Delegates Thompson, Marcum, Rodighiero and Hicks:**

**H. B. 2968** - “A Bill to amend and reenact §19-1A-3 of the Code of West Virginia, 1931, as amended, relating to requiring moneys collected from the sale of timber realized through management of the state-owned forests and parks be distributed on a pro rata basis to the specific forest or park that was timbered; and creating a special fund”; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegates Williams, Caputo, Ferro, Sponaugle, Fleischauer, Miley, Canestraro, Hornbuckle, Rowe and Hamilton:**

**H. B. 2969** - “A Bill to amend and reenact §21-5C-2 of the Code of West Virginia, 1931, as amended, relating to increasing the minimum wage based upon increases in the consumer price index”; to the Committee on Industry and Labor then Finance.

**By Delegates Cowles, Westfall, Kelly, Zatezalo and Boggs:**

**H. B. 2970** - “A Bill to repeal §8A-12-21 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-22-2 of said code, all relating generally to additional county excise taxes on the privilege of transferring real property; repealing the additional county excise tax on the privilege of transferring real property in county’s where the county commission has created a farmland protection program; and, authorizing an additional county excise tax on the privilege of transferring real property in counties where the county commission has created either a farmland protection program or a certified development community program”; to the Committee on Political Subdivisions then Finance.

**By Delegates Cowles, Westfall, Kelly, Zatezalo and Boggs:**

**H. B. 2971** - “A Bill to amend and reenact §7-12-12 of the Code of West Virginia, 1931, as amended, relating to granting the State Auditor the authority to audit the books and records of local

economic development authorities; and permitting, in the alternative, the authority to be audited by an independent Certified Public Accountant with copies forwarded to the county commission and the Auditor”; to the Committee on Political Subdivisions then Government Organization.

**By Delegate Love:**

**H. B. 2972** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §47-11C-9, relating to requiring service stations that sell motor fuel to the public have backup generators for use during emergencies”; to the Committee on Small Business, Entrepreneurship and Economic Development then the Judiciary.

**By Delegates Howell, Criss, Ward, C. Romine, Atkinson and Sypolt:**

**H. B. 2973** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-26b; and to amend said code by adding thereto a new section, designated §18-11-8b, all relating to requiring the regional education service agencies to cease offering firefighter training courses and vesting the responsibility with the WVU Cooperative Extension Service to continue offering the same or equivalent courses;” to the Committee on Education.

**By Delegates Lovejoy, Rohrbach, Hornbuckle, Canestraro, Williams, Lane, Fleischauer and Robinson:**

**H. B. 2974** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-41, relating to public school education in dating violence, domestic abuse and sexual violence prevention”; to the Committee on Education.

**By Delegates Caputo, Ward and Longstreth:**

**H. B. 2975** - “A Bill to amend and reenact §7-1-3cc of the Code of West Virginia, 1931, as amended, relating to authorizing the change of charging 911 fees to land line telephone bills to being charged to electric bills”; to the Committee on Political Subdivisions then Finance.

**By Delegates Williams, Brewer, Caputo, Canestraro, R. Miller, Isner, Baldwin, Statler and Walters:**

**H. B. 2976** - “A Bill to amend and reenact §46A-6L-101 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §46A-6L-104a, all relating to the theft of consumer identity protections; including protection for theft of identity information of persons sixty years of age or older or individuals under eighteen years of age; adding definitions; providing that a report to law-enforcement agency is prima facie evidence of identity theft; and providing both misdemeanor and felony penalties for violations”; to the Committee on the Judiciary.

**By Delegates Williams, Barrett, Statler, Lynch, Sponaugle, Iaquina and Hamrick:**

**H. B. 2977** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-8d, relating to requiring the Commissioner of Highways to develop an app and a map that permits individuals to report, and keep track of, potholes on the roads and streets of the state”; to the Committee on Roads and Transportation then Government Organization.

**By Delegate Shott:**

**H. B. 2978** - “A Bill to amend and reenact §38-1-13 of the Code of West Virginia, 1931, as amended; to amend and reenact §44D-1-103 and §44D-1-107 of said code; to further amend said code by adding thereto a new section, designated §44D-1-113; to amend and reenact §44D-3-303 of said code; to amend and reenact §44D-4-403, §44D-4-405, §44D-4-409 and §44D-4-414 of said code; to amend and reenact §44D-5-503b and §44D-5-505 of said code; to amend and reenact §44D-6-604 of said code; and to amend and reenact §44D-8-813 and §44D-8-817 of said code; all relating generally to trusts and their administration; removing the requirement of notice to certain trustees; modifying definitions; establishing the insurable interest of a trustee; increasing amount of noncharitable trust property to modify or a terminate trust without court approval; requiring qualified trustee be independent to meet definition of ‘qualified interest’; adding reference to exception to provision allowing creditor or assignee to reach

amount distributed for grantor's benefit; changing references from beneficiary to interested person in limitations on actions to contest validity of revocable trust; modify duties of trustee to inform and report to beneficiaries; and requiring trustee to wind up administration of trust upon its termination"; to the Committee on the Judiciary.

**By Delegates Moore, Barrett, Summers, Shott, Espinosa, Upson, C. Miller, Cowles, Kessinger, Miley and Fleischauer:**

**H. B. 2979** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §60-10-1, §60-10-2, §60-10-3 and §60-10-4, all relating to the creation of a resort license for the sale of alcoholic liquors and nonintoxicating beers throughout the premises of a resort; setting forth legislative findings and purposes; defining terms; providing for the establishment of a resort license; and providing rulemaking authority to the West Virginia Alcohol Beverage Control Commissioner"; to the Committee on the Judiciary.

**By Delegates Moore, Summers, Shott, Hollen, Sobonya, Hanshaw, C. Miller, Kessinger, N. Foster and O'Neal:**

**H. B. 2980** - "A Bill to amend and reenact §59-1-11 of the Code of West Virginia, 1931, as amended, relating to civil lawsuit filing fees for multiple defendant civil action; and requiring payment of an additional filing fee for each additional defendant plead in a civil action"; to the Committee on the Judiciary then Finance.

**By Delegates Miley, Bates, Fluharty, Baldwin, Fleischauer, Marcum, Eldridge, Brewer, Robinson, Love and Hartman:**

**H. B. 2981** - "A Bill to amend and reenact §4-2A-3 of the Code of West Virginia, 1931, as amended, relating to limiting the number of days members of the Legislature may receive compensation during an extended and extraordinary session if the budget bill has not been enacted"; to the Committee on the Judiciary then Finance.

**By Delegate Upson:**

**H. B. 2982** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-22-15a; and to amend and reenact §29B-1-4 of said code, all relating to allowing Powerball, Mega Millions and Hot Lotto ticket winners to remain anonymous; providing procedures by which such winners can request anonymity; and providing an exemption under the Freedom of Information Act for Powerball, Mega Millions and Hot Lotto ticket winner information”; to the Committee on the Judiciary.

**Special Calendar****Second Reading**

**Com. Sub. for H. B. 2007**, Eliminating courtesy patrol programs; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2119**, Repealing West Virginia Health Benefit Exchange Act; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2518**, Creating a legislative rule to permit a pharmacist or pharmacy intern to administer certain immunizations; on second reading, coming up in regular order, was read a second time.

Delegate Folk asked unanimous consent that the bill be advanced to third reading with restricted right to amend by Delegates Folk, Ellington and Summers, which consent was not given, objection being heard.

Delegate Folk then moved that the bill be advanced to third reading with restricted right to amend by Delegates Folk, Ellington and Summers and subsequently asked and obtained unanimous consent to withdraw his motion.

Delegate Folk then asked unanimous consent that the bill be advanced to third reading with restricted right to amend jointly by Delegates Folk, Ellington, Summers, Howell and Arvon, which consent was not given, objection being heard.



Delegate Folk subsequently moved that the bill be advanced to third reading with restricted right to amend jointly by Delegates Folk, Ellington, Summers, Howell and Arvon.

On this motion the yeas and nays were taken (**Roll No. 85**), and there were—yeas 92, nays 7, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Deem, Hollen, Overington, Pushkin, Rohrbach, Sobonya and Zatezalo.

Absent and Not Voting: Storch.

So, two thirds of the members present and voting having voted in the affirmative, the motion was adopted.

The bill was advanced to third reading with restricted right to amend jointly, and the rule was suspended to permit the consideration of the amendment on that reading.

**Com. Sub. for H. B. 2538**, Relating to the licensure of physician assistants; on second reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Cowles, and by unanimous consent, the bill was postponed one day.

#### **First Reading**

**Com. Sub. for H. B. 2618**, Relating to body mass index; 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, leave of absence for the day was granted Delegate Storch.

#### **Miscellaneous Business**

Delegate Caputo asked and obtained unanimous consent that the remarks of Delegate Brewer during Remarks by Members today be printed in the Appendix to the Journal.

Delegate Ward filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2185.

Delegate Marcum filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2569.

Delegate Lovejoy filed forms with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2845 and H. B. 2916.

Delegate Canestraro filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2845.

Delegate Frich filed forms with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2942 and H. B. 2977.

Delegate Eldridge filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2569.

Delegate R. Miller filed forms with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2426, H. B. 2565, H. B. 2569, H. B. 2917 and H. B. 2920.

Delegate Thompson filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2917.

At 12:25 p.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, March 14, 2017.

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Tuesday, March 14, 2017

**THIRTY-FIFTH DAY**

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

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

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

The Clerk proceeded to read the Journal of Monday, March 13, 2017, 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 Com. Sub. for H. B. 2538, on Second Reading, Special Calendar, to the House Calendar.

**Committee Reports**

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

Your Committee on Government Organization has had under consideration:

**H. B. 2833**, Specifying the contents and categories of information for inclusion in annual reports,

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:

**H. B. 2839**, Updating the procedures for legislative review of departments and licensing boards,

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

**Com. Sub. for H. B. 2839** – “A Bill to amend and reenact §4-10-3, §4-10-6, §4-10-7, §4-10-8, §4-10-10 and §4-10-14 of the Code of West Virginia, 1931, as amended, all relating generally to updating the procedures for legislative review of departments and licensing boards; amending definitions; defining the timing and scope of department presentations; eliminating analysis of websites as a review component; updating regular schedules for agency and regulatory board reviews; and authorizing reviews and reorganizations outside of the regular review schedules.”

And,

**H. B. 2852**, Relating to the preparation of a comprehensive annual financial report,

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

**Com. Sub. for H. B. 2852** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-1-21, relating to authorizing a person to practice professions and occupations for a charitable function; provides qualifications for volunteers; provides volunteers may be compensated; limits volunteer authorization to twenty-one days; requires information be provided to the applicable board; requires record keeping of volunteer authorizations; and provides boards may not charge a fee for charitable practice.”

With the recommendation that the committee substitutes each do pass.

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

Your Committee on Government Organization has had under consideration:

**H. B. 2841**, Requiring board members to have attended a board meeting in order to be compensated for the meeting,

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. 2841) was referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2546**, Allowing replacement costs of employer provided property to be deducted from an employee's final paycheck if the property is not returned,

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

**Com. Sub. for H. B. 2546** – “A Bill to amend and reenact §21-5-1 and §21-5-4 of the Code of West Virginia, 1931, as amended, relating to allowing replacement costs of employer provided property to be deducted from an employee's final paycheck if the property is not returned; defining terms; setting forth conditions upon which an employer may withhold, deduct or divert replacement costs for employer provided property that has been timely returned; and authorizing withholding, deduction or diversion with consent of employee,”

And,

**H. B. 2676**, Transferring the Security office under the Division of Culture and History to the Division of Protective Services,

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

**Com. Sub. for H. B. 2676** – “A Bill to amend and reenact §15-2D-3 of the Code of West Virginia, 1931, as amended, relating to transfer of the Director of Security and security officers who are employed by the Division of Culture and History to the Division of Protective Services,”

With the recommendation that the committee substitutes each do pass.

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2811**, Relating to the definition of above ground storage tanks,

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

**Com. Sub. for H. B. 2811** – “A Bill to amend and reenact §22-30-3 of the Code of West Virginia, 1931, as amended, relating to the definition of above ground storage tanks to clarify and amend categories of exempt devices,”

With the recommendation that the committee substitute 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:

**H. B. 2766**, Establishing a new special revenue fund, designated the Adult Drug Court Participation Fund,

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:

**H. B. 2555**, Relating to tax credits for apprenticeship training in construction trades,

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

**Com. Sub. for H. B. 2555** – “A Bill to amend and reenact §11-13W-1 of the Code of West Virginia, 1931, as amended, relating to tax credits for apprenticeship training in construction trades; removing requirement that eligibility is limited to programs jointly administered by labor and management trustees; conforming provisions to current law,”

**H. B. 2586**, Relating to required minimum distribution of retirement benefits of plans administered by the Consolidated Public Retirement Board,

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

**Com. Sub. for H. B. 2586** – “A Bill to amend and reenact §5-10-27b of the Code of West Virginia, 1931, as amended; to amend and reenact §7-14D-9b of said code; to amend and reenact §8-22A-11 of said code; to amend and reenact §15-2-45 of said code; to amend and reenact §15-2A-6b of said code; to amend and reenact §16-5V-13 of said code; to amend and reenact §18-7A-28b of said code; to amend and reenact §18-7B-12a of said code; and to amend and reenact §51-9-12b of said code, all relating to required minimum distribution of retirement benefits of plans administered by the Consolidated Public Retirement Board; providing for treatment of benefits in the event of a members death; and bringing code into conformity with federal law,”

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

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

**Com. Sub. for H. B. 2694** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-4-55, relating to the development and implementation of a program to facilitate commercial sponsorship of rest areas, welcome centers and roads; providing for sponsorship agreements; providing for agreement requirements; providing for disposition of funds received from agreements; providing for the promulgation of emergency or legislative rules; and providing for a report of the status of the program,”

And,

**H. B. 2739**, Relating to supplemental Medicaid provider reimbursement,

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

**Com. Sub. for H. B. 2739** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated, §9-5-25, relating to supplemental Medicaid reimbursements for ground emergency medical transportation services providers,”

With the recommendation that the committee substitutes each do pass.

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2868**, Relating generally to Uniform Unclaimed Property Act,

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

**Com. Sub. for H. B. 2868** – “A Bill to amend and reenact §36-8-2 of the Code of West Virginia, 1931, as amended, relating generally to Uniform Unclaimed Property Act; and clarifying that



presumed abandoned property in the form of amounts owed by an insurer on a life or endowment insurance policy or an annuity that has matured or terminated, and obligations related thereto, are guided by policies, requirements and interpretations of the Insurance Commissioner.”

With the recommendation that the committee substitute do pass.

### **Messages from the Executive**

Mr. Speaker, Mr. Armstead, presented a communication from His Excellency, the Governor, advising that on March 13, 2017, he approved **Com. Sub. for H. B. 2740, S. B. 176 and S. B. 188.**

### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2017, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 212** - “A Bill to amend and reenact §17C-5-2, §17C-5-2b, §17C-5-4, §17C-5-7 and §17C-5-12 of the Code of West Virginia, 1931, as amended; to amend and reenact §17C-5A-1, §17C-5A-1a and §17C-5A-3 of said code; to amend said code by adding thereto two new sections, designated §17C-5A-1b and §17C-5A-1c; to amend said code by adding thereto a new section, designated §17C-5C-6; and to amend and reenact §17C-19-3 of said code, all relating generally to the procedures for drivers’ license suspensions and revocations for driving under the influence of alcohol, controlled substances or drugs; transferring authority for hearing matters related to suspensions or revocations of drivers’ license for operating a motor vehicle while under the influence of alcohol, controlled substances or drugs from the Office of Administrative Hearings to courts; establishing mandatory revocation periods for individuals convicted of driving under the influence; authorizing alternate revocation period involving participation in Motor Vehicle Alcohol Test and Lock Program for certain first offenses; establishing mandatory revocation periods

for individuals upon subsequent convictions for driving under the influence; directing Commissioner of Division of Motor Vehicles to revoke driver's license upon conviction for driving under the influence; requiring individuals whose driver's licenses have been revoked upon conviction for driving under the influence to complete comprehensive safety and treatment program before driver's license can be reinstated; prohibiting persons convicted of certain felonies from participating in Motor Vehicle Alcohol Test and Lock Program; permitting persons convicted of certain misdemeanors to participate in Motor Vehicle Alcohol Test and Lock Program; requiring driver consent to requiring participation in Motor Vehicle Alcohol Test and Lock Program; requiring any period of revocation imposed pursuant to a conviction begin once any period of incarceration has been served; making individuals who are found guilty of driving under the influence ineligible for deferral of further proceedings upon condition of participation in Motor Vehicle Alcohol Test and Lock Program; requiring deferral program to be completed within one year; prohibiting secondary test of blood without issuance of warrant signed by a magistrate or circuit judge; authorizing secondary test of blood with written consent; requiring that individual arrested for driving under the influence be advised verbally of certain consequences for refusal to submit to secondary chemical test; requiring that individual arrested for driving under the influence be given written statement informing the individual of legal consequences of taking or refusing to submit to secondary chemical test and informing the individual of right to receive secondary blood test; requiring arresting officer to wait fifteen minutes before refusal considered final; requiring that, following an individual's refusal to submit to secondary chemical test, an arresting officer execute a signed statement that the officer administered all required warnings; directing officer to submit copy of written statement to Commissioner of Division of Motor Vehicles and court having jurisdiction over charges filed against the individual; eliminating all statutory provisions authorizing or requiring the Commissioner of the Division of Motor Vehicles to take administrative action upon an individual's driver's license on the basis of a driving under the influence arrest absent direction from court; directing Bureau for Public Health to prepare report for Joint Committee on

Government and Finance related to minimum levels of drugs and controlled substances to be admitted as prima facie evidence of driving under the influence and minimum levels that laboratories can reliably identify and measure in blood; limiting administrative jurisdiction of Division of Motor Vehicles and Office of Administrative Hearings to offenses occurring on or before June 30, 2017; providing that administrative hearings relating to refusal to undergo a secondary chemical test does not apply to offenses occurring on or after July 1, 2017; eliminating requirement for an order entered by the Division of Motor Vehicles revoking a driver's license to advise of procedures for requesting administrative hearing when the offense is driving under the influence; limiting the right of individuals to challenge suspension or revocation of driver's licenses to the issue of mistaken identity; requiring the commissioner to take corrective action if a driver's license is incorrectly suspended or revoked based on mistaken identity; providing that plea of no contest constitutes a conviction; requiring pretrial suspension of driver's license if individual refuses to submit to secondary chemical test; permitting pretrial suspension of driver's license by court under certain circumstances; establishing right to request and receive hearing of suspension orders pending criminal proceedings in court where case is pending; setting time limits for defendant to request hearing and for hearing to be held; requiring the clerk of a court to transmit a copy of an order suspending or revoking a driver's license and any surrendered license to the Division of Motor Vehicles; providing terms and length of pretrial license suspension; giving persons convicted of driving under the influence credit for pretrial suspension time against period of revocation imposed; authorizing court to modify pretrial suspension of driver's license; providing that any period of modified pretrial driver's license suspension is not credited against future period of revocation imposed; establishing the scope of review for judicial review of pretrial driver's license suspension for refusal to submit to secondary chemical test; directing clerk of court to forward orders on refusal hearings to Division of Motor Vehicles; providing that finding of driver refusal is final if no hearing requested; prescribing periods of revocation for Commissioner of Division of Motor Vehicles to impose upon receipt of court order on refusal; directing copy of

revocation order to be sent to person by certified mail; specifying contents of order; providing that revocation for refusal run concurrently with other revocation imposed as a result of same incident that led to refusal; making persons convicted of driving under the influence eligible for participation in comprehensive safety and treatment program and related reductions in length of revocation for successful completion thereof; establishing procedures and timeline for the Office of Administrative Hearings to transfer jurisdiction of certain driver's license suspension and revocation matters to the courts; establishing timeline for OAH to transfer jurisdiction of certain driver's license suspension and revocation matters to Division of Motor Vehicles; directing arresting officer to request, and driver to surrender, driver's license upon arrest for driving under the influence; eliminating obsolete language; and making technical corrections"; 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

**Com. Sub. for S. B. 299** - "A Bill supplementing, amending, decreasing and increasing items of the existing appropriations from the State Road Fund to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2017, organization 0803, for the fiscal year ending June 30, 2017"; 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. 300** - "A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2017, to the Department of Administration, Division of Personnel, fund 2440, fiscal year 2017, organization 0222, by supplementing and amending the appropriations for the

fiscal year ending June 30, 2017”; 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. 301** - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2017, to the Department of Education, State Board of Education – School Lunch Program, fund 8713, fiscal year 2017, organization 0402, by supplementing and amending the appropriation for the fiscal year ending June 30, 2017.”

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the bill (Com. Sub. for S. B. 301) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading

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. 305** - “A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2017, to the Department of Military Affairs and Public Safety, Fire Commission – Fire Marshal Fees, fund 6152, fiscal year 2017, organization 0619, by supplementing and amending the appropriations for the fiscal year ending June 30, 2017”; which was referred to the Committee on Finance.

A message from the Senate, by

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

**Com. Sub. for S. B. 344** - “A Bill to amend and reenact §46A-2-115 of the Code of West Virginia, 1931, as amended; and to amend and reenact §46A-3-111, §46A-3-112 and §46A-3-113 of said code, all relating to application of payments and partial payments on a consumer credit sale and consumer loans; and assessing delinquency charges on such loans; which was referred to the Committee on the Judiciary.”

### **Resolutions Introduced**

Delegates Hamrick, Queen and Howell offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

**H. C. R. 84** – “Requesting the Division of Highways to name bridge number 17-9-5.09 (17A350) (39.3443, -80.4013) locally known as Gregory Run Bridge carrying County Route 9 over Ten Mile Creek, in Harrison County, the ‘U.S. Army Air Force S/SGT Harold “Dean” Baker Memorial Bridge’.”

Whereas, Harold “Dean” Baker was born on October 13, 1923, in Salem, West Virginia, the son of William Henry Baker and Mae Davis Baker. He enlisted in the U. S. Army Air Force on December 8, 1942, and received an honorable discharge on October 31, 1945. During his service he was a Staff Sergeant with the 15<sup>th</sup> Air Force of the 737<sup>th</sup> Bomb Squadron, 454<sup>th</sup> Bomb Group as an Aerial Gunner and Radio Operator. On April 21, 1944, while on a mission to bomb oil fields in Romania, the B-24 Bomber he was on developed engine problems and crash landed in Yugoslavia on its return. He was taken prisoner and was in Stalag Luft 3 in Poland and later taken to Nuremberg, Germany. He was liberated on April 25, 1945; and

Whereas, Harold “Dean” Baker married Georgia L. Elbon in 1946 and lived in Reynoldsville until his death in September, 2000. He retired as a self-employed carpenter at the age of 42, due to disabling arthritis, and other health problems. He was a member of the Veterans of Foreign Wars Post No. 573, Disabled American Veterans Chapter 1, Barb-Wire Mountaineers, West Virginia ex-prisoners of war, and the Reynoldsville Baptist Church. He was

survived by sons Kevin Baker and wife, Terri Baker, Sardis, West Virginia, Gary Baker and wife, Cheryl Baker, Reynoldsville, West Virginia, daughters Cathy Wells and husband, William Wells, Salem, West Virginia and a now deceased daughter Vicki Baker Bowers, eight grandchildren, four great-grandchildren and two great-great grandchildren; and

Whereas, Naming the bridge number 17-9-5.09 (17A350) (39.3443, -80.4013) locally known as Gregory Run Bridge carrying County Route 9 over Ten Mile Creek, in Harrison County, the “U.S. Army Air Force S/SGT Harold ‘Dean’ Baker Memorial Bridge” is an appropriate recognition of his contributions to his country, state, community and Harrison County; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name the bridge number 17-9-5.09 (17A350) (39.3443, -80.4013) locally known as Gregory Run Bridge carrying County Route 9 over Ten Mile Creek, in Harrison County, the “U.S. Army Air Force S/SGT Harold ‘Dean’ Baker Memorial Bridge”; and, be it

*Further Resolved*, That the Commissioner of the Division of Highways is requested to have made and be placed signs identifying the bridge as the “U.S. Army Air Force S/SGT Harold ‘Dean’ Baker Memorial 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.

Delegates Longstreth, Iaquina, Lynch, Hartman, Fleischauer, McGeehan, Sponaule, Hornbuckle and Rowe offered the following resolution, which was read by its title and referred to the Committee on Veterans’ Affairs and Homeland Security then Rules:

**H. C. R. 85** - “Requesting Congress to enact legislation to allow any honorably discharged military reservist regardless of whether he or she was called to active duty to have access to a

veterans hospital health services and that veterans hospitals determine fees based upon ability to pay.”

Whereas, All military reservists who have given honorable service to our country deserve our respect and gratitude; and

Whereas, Whether or not they were called to active duty is something they had no control over; and

Whereas, Veterans hospitals should serve all persons who have served in some role in our armed forces; and

Whereas, The means test used to determine eligibility for free or reduced cost services should reflect realistic evaluations of ability to pay; therefore, be it

*Resolved by the Legislature of West Virginia:*

That Congress is requested to enact legislation to allow any honorably discharged military reservist regardless of whether he or she was called to active duty to have access to a veterans hospital health services and that veterans hospitals determine fees based upon ability to pay; and, be it

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

Delegates Hornbuckle, Upson, Blair, Longstreth, Fleischauer, Lovejoy, Rowan, Lynch, Fluharty, C. Miller and Sobonya offered the following resolution, which was read by its title and referred to the Committee on Health and Human Resources then Rules:

**H. C. R. 86** – “Requesting the Joint Committee on Government and Finance study post-treatment protocols for a person diagnosed with triple negative breast cancer.”

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on Government and Finance is requested to study post-treatment protocols for a person diagnosed with triple negative breast cancer; and, be it



*Further Resolved*, That the Joint Committee on Government and Finance request the assistance of the West Virginia Division of Cancer Epidemiology, the State Medical Association and the West Virginia American Cancer Society, in reviewing the post-treatment protocols for a person diagnosed with triple negative breast cancer and in determining whether the post-treatment protocols need to be changed to ensure a recurrence is diagnosed quickly and accurately; and, be it

*Further Resolved*, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2018, on its findings, conclusions and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

*Further Resolved*, That the expenses necessary to conduct this study and to prepare and draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Delegate Eldridge 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 rename the section of U.S. Route 119 that runs through Lincoln County the ‘Deputy Sheriff SGT. Justin Alan Thompson Memorial Highway’.”

Whereas, House Concurrent Resolution No. 10 passed during the 2010 Regular Session of the Legislature naming the section of U.S. Route 119 that runs through Lincoln County the “SGT. Justin Alan Thompson Memorial Highway”. SGT. Justin Alan Thompson was a member of the Lincoln County Sheriff’s Department when he was killed in the line of duty on June 19, 2007. It would be fitting to add to the signs identifying the section of U.S. Route 119 that runs through Lincoln County the “Deputy Sheriff SGT. Justin Alan Thompson Memorial Highway”; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to rename the section of U.S. Route 119 that runs through Lincoln County as “SGT. Justin Alan Thompson Memorial Highway”, language that Sgt. Thompson was a Deputy Sheriff in Lincoln County such as “Deputy Sheriff SGT. Justin Alan Thompson Memorial Highway”; and, be it

*Further Resolved*, That the Division of Highways is requested to have made and be placed signs identifying the section of U.S. Route 119 that runs through Lincoln County “Deputy Sheriff SGT. Justin Alan Thompson Memorial Highway”; and, be it

*Further Resolved*, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation.

Delegates Caputo, Baldwin, Barrett, Bates, Boggs, Brewer, Byrd, Canestraro, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Frich, Hamilton, Hartman, Hicks, Hornbuckle, Iaquinta, Isner, Lane, Longstreth, Love, Lovejoy, Lynch, Marcum, Maynard, Miley, R. Miller, Moye, Pethtel, Phillips, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaugle, Storch, Thompson, Ward and Williams offered the following resolution, which was read by its title and referred to the Committee on Energy then Rules:

**H. C. R. 88** – “Urging the United States Congress to pass, and the President to sign into law, legislation to extend and expand the current federal tax credit for carbon capture, utilization and storage.”

Whereas, According to the United States Department of Energy, “A diverse portfolio of energy resources is critical to U.S. energy and national security”, and, “A diverse energy system has the inherent benefits of being more robust and resilient in comparison to a system that is heavily dependent on a limited set of energy resources”, and “A system that is diverse helps insulate the economy from certain risks, including price volatility and risks from supply disruptions that can affect the availability of particular energy resources or infrastructure”, and “CCUS brings with it

significant economic benefits across a range of economic sectors, including mining and extraction, energy infrastructure, the manufacture of CCUS equipment, supply chains including component parts and raw materials, and the creation of a new CO2 commodity industry for use in enhanced oil recovery, bio-refining, and other products”, and “A combination of tax incentives, research and development, demonstration, and deployment will be critical in developing transformational carbon capture technologies and to drive down the cost of capture;” and

Whereas, The United States has abundance supplies of coal that provide important economic and energy security benefits to our nation; and

Whereas, West Virginia has long been committed to and is a leader in the research and development of technologies that provide clean and safe power generation; and

Whereas, Reliable and affordable electricity is vital to the economic growth of West Virginia, the creation and preservation of jobs, and the overall welfare of its citizens; and

Whereas, West Virginia is the second largest coal producing state and seventh largest natural gas producing state in the nation; and

Whereas, West Virginia is the fourth largest net exporter of electricity to other states in the nation; and

Whereas, West Virginia has the nation’s third largest recoverable reserves of coal and the nation’s fourth largest proved reserves of natural gas; and

Whereas, In West Virginia, ninety-nine percent of the generated electricity comes from coal; and

Whereas, Coal is responsible for more than \$3.5 billion annually in the gross state product; and

Whereas, In 2015, according to the West Virginia Office of Miners’ Health, Safety and Training, the West Virginia mining

industry employs 48,327 people, and preservation of the coal industry is vital to our state economy; and

Whereas, A central element of a sustainable energy strategy for West Virginia is continued research and development of carbon reduction strategies, such as CO<sub>2</sub> capture, utilization, and storage through emerging technologies such as geological sequestration, mineral carbonation, and the beneficial use of captured CO<sub>2</sub>, in order to maximize economic opportunities; and

Whereas, West Virginia institutions such as West Virginia National Research Center for Coal and Energy, West Virginia State University Energy and Environmental Science Institute, and others strive to develop technologies that will allow efficient carbon capture through collaboration or applied CO<sub>2</sub> research, practical applications, workforce development and public education; and

Whereas, Legislation is needed to enhance current federal tax incentives so as to sustain and promote such collaborations and encourage private industry in manufacturing, energy generation, and food production, to implement and support new technologies that increase CO<sub>2</sub> capture, utilization, and storage; therefore, be it

*Resolved by the Legislature of West Virginia:*

That we call upon the United States Congress to pass, and the President to sign into law, legislation to extend and expand the current federal tax credit for carbon capture, utilization and storage under Section 45Q of the Internal Revenue Code; and, be it

*Further Resolved,* That suitable copies of this resolution be delivered to the President of the United States, the Speaker of the United States House of Representatives, the United States Senate Majority Leader, and all members of the West Virginia Congressional Delegation.

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

**By Delegates Cooper, Mr. Speaker (Mr. Armstead), Ambler, Kessinger, N. Foster, Butler, Dean and Deem:**

**H. J. R. 24** – “Proposing an amendment to the Constitution of the State of West Virginia, amending section two, article twelve thereof, relating to education; and providing for the election of members of the State Board of Education, each from the congressional districts, beginning with the general election in the year two thousand twenty; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Education then the Judiciary.

**By Delegates Sponaugle, Iaquinta, Hartman, Lynch, Longstreth, Phillips, McGeehan, A. Evans, Rowan, R. Romine and Hamilton:**

**H. J. R. 25** – “Proposing an amendment to the Constitution of the State of West Virginia amending section 1b, article X thereof, relating to exempting honorably discharged veterans of the Armed Forces of the United States who have been determined to have a one hundred percent disability from ad valorem property taxation on the full amount of assessed value of a primary residence; numbering and designating the proposed amendment; and providing a summarized statement of the purpose of such proposed amendment;” to the Committee on Finance then the Judiciary.

And,

**By Delegates Wilson, Dean, N. Foster, Hill, Wagner, Criss and Higginbotham:**

**H. J. R. 26** – “Proposing an amendment to the Constitution of the State of West Virginia, amending section two, article XII thereof, relating to education, supervision of free schools and organization of the West Virginia Board of Education; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Education then the Judiciary.

### **Bills Introduced**

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

**By Mr. Speaker (Mr. Armstead), Delegates Ambler and Hanshaw:**

**H. B. 2983** - “A Bill to amend and reenact §17-3-6 of the Code of West Virginia, 1931, as amended, relating to requiring the Division of Highways to grant priority to roadway construction, reconstruction and maintenance for roadways prone to recurring floods that hinder ingress and egress to and from residential areas, schools and downtown districts, and that hinder access by emergency response vehicles”; to the Committee on Roads and Transportation then Finance.

**By Delegate Hamrick:**

**H. B. 2984** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-30-1, §29-30-2, §29-30-3, §29-30-4, §29-30-5, §29-30-6, §29-30-7, §29-30-8, §29-30-9 and §29-30-10, all relating to creating the Occupational Board Reform Act; creating the Office of Supervision of Occupational Boards; providing the Attorney General’s Consumer Protection Division with the authority to establish the office; establishing the office’s responsibilities; giving the office the authority to actively supervise state occupational boards; authorizing the office to play a substantial role in the development of an occupational board’s rules and policies, including the approval and disapproval of proposed rules or policies in certain instances; providing for review and oversight by the Attorney General; requiring the Speaker of the House of Delegates and the President of the Senate to establish a position in the nonpartisan research staff to analyze occupational rules; providing for the Legislature’s analysis of occupational rules; providing a short title; establishing its policy; providing for avoidance of liability under federal anti-trust laws; defining terms; providing for statutory interpretation; providing for petitions for review of criminal history; providing for preemption; and providing an effective date”; to the Committee on Government Organization.

**By Delegate Ward:**

**H. B. 2985** - “A Bill to amend and reenact §8-13-7 of the Code of West Virginia, 1931, as amended; and to amend and reenact

§60-3-9d of said code, all relating to taxes on beer and nonintoxicating beer; giving authority to municipalities to impose taxes on beer and nonintoxicating beer; and imposing tax on purchases of beer and nonintoxicating beer outside corporate limits of municipalities for benefit of counties and municipalities”; to the Committee on Political Subdivisions then Finance.

**By Delegates Shott, Frich and Hanshaw:**

**H. B. 2986** - “A Bill to amend and reenact §27-5-2 and §27-5-4 of the Code of West Virginia, 1931, as amended, all relating to involuntary custody of nonresidents for a mental hygiene examination”; to the Committee on the Judiciary.

**By Delegates Frich, Ward, Ambler and Moye:**

**H. B. 2987** - “A Bill to amend and reenact §18C-7-3 and §18C-7-6 of the Code of West Virginia, as amended, all relating to making PROMISE Scholarship funds available for use at community and technical colleges; and making certain employees of the West Virginia Division of Corrections eligible for a PROMISE Scholarship after working for two consecutive years as a correctional officer”; to the Committee on Education then Finance.

**By Delegate R. Miller:**

**H. B. 2988** - “A Bill to amend and reenact §61-3-20 of the Code of West Virginia, 1931, as amended, relating to clarifying the penalties for embezzlement”; to the Committee on the Judiciary.

**By Delegate Baldwin:**

**H. B. 2989** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-3-309, relating to placing limitations on length of time that prescriptions may be issued for schedule II and III controlled substances; and defining a term”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Sypolt, Ward, Paynter and Lewis:**

**H. B. 2990** - “A Bill to amend and reenact §22-6A-12 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §22-6A-12a, all

relating to requiring continuous monitoring of air, noise, dust and particulates; requiring the operator to undertake the best available control technology if standards for air, noise, dust or particulates are exceeded; and changing the set back from horizontal well work activity to a residence to fifteen hundred feet from the limit of well work disturbance”; to the Committee on Energy then the Judiciary.

**By Delegates Rowe, Frich, Caputo, Pyles and White:**

**H. B. 2991** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-24, relating to requiring the Commissioner of Highways to develop a state hotline for travelers to identify road hazards; and requiring the Commissioner of Highways to develop a communications plan to disseminate to the public information about known emergency, life threatening road hazards”; to the Committee on Roads and Transportation then Government Organization.

**By Delegates Wilson, Moore, Dean, Wagner, A. Evans, R. Romine, Higginbotham and Martin:**

**H. B. 2992** - “A Bill to amend and reenact §60A-7-705 of the Code of West Virginia, 1931, as amended; relating to civil asset forfeiture; requiring that the state prove that the owner of seized property has been convicted of a crime and that the seized property was substantially related to said crime before the state can perfect title to the seized property; and requiring that the state return seized property to its owner if the state cannot meet its evidentiary burden”; to the Committee on the Judiciary.

**By Delegate Wilson:**

**H. B. 2993** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §6-9B-1, §6-9B-2, §6-9B-3, §6-9B-4, §6-9B-5 and §6-9B-6, all relating to creating and maintaining a searchable online budget database to easily access the details on how the state is spending tax dollars and what performance results are achieved for those expenditures; designating this as the ‘Budget and Spending Transparency Act’; providing a short title, legislative findings, definitions, content requirements and updates; and compliance by the State Tax Department”; to the Committee on Government Organization then Finance.



**By Delegate Shott:**

**H. B. 2994** - “A Bill to amend and reenact §5-22-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-13-3 of said code; and to amend and reenact §16-13A-7 of said code, all relating to public bidding thresholds; increasing the amounts of projects before a bid is required for municipalities, public service districts and sanitary boards”; to the Committee on Political Subdivisions then Government Organization.

**By Delegates Overington, Paynter and Kessinger:**

**H. B. 2995** - “A Bill to amend and reenact §30-10-3 of the Code of West Virginia, 1931, as amended, relating to permitting certain animal euthanasia technicians who have been certified by other states be certified animal euthanasia technicians in West Virginia”; to the Committee on Agriculture and Natural Resources then Government Organization.

**By Delegate Shott:**

**H. B. 2996** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24A-2-4c, relating to requiring motor carrier vehicle transporting solid waste to be equipped and operated with truck tarpaulins; and establishing criminal penalties”; to the Committee on Roads and Transportation then the Judiciary.

**By Delegate Hanshaw:**

**H. B. 2997** - “A Bill to amend and reenact §18-2-6 of the Code of West Virginia, 1931, as amended, relating generally to applied associate of science degrees that target workforce needs; authorizing certain schools to grant applied associate of science degrees that target workforce needs; requiring the West Virginia State Board of Education to promulgate rules setting the minimum standards for granting applied associate of science degrees that target workforce needs; and limiting the schools that grant applied associate of science degrees that target workforce needs to vocational technical schools which are accredited by the appropriate nationally recognized accrediting agency or association approved by the United States Department of Education”; to the Committee on Education.

**By Delegate Hanshaw:**

**H. B. 2998** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13DD-1, §11-13DD-2, §11-13DD-3, §11-13DD-4, §11-13DD-5, §11-13DD-6 and §11-13DD-7; to amend and reenact §12-6C-11 of said code; and to amend and reenact §31-15-8 of said code, all relating generally to the expansion of broadband service to unserved areas of West Virginia; providing tax credits for providing broadband service and wireless broadband service to unserved areas; requiring Tax Commissioner to propose rules for legislative approval to administer such tax credits; providing definitions; specifying amount, application, restrictions, timing and cap on tax credit; permitting a carryover of credit to subsequent tax year; providing loan insurance for commercial loans used for the expansion of broadband service to unserved or underserved areas”; to the Committee on Finance.

**By Delegate Rohrbach:**

**H. B. 2999** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-5Z-1, §16-5Z-2, §16-5Z-3, §16-5Z-4, §16-5Z-5, §16-5Z-6, §16-5Z-7, §16-5Z-8 and §16-5Z-9, all relating to establishing a program for the licensing and regulation of out-patient substance abuse counseling programs; defining terms; specifying requirements and procedures to be licensed; establishing operational requirements and minimum qualifications for professional staff; providing for inspections with and without warrants; authorizing limitations, denials, suspensions and revocations of licenses for noncompliance with law; describing types of violations; providing for civil penalties to be ordered; requiring notification of violations of professional license violations to appropriate licensing authorities; and granting rule-making authority to the Secretary of the Department of Health and Human Resources”; to the Committee on Health and Human Resources then Government Organization.

**By Delegates Howell, Arvon, Hill, Hamrick, Queen, Criss, Lewis, Paynter, Maynard, Ward and Atkinson:**

**H. B. 3000** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §4-14-1,

§4-14-2, §4-14-3, §4-14-4, §4-14-5, §4-14-6 and §4-14-7, all relating to the state Ombudsman; authorizing an ombudsman position; defining terms; operating a toll-free number for complaints; authorizing investigations and referrals; describing complaint record keeping; requiring an annual report; including penalties for noncompliance; and prohibiting retaliation”; to the Committee on Government Organization then the Judiciary.

**By Delegates Folk and McGeehan:**

**H. B. 3001** - “A Bill to amend and reenact §18B-1B-1 of the Code of West Virginia, 1931, as amended, relating to abolishing the West Virginia Higher Education Policy Commission; transferring all powers and duties of the commission relating to internal governance of institutions of higher education to the board of Governors of the institutions; transferring all powers and duties of the commission to secure, provide, or administer financial support for educational or research purposes to the board of Governors of their respective institutions; providing for the transfer and disposition of assets, property and records of the commission; providing for the transfer of the administration of the Promise Scholarship to the State Treasurer; and transfer WVNET to West Virginia University”; to the Committee on Education then Finance.

**By Delegates Hill, Martin, Caputo, Fleischauer, Statler and Hamilton:**

**H. B. 3002** - “A Bill to amend and reenact §60-8-3 of the Code of West Virginia, 1931, as amended, relating to special licenses for the retail sale of wine at festivals or fairs; and making the license period one year”; to the Committee on the Judiciary.

**By Delegates Hill, Kessinger, Arvon, Howell, Paynter, Maynard, Gearheart and Dean:**

**H. B. 3003** - “A Bill to amend and reenact §23-4-1 of the Code of West Virginia, 1931, as amended, relating to requiring the Workers’ Compensation Commission to allocate disability or death benefits resulting from an occupational pneumoconiosis claim among the claimant’s employers on a proportional basis”; to the Committee on the Judiciary.

**By Delegates Hill, Martin, Arvon, Howell, Kessinger, Statler, N. Foster, Shott, O’Neal, McGeehan and Espinosa:**

**H. B. 3004** - “A Bill to amend and reenact §3-10-3 of the Code of West Virginia, 1931, as amended, relating to filling vacancies in offices of state officials, United States Senators, Justices, judges, and magistrates; and requiring vacancy to be filled with individual of the same political party with which the individual vacating the office was affiliated at the time of his or her election to the vacated office”; to the Committee on the Judiciary.

**By Delegates Fast, Hanshaw, Overington, Kessinger, Lovejoy, Gearheart, Arvon and Hollen:**

**H. B. 3005** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-14-1 and §61-14-2, all relating to regulation of unmanned aircraft systems; defining terms; creating misdemeanor criminal offense for certain conduct using an unmanned aircraft system and setting penalties therefor; creating felony criminal offense for operating an unmanned aircraft system equipped with a lethal weapon and setting penalties therefor; and creating felony criminal offense for operating an unmanned aircraft system with the intent to cause damage or disrupt in any way the flight of a manned aircraft and setting penalties therefor”; to the Committee on the Judiciary.

**By Delegates Hornbuckle, C. Miller, Rohrbach, Fleischauer, Sobonya and Fluharty:**

**H. B. 3006** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-2-9a, relating to exempting certain contracts between the Department of Health and Human Resources and West Virginia University or Marshall University from state purchasing requirements”; to the Committee on Education.

**By Delegate Rowe:**

**H. B. 3007** - “A Bill to amend and reenact §17-4-18 of the Code of West Virginia, 1931, as amended, relating to requiring paving contracts for state highways to have special requirements to prevent potholes”; to the Committee on Roads and Transportation then Finance.

**By Delegate Walters:**

**H. B. 3008** - "A Bill to amend and reenact §1-5-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §3-1A-7 of said code; to amend and reenact §3-5-6, §3-5-8 and §3-5-13 of said code; to amend and reenact §5-10-22c of said code; to amend and reenact §5-16-2 and §5-16-22 of said code; to amend and reenact §5A-3-10a of said code; to amend and reenact §6-8-5, §6-8-7, §6-8-9 and §6-8-10 of said code; to amend and reenact §6-9-1a, §6-9-7 and §6-9-11 of said code; to amend and reenact §6B-1-3 of said code; to amend and reenact §6B-2-1, §6B-2-5 and §6B-2-6 of said code; to amend and reenact §6B-3-3b of said code; to amend and reenact §6C-2-2 of said code; to amend and reenact §7-4-1 of said code; to amend and reenact §7-6-4 of said code; to amend and reenact §7-11B-3 of said code; to amend and reenact §7-13-6, §7-13-6a, §7-13-8 and §7-13-9 of said code; to amend and reenact §7-23-3 of said code; to amend and reenact §7-25-18 of said code; to amend and reenact §8-9-14 of said code; to amend and reenact §8-23-3 of said code; to amend and reenact §8A-6-2 of said code; to amend and reenact §9-9-16 of said code; to amend and reenact §10-1-1 of said code; to amend and reenact §10-2-1 of said code; to amend and reenact §10-2A-1, §10-2A-3, §10-2A-4, §10-2A-6, §10-2A-7, §10-2A-10 of said code; to amend and reenact §11-1C-2, §11-1C-5 and §11-1C-8 of said code; to amend and reenact §11-8-6b, §11-8-6c, §11-8-6g and §11-8-16 of said code; to amend and reenact §11-10-14 of said code; to amend and reenact §11-13-2p of said code; to amend and reenact §11-14-5, §11-14-5b and §11-14-11 of said code; to amend and reenact §11-14C-9 of said code; to amend and reenact §11A-1-3 of said code; to amend and reenact §11B-2-3 of said code; to amend and reenact §12-3-20 of said code; to amend and reenact §12-4-15 of said code; to amend and reenact §12-6-2 and §12-6-9c of said code; to amend and reenact §12-6C-3 of said code; to amend and reenact §13-1-3, §13-1-4 and §13-1-19 of said code; to amend and reenact §15-11-2 of said code; to amend and reenact §15-6-17 of said code; to amend and reenact §16-9A-4 of said code; to amend and reenact §17B-2-3a of said code; to amend and reenact §17C-6-1 of said code; to amend and reenact §17C-12-7 of said code; to amend and reenact §17C-15-26 of said code; to amend and reenact §18-1-1 of said code; to amend and reenact §18-2-1, §18-2-3, §18-2-4, §18-2-5, §18-2-5f, §18-2-5h, §18-2-6, §18-2-9, §18-2-11, §18-2-25, §18-2-26, §18-2-26a, §18-2-34, §18-2-35, and §18-2-

36 of said code; to amend and reenact §18-2A-1, §18-2A-2, §18-2A-3, §18-2A-4, §18-2A-5, §18-2A-8 and §18-2A-9; to amend and reenact §18-2C-3 and §18-2C-5 of said code; to amend and reenact §18-2D-4 of said code; to amend and reenact §18-2E-3a, §18-2E-4, §18-2E-4a, §18-2E-5, §18-2E-5a, §18-2E-5d, §18-2E-7, §18-2E-8, §18-2E-8d, §18-2E-8e, §18-2E-9 and §18-2E-10 of said code; to amend and reenact §18-2K-2 and §18-2K-3 of said code; to amend and reenact §18-3-9a and §18-3-12 of said code; to amend and reenact §18-4-1, §18-4-2, §18-4-6, §18-4-10 and §18-4-11 of said code; to amend and reenact §18-5-1, §18-5-1a, §18-5-1b, §18-5-1c, §18-5-4, §18-5-5, §18-5-6, §18-5-7, §18-5-7a, §18-5-9, §18-5-9a, §18-5-11, §18-5-11a, §18-5-13, §18-5-13a, §18-5-14, §18-5-15, §18-5-15c, §18-5-16, §18-5-17, §18-5-18, §18-5-18a, §18-5-18b, §18-5-19a, §18-5-19b, §18-5-21, §18-5-21a, §18-5-21b, §18-5-21c, §18-5-21d, §18-5-21e, §18-5-22, §18-5-22a, §18-5-22b, §18-5-22c, §18-5-24, §18-5-25, §18-5-26, §18-5-32, §18-5-36, §18-5-36a, §18-5-39, §18-5-41, §18-5-44, §18-5-45 and §18-5-47 of said code; to amend and reenact §18-5A-1, §18-5A-2, §18-5A-3, §18-5A-3a, §18-5A-5, §18-5A-6, of said code; to amend and reenact §18-5B-3, §18-5B-4, §18-5B-5, §18-5B-6, §18-5B-8, §18-5B-9, §18-5B-10, §18-5B-11, §18-5B-12 and §18-5B-13 of said code; to amend and reenact §18-5C-1, §18-5C-2 and §18-5C-3 of said code; to amend and reenact §18-5D-3 and §18-5D-4 of said code; to amend and reenact §18-5E-2, §18-5E-3, §18-5E-4, §18-5E-5 and §18-5E-6 of said code; to amend and reenact §18-6-2 and §18-6-6 of said code; to amend and reenact §18-7A-3, §18-7A-13, §18-7A-15, §18-7A-35 and §18-7A-35b of said code; to amend and reenact §18-7B-2 and §18-7B-17 of said code; to amend and reenact §18-7D-4 of said code; to amend and reenact §18-8-1, §18-8-1a, §18-8-2, §18-8-3, §18-8-4, §18-8-5a, §18-8-6, §18-8-6a, §18-8-8 and §18-8-9 of said code; to amend and reenact §18-9-2a, §18-9-2c, §18-9-2d, §18-9-3, §18-9-3a, §18-9-4, §18-9-6 and §18-9-6a of said code; to amend and reenact §18-9B-2, §18-9B-4, §18-9B-5, §18-9B-6, §18-9B-6a, §18-9B-8, §18-9B-9, §18-9B-12, §18-9B-13, §18-9B-14, §18-9B-15, §18-9B-17, §18-9B-18, §18-9B-19 and §18-9B-19a of said code; to amend and reenact §18-9D-2, §18-9D-3, §18-9D-15, §18-9D-16 and §18-9D-19 of said code; to amend and reenact §18-9E-3, §18-9B-4 and §18-9E-5 of said code; to amend and reenact §18-9F-2, §18-9F-3, §18-9F-4, §18-9F-6, §18-9F-7 and §18-9F-9 of said code; to amend and reenact §18-10-8 of said code; to

amend and reenact §18-10A-2a of said code; to amend and reenact §18-10F-2 of said code; to amend and reenact §18-10H-6 of said code; to amend and reenact §18-17-1 of said code; to amend and reenact §18-20-1, §18-20-1a, §18-20-1b, §18-20-2, §18-20-5 and §18-20-7 of said code; to amend and reenact §18-21-2 and §18-21-4 of said code; to amend and reenact §18-25-1 of said code; to amend and reenact §18-28-2 of said code; to amend and reenact §18A-1-1 of said code; to amend and reenact §18A-2-1, §18A-2-1a, §18A-2-2, §18A-2-2a, §18A-2-3, §18A-2-4, §18A-2-5, §18A-2-5a, §18A-2-6, §18A-2-7, §18A-2-7b, §18A-2-8, §18A-2-9, §18A-2-11, §18A-2-12, §18A-2-12a and §18A-2-14 of said code; to amend and reenact §18A-3-1, §18A-3-1f, §18A-3-2, §18A-3-2a, §18A-3-2d, §18A-3-3a, §18A-3-6, §18A-3-8, §18A-3-9 and §18A-3-10 of said code; to amend and reenact §18A-4-1, §18A-4-1a, §18A-4-3, §18A-4-4, §18A-4-5a, §18A-4-5b, §18A-4-7a, §18A-4-7b, §18A-4-7c, §18A-4-8, §18A-4-8a, §18A-4-8b, §18A-4-8c, §18A-4-8e, §18A-4-8f, §18A-4-8g, §18A-4-8i, §18A-4-9, §18A-4-10, §18A-4-10a, §18A-4-10c, §18A-4-10d, §18A-4-10f, §18A-4-12, §18A-4-15, §18A-4-16, §18A-4-17, §18A-4-18, §18A-4-19, §18A-4-20 and §18A-4-21 of said code; to amend and reenact §18A-5-1, §18A-5-1a, §18A-5-1b, §18A-5-1d, §18A-5-2, §18A-5-4, §18A-5-6 and §18A-5-8 of said code; to amend and reenact §18B-3C-11 of said code; to amend and reenact §18C-4-3 of said code; to amend and reenact §18C-4A-2 and §18C-4A-3 of said code; to amend and reenact §19-8-1, §19-8-2 and §19-8-3 of said code; to amend and reenact §19-20-10 of said code; to amend and reenact §19-25-1 of said code; to amend and reenact §20-1-10a of said code; to amend and reenact §20-2-30a of said code; to amend and reenact §20-3-17 of said code; to amend and reenact §21-5-3 of said code; to amend and reenact §21-5D-2 of said code; to amend and reenact §23-2-1a of said code; to amend and reenact §24A-1-3 of said code; to amend and reenact §29-12-5a of said code; to amend and reenact §29-22C-27 of said code; to amend and reenact §30-12-12 of said code; to amend and reenact §30-21-2 of said code; to amend and reenact §30-31-11 of said code; to amend and reenact §31-18E-11 of said code; to amend and reenact §31-21-5 and §31-21-15 of said code; to amend and reenact §33-2-21a of said code; to amend and reenact §33-14-29 of said code; to amend and reenact §38-5B-1 of said code; to amend and reenact §49-1-206 of said code; to amend and reenact §49-4-406, §49-4-407 and §49-4-704; to amend and reenact §53-8-1

and §53-8-7 of said code; to amend and reenact §61-2-15 of said code; to amend and reenact §61-5A-2 of said code; to amend and reenact §61-7-2, §61-7-11a and §61-7-14 of said code; to amend and reenact §61-8-29 of said code; to amend and reenact §61-10-15 and §61-10-31 of said code; all relating to eliminating county school systems and creating ten school districts; eliminating county boards of education and establishing school district boards of education; creating ten school districts throughout the state to carry on the powers and duties of county school districts; modifying definitions; establishing membership of school district boards of education; requiring state board of education to create a transition plan; establishing terms of office for board members; modifying references to county school boards and county school districts throughout the code”; to the Committee on Education then Finance.

**By Delegate Summers:**

**H. B. 3009** - “A Bill to amend and reenact §60A-9-5 of the Code of West Virginia, 1931, as amended, relating to access by the Office of Health Facility Licensure and Certification to the Controlled Substances Monitoring Program database for use in certification, licensure and regulation of health facilities”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Sypolt, Ward, Paynter, Frich, Rowan, Lewis and Sobonya:**

**H. B. 3010** - “A Bill to amend and reenact §16-4-20 of the Code of West Virginia, 1931, as amended, relating to making it a felony to knowingly expose another individual to HIV without his or her informed consent; imposing penalties; imposing civil liability”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Ward, Caputo, McGeehan and Folk:**

**H. B. 3011** - “A Bill to amend and reenact §54-2-9 of the Code of West Virginia, 1931, as amended, relating to changing the determination of just compensation to be paid to the landowner when eminent domain is used for a pipeline”; to the Committee on Energy then the Judiciary.



**By Delegates Fleischauer, Fluharty, Pethtel, Longstreth, Pushkin, Caputo, Pyles, Hornbuckle, Diserio, Love and Iaquina:**

**H. B. 3012** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-11C-1, §5-11C-2, §5-11C-3 and §5-11C-4, all relating to creating the Family Protection Act; making it illegal to discriminate against an individual regarding his or her family responsibilities; defining terms; and setting forth remedies and enforcement powers”; to the Committee on Industry and Labor then the Judiciary.

**By Delegates Hamrick, Howell, Butler, Mr. Speaker (Mr. Armstead), Blair, Gearheart, Westfall, Queen, Maynard, C. Miller and Storch:**

**H. B. 3013** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-6-18; and to amend and reenact §5A-10-5 of said code, all relating to requiring an inspection or inspections of any building prior to purchase or major renovation by the state and requiring inspection results to be considered in a cost-benefit analysis”; to the Committee on Government Organization then Finance.

**By Delegates Rowan, Rohrbach, Sypolt, Lewis, Lynch, Pyles and Kelly:**

**H. B. 3014** - “A Bill to amend and reenact §39B-1-102, §39B-1-114 and §39B-1-115 of the Code of West Virginia, 1931, as amended, all relating to prohibiting a person appointed agent under a power of attorney from exerting undue influence over the principal; defining undue influence; and prohibiting exoneration of a fiduciary who has exerted undue influence over a principal”; to the Committee on the Judiciary.

**By Delegates Kelly, Lane, Frich, Pyles, Williams, Fleischauer and Hollen:**

**H. B. 3015** - “A Bill to amend and reenact §17B-2-7 of the Code of West Virginia, 1931, as amended, relating to requiring all commercial and professional drivers licensed under this chapter or chapter seventeen-e of this code to be fingerprinted and undergo a background check”; to the Committee on Roads and Transportation then the Judiciary.

**By Delegates Walters, Ambler, Cooper and Harshbarger:**

**H. B. 3016** - “A Bill to amend and reenact §21A-6-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §21A-6-18, all relating to domestic violence victims’ eligibility for unemployment compensation benefits; removing disqualification for certain victims of domestic violence, sexual offenses or stalking; providing employer is not chargeable for benefits under certain circumstances, and requiring training of WorkForce West Virginia employees in the nature and dynamics of domestic violence to aid employees who interact with claimants”; to the Committee on the Judiciary then Finance.

**By Delegates Hornbuckle, Canestraro and Fleischauer:**

**H. B. 3017** – “A Bill to amend and reenact §55-7-22 of the Code of West Virginia, 1931, as amended, relating to providing that a person when being attacked in a place that is not his or her home should retreat instead of using deadly force when deadly force is not necessary”; to the Committee on the Judiciary.

**By Delegates Isner, Canestraro, Sobonya, Summers, Boggs, Fast, Kessinger, R. Miller, Capito and Robinson:**

**H. B. 3018** - “A Bill to amend and reenact §61-2-10b of the Code of West Virginia, 1931, as amended, relating to crimes against the person; adding definition of correctional employee to the list of persons against whom an assault is a felony; and providing that a person incarcerated in the state who commits a crime against one of persons defined in this statute serve consecutive sentences”; to the Committee on the Judiciary.

**By Delegates McGeehan and Folk:**

**H. B. 3019** - “A Bill to amend and reenact §60A-7-702, §60A-7-704, §60A-7-705 and §60A-7-706 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia Contraband Forfeiture Act; restating the legislative findings and purpose; requiring a receipt for seized property from law enforcement; providing procedure for replevin; stating purposes for forfeiture of property and the procedure for forfeiture; and providing that all moneys forfeited under the provisions of this article shall be

distributed for the support of drug courts”; to the Committee on the Judiciary.

**By Delegates Harshbarger, Howell, Cowles, Ambler, Boggs, Paynter, Atkinson, Kessinger, Eldridge and Statler:**

**H. B. 3020** - “A Bill to amend and reenact §20-7-9 of the Code of West Virginia, 1931, as amended, relating to criminal penalties for the offenses of hunting, trapping or fishing on the lands of another person, entering on to posted lands and destroying posted land signs; and setting the penalties to match those of the offense of criminal trespass”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Hornbuckle, Longstreth, Fleischauer, Lovejoy, Rowan, Lynch, C. Miller and Sobonya:**

**H. B. 3021** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-7b; to amend said code by adding thereto a new section, designated §16-5a-6; to amend said code by adding thereto a new section, designated §33-15-4p; to amend and reenact §33-16-3g of said code; to amend said code by adding thereto a new section, designated §33-16-3bb; to amend and reenact §33-24-7b of said code; to amend said code by adding thereto a new section, designated §33-24-7q; to amend said code by adding thereto a new section, designated §33-25-8n; and to amend said code by adding thereto a new section, designated §33-25A-8p, all relating to insurance coverage for breast cancer screening”; to the Committee on Banking and Insurance then Health and Human Resources.

**By Delegate Shott:**

**H. B. 3022** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-1-5a, relating to the reporting of fraud, misappropriation of moneys, and other violations of law to the commission on special investigations”; to the Committee on the Judiciary.

**By Delegates Barrett, Hornbuckle, Cooper, Rohrbach, Rowan, Moye, Baldwin, Westfall, E. Evans, Rowe and R. Romine:**

**H. B. 3023** - “A Bill to amend and reenact §18-20-10 of the Code of West Virginia, 1931, as amended, relating to public school

education assessment of students for dyslexia and dyscalculia; specifying State Board of Education and local school boards responsibilities relating to dyslexia and dyscalculia”; to the Committee on Education then Finance.

**By Delegates Rohrbach, Sobonya, C. Miller and C. Romine:**

**H. B. 3024** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7B-9e, relating to limiting recoverable damages when a patient has been transferred from health care facility to another health care facility; and providing an exception”; to the Committee on the Judiciary.

**By Delegates Lane, White, Rowe, Robinson, Byrd, Pushkin, Ward and Westfall:**

**H. B. 3025** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-3tt, relating to granting county commissions with the plenary power and authority to establish by ordinance a vacant building registration program; setting forth procedures for administration and enforcement”; to the Committee on Political Subdivisions then the Judiciary.

**By Delegate Lane:**

**H. B. 3026** - “A Bill to amend and reenact §17C-5-3 of the Code of West Virginia, 1931, as amended, relating to providing that a vehicle driver who injures a ‘vulnerable road user’ is guilty of reckless driving; defining the term ‘vulnerable road user’; and imposing misdemeanor penalties”; to the Committee on Roads and Transportation then the Judiciary.

**By Delegates Sponaugle and A. Evans:**

**H. B. 3027** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-1-4e, relating to imposing a tax on cattle which is to be used to help fund the U. S. Department of Agriculture’s Wildlife Services Fund; and creating a special state revenue account to receive the income generated by the tax and to be administered by the Commissioner

of Agriculture”; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegate Miley**

**[By Request of the Executive]:**

**H. B. 3028** - “A Bill to repeal §18B-11B-1, §18B-11B-2, §18B-11B-3, §18B-11B-4, §18B-11B-5 and §18B-11B-6 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-1-2 and §16-1-4 of said code; to amend said code by adding thereto a new article, designated §16-1D-1, §16-1D-2, §16-1D-3, §16-1D-4, §16-1D-5, §16-1D-6, §16-1D-7, §16-1D-8 and §16-1D-9; to amend said code by adding thereto a new article, designated §16-1E-1, §16-1E-2, §16-1E-3, §16-1E-4, §16-1E-5 and §16-1E-6; to amend and reenact §16-2-2 and §16-2-11 of said code; to amend said code by adding thereto a new section, designated §18-2-41; to amend said code by adding thereto a new section, designated §21A-1-9; to amend said code by adding thereto a new section, designated §60A-4-414; to amend and reenact §60A-9-3, §60A-9-4, §60A-9-5, §60A-9-5a, §60A-9-6 and §60A-9-7 of said code, all relating to the Comprehensive Substance Use Reduction Act (CSURA) a comprehensive response to the state’s opioid drug crisis; amending the definition of basic public health services to including harm reduction; creating the Office of Drug Control Policy; authorizing approval and certification of harm reduction programs; authorizing the State Health Officer to engage in an examination of prescribing and treatment of persons suffering a fatal or nonfatal opiate overdoses; authorizing the State Health Officer, in conjunction with the Office of Drug Control Policy, to develop guidelines for the prescribing opioids for acute pain; authorizing pilot projects for prevention and treatment services for low-income, pregnant substance abusers; prioritizing pregnant women for substance use disorder treatment referrals; establishing a duty for health care providers to encourage counseling and treatment of pregnant women suffering from substance use disorder; prohibiting the filing of a petition to terminate parental rights when a pregnant woman initiates drug abuse treatment; requiring the Secretary of the Department of Health and Human Resources to establish and maintain an unused prescription drug disposal program; continuing the West Virginia Poison Control

Center under the supervision and direction of the State Health Officer; requiring the Department of Education and the Bureau for Public Health to develop a comprehensive health education curriculum for grades K through 12; authorizing the State Board of Education to adopt the comprehensive health education curriculum developed by the Bureau for Public Health for grades K through 12; requiring the creation of a liaison position in Work Force West Virginia to coordinate employment services for persons seeking substance use disorder treatment; requiring Work Force West Virginia to develop a pilot project to foster collaboration between employers and organizations providing substance use disorder treatment; prohibiting the prosecution of persons who disclose the possession of a hypodermic needle or syringe containing any minuscule or residual controlled substance to law-enforcement or other first responders; continuing the controlled substance monitoring program under the supervision and direction of the Office of Drug Control Policy; and authorizing the secretary to propose legislative rules, including the promulgation of emergency rules”; to the Committee on Prevention and Treatment of Substance Abuse then Health and Human Resources.

**By Delegates Phillips, Zatezalo and G. Foster:**

**H. B. 3029** - “A Bill to repeal §22-3-30a of the Code of West Virginia, 1931, as amended; to repeal §22A-2-14, §22A-2-28, §22A-2-30, §22A-2-31, §22A-2-32, §22A-2-33, §22A-2-34, §22A-2-35, §22A-2-41, §22A-2-50, §22A-2-51, §22A-2-52, §22A-2-69 and §22A-2-73 of said code; to repeal §22A-2A-102, §22A-2A-201, §22A-2A-202, §22A-2A-203, §22A-2A-204, §22A-2A-204a, §22A-2A-205, §22A-2A-206, §22A-2A-207, §22A-2A-208, §22A-2A-209, §22A-2A-210, §22A-2A-211, §22A-2A-212, §22A-2A-213, §22A-2A-214, §22A-2A-301, §22A-2A-302, §22A-2A-303, §22A-2A-304, §22A-2A-305, §22A-2A-306, §22A-2A-307, §22A-2A-308, §22A-2A-309, §22A-2A-310, §22A-2A-401, §22A-2A-402, §22A-2A-403, §22A-2A-404, §22A-2A-405, §22A-2A-501, §22A-2A-601, §22A-2A-602, §22A-2A-603, §22A-2A-604, §22A-2A-701, §22A-2A-702, §22A-2A-703, §22A-2A-704, §22A-2A-801, §22A-2A-802, §22A-2A-803, §22A-2A-804, §22A-2A-805,

§22A-2A-806, §22A-2A-807 and §22A-2A-901 of said code; to repeal §22A-6-7, §22A-6-8, §22A-6-9, §22A-6-10, §22A-6-11, §22A-6-12 and §22A-6-13 of said code; to amend and reenact §22-1-17 of said code; to amend and reenact §22-3-11, §22-3-13a, §22-3-23 and §22-3-35 of said code; to amend and reenact §22-6-24 of said code; to amend and reenact §22-11-1 of said code; to amend and reenact §22A-1-1, §22A-1-2, §22A-1-3, §22A-1-4, §22A-1-5, §22A-1-6, §22A-1-14, and §22A-1-15 of said code; to amend and reenact §22A-2-2, §22A-2-3, §22A-2-4, §22A-2-4a, §22A-2-5, §22A-2-6, §22A-2-11, §22A-2-13, §22A-2-20, §22A-2-24, §22A-2-25, §22A-2-26, §22A-2-27, §22A-2-29, §22A-2-36, §22A-2-37, §22A-2-38, §22A-2-39, §22A-2-40, §22A-2-42, §22A-2-43, §22A-2-43a, §22A-2-44, §22A-2-45, §22A-2-46, §22A-2-47, §22A-2-48, §22A-2-49, §22A-2-53, §22A-2-53a, §22A-2-53b, §22A-2-53c, §22A-2-55, §22A-2-55a, §22A-2-56, §22A-2-57, §22A-2-58, §22A-2-59, §22A-2-60, §22A-2-61, §22A-2-62, §22A-2-63, §22A-2-64, §22A-2-66, §22A-2-70, §22A-2-72, §22A-2-74, §22A-2-75 and §22A-2-78 of said code; to amend and reenact §22A-2A-101 of said code; to amend said code by adding thereto a new section, designated §22A-2-1001; to amend and reenact §22A-6-1, §22A-6-3, §22A-6-4, §22A-6-5 and §22A-6-6 of said code; to amend and reenact §22A-7-2, §22A-7-3, §22A-7-4, §22A-7-5, §22A-7-5a and §22A-7-7 of said code; to amend and reenact §22A-9-1 of said code; to amend and reenact §22A-11-2, §22A-11-3 and §22A-11-4 of said code; and to amend said code by adding thereto two new sections, designated §22A-11-5 and §22A-11-6, all relating generally to coal mining, coal mining safety and environmental protection; creating a special reclamation water trust fund; establishing additional duties for the Secretary of the Department of Environmental Protection; permitting coal operators to request that preblast surveys be limited to owners and occupants of man-made structures; eliminating certain bond requirements; providing that bonds may not be released until certain conditions are met; providing for plugging and cleaning out of certain gas wells; adding legislative findings to the Water Pollution Control Act as it pertains to trout waters; providing that the Office of Miners' Health, Safety and Training to be within the

Department of Commerce; replacing the Director of the Office of Miners' Health, Safety and Training responsibility for safety inspections with being responsible for compliance visits and education; eliminating some duties of the Director of the Office of Miners' Health, Safety and Training's; eliminating the board of Coal Mine Health and Safety, the Coal Mine Safety and Technical Review Committee, the board of Miner Training, Education and Certification, and the Mine Inspectors' Examining Board; making the Director of the Office of Miners' Health, Safety and Training be responsible for compliance visits and enforcement of state mine certifications and Individual Penalty Assessments; requiring mine inspectors to provide safety compliance assistance in improving the miner's health and safety and to improve existing safety plans and programs; adopting the federal standards in lieu of existing state standards in the following areas of coal mining: replacing existing state standards relating to underground coal mines of ventilation, ventilation plans, fans, belt air, unused and abandoned parts of mines, movement of off-track mining equipment, boreholes, daily inspections, preparation of a danger signal, control of coal dust and rock dusting, roof control programs and plans, roof support, use of authorized explosives, storage or use of unauthorized explosives; use of cabs and canopies, use of hoisting machinery, use of haulage roads and certain equipment, the transportation of miners, use of conveyor belts, use of electricity, telephone poles and communication facilities, actions required to detect and respond to excess methane, the operation of cutting and mining machines, hand held electric drills, trailing cables, installation of lighting, welding and cutting, responsibility for care and maintenance of face equipment, when respiratory equipment is to be worn, safeguards for mechanical equipment, smoking in and about surface structures, railroad cars, haulage and surface areas, ramps, tipples, cleaning plants, protective equipment and clothing safety helmets, checking systems, fire protection, miner security, first-aid equipment, accessible outlets and safe roadways for emergencies, coal storage bins, recovery tunnels, coal storage piles, thermal coal dryers, sealing of mines, accident notices and investigations, shafts and slopes, longwall and short wall mining;



control of respirable dust, operator procures around gas and oil wells, and use of diesel-powered equipment; making changes to who may serve on the board of Coal Mine Health and Safety; changing the board's powers and duties; transferring the duties of the board of Miners' Training, Education and Certification to the board of Coal Mine Health and Safety; transferring the duties of the former Mine Inspectors' Examining Board to the board of Coal Mine Health and Safety; providing that the Mine Safety Technology Task Force to be continued as a part of the duties and powers of the board of Coal Mine Health and Safety; providing that mine rescue teams be staffed by the Office of Miners' Health, Safety and Training; requiring a mine emergency plan be developed; establishing conditions when a person is permitted to perform mine rescue duties; deleting certain definitions; changing certain existing definitions; removing certain criminal penalties; and requiring rule-making"; to the Committee on Energy then the Judiciary.

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

**H. B. 3030** - "A Bill to amend and reenact §58-5-1 of the Code of West Virginia, 1931, as amended, relating to appeals as a matter of right in the West Virginia Supreme Court of Appeals; providing that every party shall be afforded an opportunity to be heard on appeal unless expressly waived; and providing exceptions"; to the Committee on the Judiciary.

**By Delegates Miley, Summers, Iaquina, Pethel, Hamrick, Longstreth, Ward, Caputo, R. Romine, Wagner and Queen:**

**H. B. 3031** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-41, relating to creating a state program allowing high school students advance to getting a college degree or technical training while in high school; authorizing the board of education to enter into agreements with colleges, career and technical schools; and providing scholarship and financial support for eligible students"; to the Committee on Education then Finance.

**By Delegate Summers:**

**H. B. 3032** - “A Bill to amend and reenact §30-36-2 of the Code of West Virginia, 1931, as amended; relating to the practice of acupuncture”; to the Committee on Prevention and Treatment of Substance Abuse then Health and Human Resources.

**By Delegates Sponaugle, Barrett, McGeehan and Folk:**

**H. B. 3033** - “A Bill to amend and reenact §17C-5-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §17C-5A-1a, §17C-5A-3 and §17C-5A-3a of said code; and to amend said code by adding thereto a new section, designated §17C-5C-6, all relating to the procedures for driver’s license suspension and revocation in criminal proceedings for driving under the influence of alcohol, controlled substances or drugs (D.U.I.); eliminating all statutory provisions authorizing or requiring the Commissioner of the Division of Motor Vehicles to take administrative action upon an individual’s driver’s license on the basis of D.U.I. in the absence of a conviction or a court-ordered suspension or revocation; eliminating all statutory provisions authorizing or requiring the commissioner to require an individual to complete the Motor Vehicle Test and Lock program or other safety programs; creating a process by which an individual may notify the commissioner if his or her driver’s license has been incorrectly suspended or revoked based on mistaken identity of the defendant in a transcript of judgment or conviction; requiring the commissioner to take corrective action if a driver’s license is incorrectly suspended or revoked based on mistaken identity; completely transferring jurisdiction for suspension or revocation of a driver’s license based on D.U.I. to the court with jurisdiction over the criminal proceedings; requiring a defendant to surrender his or her driver’s license upon suspension by the court; requiring the clerk of a court to transmit a copy of an order suspending or revoking a driver’s license; establishing procedures and a timeline for the Division of Motor Vehicles to transfer jurisdiction of driver’s license suspension and revocation to the courts; and eliminating all statutory provisions authorizing or requiring the commissioner to prescribe the terms and conditions of driver’s license reissuance following D.U.I.”; to the Committee on Roads and Transportation then the Judiciary.

**By Delegates Atkinson and Ward:**

**H. B. 3034** - “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to exempting military retirement income from personal income tax after specified date”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

**By Delegate Hornbuckle:**

**H. B. 3035** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-16A-1, §11-16A-2, §11-16A-3, §11-16A-4, §11-16A-5, §11-16A-6, §11-16A-7, §11-16A-8, §11-16A-9, §11-16A-10, §11-16A-11, §11-16A-12, §11-16A-13, §11-16A-14, §11-16A-15, §11-16A-16, §11-16A-17, §11-16A-18 and §11-16A-19, all relating to the legalization of marijuana; providing legislative findings; defining terms; allowing persons twenty-one years or older to use marijuana; authorizing personal cultivation in limited amounts; establishing prohibitions; establishing criminal penalties for underage sales, public consumption and use in a vehicle; requiring licensing for commercial growth and extraction; establishing requirements for sales and production establishments; allowing lawful possession, manufacture and sale of certain accessories; allowing commercial transport; prohibiting certain financial interests; requiring safety and warning labels for commercial sales; allowing local government to regulate and tax facilities; providing requirements for cultivation facilities; requiring certain state agencies to regulate and license various aspects of production, distribution and testing; establishing identification for purchase requirements; and providing that certain contracts are enforceable”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Walters:**

**H. B. 3036** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-2-3a, relating to allowing county boards of education to hire retired teachers; providing that retired teachers may work for county board without effect on retirement benefits”; to the Committee on Education then Finance.

**By Delegate Anderson:**

**H. B. 3037** - “A Bill to amend and reenact §5B-2F-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5D-1-4 of said code, all relating to removing the Division of Energy as an independent agency; redesignating the Division of Energy as the Office of Energy within the Development Office of the Department of Commerce; and designating the Secretary of Commerce, or his or her designee as the Chair of the West Virginia Public Energy Authority Board”; to the Committee on Energy then Government Organization.

**By Delegate Walters:**

**H. B. 3038** - “A Bill to amend and reenact §33-24-4 of the Code of West Virginia, 1931, as amended, relating to clarifying that merged care organizations are not exempt from payment of insurance premium taxes”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegate Sponaugle:**

**H. B. 3039** - “A Bill to amend and reenact §8-4-10 of the Code of West Virginia, 1931, as amended, relating to allowing municipalities to cancel elections when only one person is running for each office up for election and deeming those elected by acclamation”; to the Committee on Political Subdivisions then the Judiciary.

**By Delegate C. Miller:**

**H. B. 3040** - “A Bill to amend and reenact §3-1-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §3-4A-11a of said code; to amend said code by adding thereto a new section, designated §3-5-6e; to amend and reenact §3-5-7 and §3-5-13 of said code; to amend and reenact §3-10-3 and §3-10-3a of said code; to amend and reenact §6-5-1 of said code; to amend said code by adding thereto a new article, designated §51-1B-1, §51-1B-2, §51-1B-3, §51-1B-4, §51-1B-5, §51-1B-6, §51-1B-7, §51-1B-8, §51-1B-9, §51-1B-10, §51-1B-11 and §51-1B-12; and to amend and reenact §58-5-1 of said code, all relating to creating a new court to be known as West Virginia Intermediate Court of Appeals; requiring election of judges of the intermediate court of appeals be on nonpartisan basis; requiring elections be on a

division basis when more than one judge is to be elected; providing for timing and frequency of election; providing for commencement of terms of office; establishing ballot design and printing; providing that elections be held on same date as primary election; requiring nonpartisan ballots; establishing filing announcement of candidacies, including timing, location and necessary information; providing for order of appearance of offices on the ballot; establishing ballot content; providing procedures for filling of vacancies; providing occasions for special elections to be held to fill vacancies; requiring intermediate court of appeals be operational by July 1, 2018; establishing northern and southern districts; providing three judges for each district; establishing qualifications for judges; establishing court jurisdiction; providing for deflective review; providing West Virginia Supreme Court of Appeals will either keep an appeal or transfer it to intermediate court; designating the clerk of the supreme court as the clerk of the intermediate court of appeals; providing that certain appeals to be reviewed as a matter of right and those matters in which the appeals are discretionary; providing appeals in certain administrative cases are discretionary; authorizing appeals from intermediate court to supreme court; authorizing Governor make initial appointments by July 1, 2017; creating staggered terms; providing for elections for ten-year terms after initial appointments; authorizing a chief judge; authorizing staff for court and judges; providing for compensation and expenses of judges and staff; providing for temporary assignment of circuit court judges; authorizing supreme court to provide facilities, furniture, fixtures and equipment for intermediate court; establishing precedential effect of intermediate court orders and decisions; providing budget of intermediate court be part of supreme court budget; and providing for severability”; to the Committee on the Judiciary.

**By Delegate Walters:**

**H. B. 3041** - “A Bill to amend and reenact §29-6-10 of the Code of West Virginia, 1931, as amended, relating to the classification plans for employees in the classified and classified-exempt service; exempting classification and pay grade from the Public Employees Grievance Procedure; and providing for

reconsideration of allocations of positions to classifications”; to the Committee on Government Organization then the Judiciary.

**By Delegate Walters:**

**H. B. 3042** - “A Bill to amend and reenact §22-6-8 of the Code of West Virginia, 1931, as amended, relating to the requirements for applicants to perform work on an existing oil and gas well or to drill a new well, as specifically described in §22-6-8 (c) and (d), and providing for the continued utilization of affidavits by permit applicants which allow for said permits, providing for the continued requirements of §22-6-8 that the working interest owner is required to tender to the owner of the oil and gas in place not less than 1/8th of the amount paid to, received by or allowed to the owner of the working interest in place”; to the Committee on Energy then the Judiciary.

**By Delegate Rowe:**

**H. B. 3043** - “A Bill to amend and reenact §11-24-4 of the Code of West Virginia, 1931, as amended, relating to increasing the corporation net income tax”; to the Committee on Finance.

**By Delegates Longstreth, Westfall, Bates, Fleischauer, Lane, R. Miller, Baldwin, Byrd, Hamilton and Hornbuckle:**

**H. B. 3044** - “A Bill to amend and reenact §11-19-1 and §11-19-2 of the Code of West Virginia, 1931, as amended, all relating to the tax on soft drinks; increasing the tax; modifying what drinks are covered by the tax; and providing an effective date”; to the Committee on Finance.

**By Delegate Hornbuckle:**

**H. B. 3045** - “A Bill to amend and reenact §11-19-1 and §11-19-2 of the Code of West Virginia, 1931, as amended, all relating to the tax on soft drinks; modifying the tax to only cover sugary drinks; modifying the tax to two cents per ounce; redistributing the revenue generated to all three medical schools in the state and providing for an effective date”; to the Committee on Finance.

**By Delegate Rowe:**

**H. B. 3046** - “A Bill to amend and reenact §11-19-2 of the Code of West Virginia, 1931, as amended, relating to imposing an

additional excise tax on soft drinks; and dedicating the revenues from the additional tax to the General Revenue Fund”; to the Committee on Finance.

**By Delegate Eldridge:**

**H. B. 3047** - “A Bill to amend and reenact §18-7D-6 of the Code of West Virginia, 1931, as amended, relating to extending the time that teachers may pay into the State Teachers Retirement System after transfer from the Teachers’ Defined Contribution Retirement System”; to the Committee on Education then Finance.

**By Delegates R. Miller, Marcum, Caputo and Phillips:**

**H. B. 3048** - “A Bill to amend and reenact §15-5A-5 of the Code of West Virginia, 1931, as amended, relating to collection of Tier II fees for chemical inventories”; to the Committee on Government Organization then Finance.

**By Delegate Maynard:**

**H. B. 3049** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-31A-1, §30-31A-2, §30-31A-3 and §30-31A-4, all relating to creating the West Virginia Counseling Protection Act; prohibiting state agencies and political subdivisions from denying or restricting mental health providers from providing counseling, or any patient from receiving counseling, intended to aid patients in self-determined objectives; providing for judicial relief; providing for attorney fees and costs; providing a purpose; making findings; and defining terms”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Maynard:**

**H. B. 3050** - “A Bill to amend and reenact §11-13A-3 of the Code of West Virginia, 1931, as amended, relating to creating a special revenue account for each county in the State of West Virginia for coal severance taxes; and making the funds in the special revenue account exclusively available for use by county governments”; to the Committee on Political Subdivisions then Finance.

**By Mr. Speaker (Mr. Armstead):**

**H. B. 3051** - “A Bill to amend the Code of West Virginia, 1931, by adding thereto a new article, designated §4-4-1, §4-4-2, §4-4-3, §4-4-4, §4-4-5 and §4-4-6, all relating to the Appropriation Supremacy Act of 2017; providing title; defining appropriation; stating findings and purpose; establishing that appropriations by the Legislature take precedence over contrary directives in statute or rules; providing for liberal construction of article; and recognizing Constitutional restrictions on appropriations”; to the Committee on the Judiciary then Finance.

**By Delegates Arvon, Kessinger, Upson, Sobonya, Rowan, C. Miller, Blair, Sypolt, N. Foster and Frich:**

**H. B. 3052** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2P-1, relating to prohibiting state funding of abortions”; to the Committee on the Judiciary.

**By Delegates Howell, Dean, Maynard, Blair, N. Foster, G. Foster, Harshbarger, Hill, McGeehan, Paynter and Queen:**

**H. B. 3053** - “A Bill to amend and reenact §17C-15-2 and §17C-15-17 of the Code of West Virginia, 1931, as amended, all relating to motor vehicle lighting; clarifying when certain lights are functional; allowing certain lamps and lighting devices be uncovered in certain circumstances; and allowing two auxiliary lamps”; to the Committee on Government Organization.

**By Delegates Sponaugle, Williams, Hartman and Lynch:**

**H. B. 3054** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-3-37a, relating to a five percent bid preference on certain state contracts for businesses owned fifty-one percent by honorably discharged resident veterans”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

**By Delegates Howell, Walters, Hamrick, Householder, Criss, Arvon and Storch:**

**H. B. 3055** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §5A-2-35 and §5A-2-36, all relating to the preparation of a comprehensive



annual financial report; requiring training; requiring notice; requiring reporting; proscribing penalties for noncompliance; providing for an administrative appeal; and establishing deadlines for creation of the comprehensive annual financial report”; to the Committee on Government Organization then Finance.

**By Delegates Overington, Rohrbach, Upson, Frich, G. Foster, Statler, C. Miller, Paynter, Moore, N. Foster and Sobonya:**

**H. B. 3056** - “A Bill to amend and reenact §18C-7-6 of the Code of West Virginia, 1931, as amended, relating to removing the requirement that home schooled students have to acquire a general equivalency degree (GED) in order to be eligible to receive a PROMISE scholarship”; to the Committee on Education then the Judiciary.

**By Delegates Fluharty, Fleischauer, Bates, Baldwin, Lovejoy, Ferro, Canestraro, Barrett and Williams:**

**H. B. 3057** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-11-4c, relating to insurance unfair trade practices; prohibiting use of a person’s credit history in certain insurance transactions”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegate Rowe:**

**H. B. 3058** - “A Bill to amend and reenact §33-3-14a of the Code of West Virginia, 1931, as amended, relating to raising the insurance premium tax for two years”; to the Committee on Banking and Insurance then Finance.

**By Delegates Lane, Hanshaw, Butler and Byrd:**

**H. B. 3059** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-2-12b, relating to providing for the voluntary valuation of water and sewer systems for ratemaking purposes”; to the Committee on Government Organization then the Judiciary.

**By Delegate Rowe:**

**H. B. 3060** - “A Bill to amend and reenact §11-13-2o of the Code of West Virginia, 1931, as amended, relating to increasing

the business and occupation tax on generating electricity for two years”; to the Committee on Energy then Finance.

**By Delegates Upson, Espinosa, Westfall, Statler, Cooper, Rowan, R. Romine and Higginbotham:**

**H. B. 3061** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5E-8, relating to encouraging mastery-based education through the Innovation In Schools program; making findings and stating purpose; providing definitions; specifying duties of Department of Education with respect to program; providing for Innovation In Education/Mastery Based designations for award of grants and other financial assistance; requiring participation in incubator process; prohibiting penalties for student who transfers from mastery-based to nonmastery-based schools; and requiring institutions of higher education to recognize and accept high school diplomas on equal footing”; to the Committee on Education.

**By Delegate Shott:**

**H. B. 3062** - “A Bill to repeal §5-3-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §5-3A-1, §5-3A-2, §5-3A-3, §5-3A-4, §5-3A-5 and §5-3A-6, all relating to creating the state Settlement and Recovered Funds Accountability Act; repealing provision governing fees to be paid into State Treasury by the Attorney General; providing a short title; setting forth legislative findings; directing that recovered funds and assets to be deposited into the State Treasury in the General Revenue Fund; directing that recovered funds and assets be held in trust to be deposited into a special revenue account in the State Treasury; prohibiting agreements to settlement or agreement terms that are contrary to the depositing of funds in the State Treasury; establishing a special fund to be known as the Attorney General Litigation Support Fund; authorizing the deposit and expenditure of attorney fees, expenses and costs awarded to the Attorney General from the fund; requiring quarterly reporting by the Attorney General as to the disposition of matters; and requiring reporting to the State Auditor relating to contracted legal services”; to the Committee on the Judiciary then Finance.

**By Delegate Rowe:**

**H. B. 3063** - “A Bill to amend and reenact §11-27-9 and §11-27-15 of the Code of West Virginia, 1931, as amended, all relating to raising the tax on providers of inpatient and outpatient hospital services for two years”; to the Committee on Health and Human Resources then Finance.

**By Delegates Atkinson, Mr. Speaker (Mr. Armstead), Hill and Sobonya:**

**H. B. 3064** - “A Bill to amend and reenact §17C-17-11 of the Code of West Virginia, 1931, as amended, relating to permitting the Division of Highways to issue annual permits allowing vehicles of a size and weight exceeding certain specifications to operate over routes specified by the commissioner”; to the Committee on the Judiciary.

**By Delegate Butler:**

**H. B. 3065** - “A Bill to amend and reenact §15-2-5; of the Code of West Virginia, 1931, as amended; relating to adding the classification and base salaries of certain civilian employees of the West Virginia State Police Forensic Laboratory as Evidence Technicians, Forensic Technicians, Forensic Analysts and Forensic Analysts Supervisors”; to the Committee on the Judiciary then Finance.

**By Delegates Sobonya, Overington, Shott, Hamrick, Gearheart, C. Miller and Kessinger:**

**H. B. 3066** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-23-30; to amend said code by adding thereto a new section, designated §29-22-31; to amend said code by adding thereto a new section, designated §29-22A-20; and to amend said code by adding thereto a new section, designated §29-22C-35, all relating to redirecting certain racing and gaming revenues from greyhound development funds to the State General Revenue Fund”; to the Committee on Finance.

**By Delegates Fluharty, Hornbuckle, Pushkin, Canestraro and Bates:**

**H. B. 3067** - “A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new article, designated §29-25A-

1, §29-25A-2, §29-25A-3, §29-25A-4, §29-25A-5, §29-25A-6, §29-25A-7, §29-25A-8 and §29-25A-9, all relating to legalizing interactive gaming; providing legislative findings; establishing licensing requirements; limiting licensing to existing gaming facilities; providing that the Lottery Commission regulate interactive gaming; providing operations controls; providing prohibitions and criminal penalties; assessing gaming and licensing fees; incorporating rules and statutes applicable to interactive gaming; and providing a tax and administration of the tax for operation of an interactive gaming license”; to the Committee on the Judiciary then Finance.

**By Delegates Fluharty, Pushkin, Canestraro, Hornbuckle, Williams, Barrett, Baldwin and Rowe:**

**H. B. 3068** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-25; to amend said code by adding thereto a new section, designated §18-2-41; and to amend said code by adding thereto a new section, designated §18B-2A-9, all relating to establishing the ‘Stay in State’ tax credit against personal income for higher education tuition for certain state residents; creating credit for student loan payments for all in-state community college, college or university undergraduates and their in-state employers against personal income tax; establishing conditions and qualifications for the tax credit; providing methodology for calculating credit; providing for graduate and employer eligibility for payments against student loans for employees; defining terms; and providing that the board of education, State Board of Education and governing boards of colleges promotion of the program”; to the Committee on Education then Finance.

**By Delegates Eldridge, Ferro and Pethtel:**

**H. B. 3069** - “A Bill to amend and reenact §49-2-101 of the Code of West Virginia, 1931, as amended; and to amend and reenact §62-15A-2 of said code, all relating to permitting persons who voluntarily enroll in a drug rehabilitation program to be included in an existing pilot program; and authorizing the Department of Health and Human Resources to care for the children of those persons who voluntarily enroll in a drug

rehabilitation program included in that pilot program”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Eldridge, Hornbuckle, R. Miller, Rodighiero, Atkinson, Baldwin, Zatezalo, Maynard, Queen and Frich:**

**H. B. 3070** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §48-9-605, relating to permitting parents to petition the court for visitation on Mother’s Day and Father’s Day”; to the Committee on the Judiciary.

**By Delegate Summers:**

**H. B. 3071** - “A Bill to amend and reenact §9-5-9 and §9-5-18 of the Code of West Virginia, 1931, as amended, all relating to indigent burial; providing for liability of spouses or relatives for certain expenses of an indigent person; eliminating liability of certain persons for support of an indigent person; defining terms; limiting liability of certain persons for funeral expenses of an indigent person; authorizing department to require certain financial information; requiring certain sworn statements regarding ability to pay for funeral services for an indigent person; limiting the total number of indigent funeral services that may be paid for by the Department of Health and Human Resources per year; and requiring cremation under certain circumstances”; to the Committee on Finance.

**By Delegate Gearheart:**

**H. B. 3072** - “A Bill to amend and reenact §29-22A-10 of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-25-22 and §29-25-22b of said code, all relating to ending transfers to the Licensed Racetrack Modernization Fund; transferring funds remaining in the Licensed Racetrack Modernization Fund and the Historic Resort Hotel Modernization Fund to the General Revenue Fund of the state during the fiscal year ending June 30, 2017; providing exceptions for recoupment of certain expenditures for eligible facility modernization improvements from the Licensed Racetrack Modernization Fund; and closing the Licensed Racetrack Modernization Fund and the Historic Resort Hotel Modernization Fund”; to the Committee on the Judiciary then Finance.

**By Delegate Rowe:**

**H. B. 3073** - “A Bill to amend and reenact §16-13a-3 of the Code of West Virginia, 1931, as amended, relating generally to public service districts and their boards; decreasing the population size of towns that may appoint a member to the board; decreasing the population size of towns that may appoint additional members to the board; increasing the number of board members in certain cases; and providing that the secretary and treasurers of the boards are to be paid reasonable salaries approved by a majority of the board members”; to the Committee on Political Subdivisions then the Judiciary.

**By Delegates Walters, Ambler, Wilson, Maynard, Paynter and Rowe:**

**H. B. 3074** - “A Bill to amend and reenact §11-16-3 of the Code of West Virginia, 1931, as amended, relating to increasing the volume of alcohol that nonintoxicating beer and nonintoxicating craft beer may contain from twelve to eighteen percent”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Criss, Iaquina, Williams, Pyles, Higginbotham, Dean, Hartman, Blair, Westfall and Butler:**

**H. B. 3075** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto sixteen new sections, designated §30-20A-1; §30-20A-2; §30-20A-3; §30-20A-4; §30-20A-5; §30-20A-6; §30-20A-7; §30-20A-8; §30-20A-9; §30-20A-10; §30-20A-11; §30-20A-12; §30-20A-13; §30-20A-14; §30-20A-15 and §30-20A-16, all relating to licensing the practice of athletic training; and providing criminal penalties”; to the Committee on Government Organization then the Judiciary.

**By Delegate Westfall:**

**H. B. 3076** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-6-31i, relating to immunity from liability to uninsured motorists; providing exceptions; and defining terms”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegates Walters, Fleischauer, Kessinger, Paynter, E. Evans, Storch, Fluharty, Longstreth, Pushkin, Lane and Rowe:**

**H. B. 3077** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31A-9-1, relating to preventing discrimination on the basis of sex or marital status by a financial institution or person in relation to the issuance or operation of insurance or pension or retirement plans or coverage”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegates Rowe, Miley, Espinosa, Cooper, Baldwin, Pushkin, Wagner, Fleischauer, Rowan, Hornbuckle and Robinson:**

**H. B. 3078** - “A Bill to amend and reenact §18C-1-1, §18C-1-3 and §18C-1-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §18C-7A-1, §18C-7A-2, §18C-7A-3, §18C-7A-4, §18C-7A-5 and §18C-7A-6, all relating to creation of a merit-based scholarship program for tuition and fee payments for certain students at state community and technical colleges”; to the Committee on Education then Finance.

**By Delegates O’Neal, Upson, Householder, Hanshaw and Sobonya:**

**H. B. 3079** - “A Bill to amend and reenact §29-19-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two sections, designated as §29-19-10a and §29-19-10b, all relating to records of charitable institutions; providing records of such institutions may be made public; defining terms; providing for nondisclosure of charitable donors generally; providing exceptions; providing for suits for enforcement; providing for an escheat to the state of damages; reserving an exception for costs and fees; providing for punitive damages in cases of intentional violation”; to the Committee on the Judiciary.

**By Mr. Speaker (Mr. Armstead), Delegates Maynard, Cooper, Overington and Moye:**

**H. B. 3080** - “A Bill to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating to recognition of

‘Celebrate Freedom Week’ in schools and requiring instruction in the Declaration of Independence and the United States Constitution as a component thereof’; to the Committee on Education.

**By Delegates Walters, Boggs, Bates, Westfall, Caputo, Howell, R. Romine, Phillips, Lane, Byrd and Anderson:**

**H. B. 3081** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-25, relating to requiring the Secretary of the Department of Transportation, in conjunction with the Commissioner of Highways and the Commissioner of Motor Vehicles, to conduct a study to determine the amount of revenue to be derived from instituting tolls on I-70 in West Virginia’s northern panhandle and I-81 in the eastern panhandle; and providing that study be submitted no later than December 31, 2017”; to the Committee on Roads and Transportation then Finance.

**By Delegate Walters:**

**H. B. 3082** - “A Bill to amend and reenact §29-6-10 of the Code of West Virginia, 1931, as amended, relating to establishing a different amount of annual leave for state employees hired after June 30, 2017”; to the Committee on Government Organization then Finance.

**By Delegate Walters:**

**H. B. 3083** - “A Bill to amend and reenact §29-6-10 of the Code of West Virginia, 1931, as amended, relating to eliminating annual and sick leave for state employees; replacing those two types of leave with personal leave; establishing a different amount of personal leave for employees hired after June 30, 2017; and decreasing the amount of personal leave time an employee may carry-forward”; to the Committee on Government Organization then Finance.

**By Delegates Barrett, Householder and Walters:**

**H. B. 3084** - “A Bill to repeal §33-11-1, §33-11-2, §33-11-3, §33-11-4, §33-11-4a, §33-11-4b, §33-11-5, §33-11-5a, §33-11-6, §33-11-7, §33-11-8, §33-11-9 and §33-11-10 of the Code of West Virginia, 1931, as amended, all relating to unfair trade practices”; to the Committee on the Judiciary.



**By Delegate Ellington:**

**H. B. 3085** - “A Bill to amend and reenact §11-19-1 and §11-19-2 of the Code of West Virginia, 1931, as amended, all relating to the tax on bottled soft drinks; modifying the tax to 1% per ounce; redistributing the revenue generated to all three medical schools in the state; rearranging and updating definitions; and providing an effective date”; to the Committee on Health and Human Resources then Finance.

**By Delegates Walters, Frich, Rohrbach, Lovejoy and Rowe:**

**H. B. 3086** - “A Bill to amend and reenact §31-15-3 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Economic Development Authority; and creating a minority economic development advisory team to assist the Director of the Economic Development Authority in developing and implementing a procedure to address employment and economic development problems of minority populations of West Virginia”; to the Committee on Government Organization then Finance.

**By Delegate Rowe:**

**H. B. 3087** - “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 and §5B-8-3, all relating to establishment of an Economic and Community Development Task Force; composition of task force; and requiring a report of task force to Joint Committee on Government and Finance”; to the Committee on Government Organization then Finance.

**By Delegates Espinosa, Statler, Higginbotham and Dean:**

**H. B. 3088** - “A Bill to amend and reenact §18-5-18a of the Code of West Virginia, 1931, as amended, relating generally to teacher-pupil ratios; removing teacher-pupil ratio for grade six classes; and requiring the West Virginia Board of Education to collect class size information and number of pupils per teacher for grade six classes and report such information to the Legislative Oversight Committee on Education Accountability”; to the Committee on Education.

**By Delegates Espinosa, Statler, Higginbotham, Upson, Cooper, Rowan, Harshbarger and Dean:**

**H. B. 3089** - “A Bill to amend the Code of West Virginia, 1931, as amended; by adding thereto a new section, designated §18-2A-10, relating to the adoption of instructional resources for use in the public schools; providing for transition to new provisions for instructional resources adoption; defining instructional resources; requiring state board policy on required criteria included in instructional resources and requiring resources adopted to substantially cover; requiring pricing statement to be filed with state superintendent by person, firm or corporation desiring to sell instructional resources; prohibiting adoption or use unless of person firm or corporation not complying; disqualification of person, firm or corporation for failure to honor terms of filing; supplementary resources exempted; provisions for furnishing necessary instructional resources to students; requiring county board policy on instructional resources adoption and specifying minimum provisions; and prohibiting board of education member or employee from acting as sales agents for person, firm or corporation filing statement with superintendent”; to the Committee on Education.

**By Delegates Walters, Frich and Rowe:**

**H. B. 3090** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-18f, relating to county boards of education; licensed school psychologists; and providing that maximum licensed school psychologist-pupil ratio is one thousand five hundred pupils for each licensed school psychologist”; to the Committee on Education then Finance.

**By Delegates Nelson and Boggs:**

**H. B. 3091** - “A Bill to amend and reenact §11-21-74 of the Code of West Virginia, 1931, as amended, relating generally to employer withholding taxes; changing due date for employers to file annual reconciliation and withholding statements with Tax Commissioner to January 31, requiring certain employers to file W-2 information electronically with the Tax Commissioner; and deleting obsolete language”; to the Committee on Finance.

**By Delegate Phillips:**

**H. B. 3092** - “A Bill to amend and reenact §11-1C-10 of the Code of West Virginia, 1931, as amended, relating to the valuation of oil and gas producing property through use of a yield capitalization model or use of actual costs when provided”; to the Committee on Energy then Finance.

**By Delegates Hanshaw, Shott and Capito:**

**H. B. 3093** - “A Bill to repeal §31-15C-1, §31-15C-2, §31-15C-3, §31-15C-4, §31-15C-5, §31-15C-6, §31-15C-7, §31-15C-8, §31-15C-9, §31-15C-12 and §31-15C-13 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new chapter, designated §31G-1-1, §31G-1-2, §31G-1-3, §31G-1-4, §31G-1-5, §31G-1-6, §31G-1-7, §31G-1-8, §31G-1-9, §31G-1-10, §31G-1-11, §31G-1-12, §31G-1-13; §31G-1-14, §31G-2-1, §31G-2-2, §31G-2-3, §31G-2-4, §31G-2-5, §31G-2-6, §31G-2-7, §31G-2-8, §31G-2-9, §31G-2-10, §31G-2-11, §31G-2-12, §31G-2-13; §31G-2-14, §31G-2-15, §31G-2-16, §31G-2-17, §31G-2-18, §31G-2-19, §31G-2-20, §31G-2-21, §31G-2-22, §31G-2-23, §31G-2-24, §31G-2-25, §31G-2-26, §31G-2-27; §31G-2-28, §31G-3-1, §31G-3-2, §31G-4-1, §31G-4-2, §31G-4-3, §31G-5-1 and §31G-5-2, all relating to establishing Broadband Enhancement and Expansion Polices; re-establishing the Broadband Enhancement Council; defining terms; revising council powers and duties; directing council to publish an annual assessment and map of broadband in the state; authorizing council to create an interactive map of broadband services; revising terms for retention of expert consultants; authorizing collection of data by council; authorizing creation of guideline and recommendation to the Legislature for pilot project for municipalities and counties to form non-profit cooperative associations for internet services; authorizing creation of guideline and recommendation to the Legislature for voluntary pipeline donation program to facilitate broadband services; authorizing creation of guideline and recommendation to the Legislature for easement program to facilitate broadband services; authorizing council to seek, utilize and dispense non-state funding and grants; providing for legislative rulemaking authority; authorizing formation of cooperative associations for internet services; providing for who may organize

a cooperative association; defining terms; setting forth legislative findings and purpose; establishing the powers of such associations; setting forth all conditions, rights and responsibilities of such cooperative associations; declaring that cooperative association not deemed a restraint in trade; providing for the application of corporation laws; providing for microtrenching; defining terms; providing for make-ready pole access; defining terms; setting forth procedure for attaching items to third-party facilities and poles; providing for exceptions to make-ready pole access; prohibiting internet service providers from advertising or including as a contract term the downstream data rate or upstream data rate service solely in terms of the maximum anticipated data rate or as an 'up to' speed; authorizing advertisement or contracting in terms of minimum data speeds; declaring violation to be an unfair or deceptive act or practice; and authorizing enforcement and remedy under the Consumer Credit and Protection Act"; to the Committee on the Judiciary.

**By Delegate Anderson:**

**H. B. 3094** - "A Bill to amend and reenact §37-7-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new chapter, designated §37B-1-1, §37B-1-2, §37B-1-3, §37B-1-4, §37B-1-5, §37B-1-6 and §37B-1-7, all relating to real property generally; providing an exception to waste for certain oil and gas development; providing a short title; providing declarations of public policy and legislative findings; providing definitions; providing that consent for the lawful use of the oil and gas mineral property by three-fourths of mineral interest owners is permissible, not waste and not trespass; providing that cotenants are not liable for damages for as a result of the lawful use of oil and gas mineral property when an accounting is provided and a pro rata share of revenues and costs are distributed to or reserved for each unknown or unlocatable cotenant; allowing for an acreage weighted average royalty interest, free of post-production expenses, to each nonconsenting cotenant; permitting for the joint development by horizontal drilling of multiple adjacent leases held by the same operator if the operator has a surface use agreement with all surface owners whose tracts may be disturbed by joint development; providing that royalties distributed to royalty owners

affected by joint development may not be reduced by post-production expenses; providing for severability of provisions”; to the Committee on Energy then the Judiciary.

**By Delegate Espinosa:**

**H. B. 3095** - “A Bill to amend §18-7A-13a of the Code of West Virginia, 1931, as amended, relating to allowing retired teachers to be employed by a higher education institution, the Higher Education Policy Commission or the council for community and technical college education without forfeiting their retirement”; to the Committee on Education.

**By Delegate Espinosa:**

**H. B. 3096** - “A Bill to repeal §8-16-19 of the Code of West Virginia, 1931, as amended; and to amend and reenact §16-13A-9; and to amend and reenact §24-1-1b of said code; and to amend and reenact §24-2-1, §24-2-3, §24-2-4b and §24-2-11 of said code, all relating to operation and regulation of certain water and sewer utilities owned or operated by political subdivisions of the state; deleting reference to appeals to the Public Service Commission from actions of municipal boards that are not subject to the jurisdiction of the Public Service Commission; detailing the authority of county commissions to modify proposed rates for certain water and sewer utilities; providing for complaints to be filed with the circuit courts pertaining to rates and charges enacted as proposed or as modified or rejected by the county commission and requiring the circuit court to act within one hundred twenty days of receipt of the complaint; eliminating the Public Service Commission’s authority regarding stormwater utilities; providing time limits for the filing of requests for investigation pertaining to political subdivisions of this state providing separate or combined water and/or sewer services and having at least four thousand five hundred customers and annual combined gross revenues of \$3 million or more; specifying time limits for resolution complaints; eliminating the authority of the Public Service Commission to resolve complaints of customers of water and sewer utilities operated by a political subdivision of the state having at least four thousand five hundred customers and annual combined gross revenues of \$3 million or more; clarifying the jurisdiction of the Public Service Commission relating to rates for municipal water and/or sewer utilities having less than four thousand five hundred

customers or annual combined gross revenues of less than \$3 million; and revising the notice and procedure provisions for construction projects for political subdivisions of this state providing separate or combined water and/or sewer services and having at least four thousand five hundred customers and annual combined gross revenues of \$3 million or more”; to the Committee on Political Subdivisions then Finance.

**By Delegates Butler, Kessinger and Arvon:**

**H. B. 3097** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-31, relating to ensure that, in all cases where state action is alleged to substantially burden the exercise of a First Amendment right, that a compelling interest test is mandated, and, strict scrutiny is applied”; to the Committee on the Judiciary.

**By Delegate G. Foster:**

**H. B. 3098** - “A Bill to amend and reenact §60A-4-412 of the Code of West Virginia, 1931, as amended, relating to the crime of defrauding drug and alcohol screening tests and its penalties”; to the Committee on the Judiciary.

**By Delegates Kelly, Zatezalo, Hollen, Maynard, Sypolt and Higginbotham:**

**H. B. 3099** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-28-1, related to providing counties the power to establish a county sales tax if there is a municipality within their borders participating in the Municipal Home Rule Pilot Program that has enacted a municipal home rule sales tax; establishing county tax will not be in effect for municipality that has enacted municipal home rule sale tax; and requiring county to submit county tax to Tax Commissioner”; to the Committee on Political Subdivisions then Finance.

The following bill was introduced pursuant to House Rule 92:

**By Delegates Marcum, Maynard, Dean, Wilson, Paynter, Phillips, R. Miller, Hicks, Thompson, Eldridge and Westfall:**

**H. B. 3100** - “A Bill to amend and reenact §61-3-20 of the Code of West Virginia, 1931, as amended, relating to increasing

penalties for public school employees that embezzle public funds”; to the Committee on Education then the Judiciary.

### **Special Calendar**

#### **Unfinished Business**

The following resolutions, coming up in regular order, as unfinished business, were reported by the Clerk and adopted:

**H. C. R. 5**, U. S. Navy Rear Admiral Frederick Burdett Warder Memorial Bridge,

**H. C. R. 6**, U.S. Army SPC 4 Thurman ‘Duwayne’ Young Memorial Road,

**H. C. R. 13**, U.S. Army SSG Brian Curtis Rogers Memorial Bridge,

**H. C. R. 36**, U.S. Army PFC John Ira Pinkerman Memorial Bridge,

**Com. Sub. for H. C. R. 37**, U.S. Army SPC William L. Amos Memorial Bridge,

And,

**H. C. R. 60**, William “Bill” R. VanGilder Memorial Bridge.

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

#### **Third Reading**

**Com. Sub. for H. B. 2007**, Eliminating courtesy patrol programs; 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. 86**), and there were—yeas 58, nays 41, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Baldwin, Barrett, Bates, Boggs, Brewer, Byrd, Canestraro, Caputo, Deem, Diserio, Eldridge, E. Evans, Fleischauer, Fluharty, Hartman, Hicks, Hollen, Hornbuckle, Iaquina, Isner, Kelly, Longstreth, Love, Lovejoy, Lynch, Marcum, Miley, R. Miller, Moye, O’Neal, Paynter, Pethtel, Phillips, Pushkin, Pyles, Rodighiero, Sponaule, Thompson, Ward, Williams and Zatezalo.

Absent and Not Voting: Ferro.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2007) passed.

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

**Com. Sub. for H. B. 2007** – “A Bill to amend and reenact §17-1-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §17-16A-6a, all relating to eliminating the courtesy patrol program and the Courtesy Patrol Fund administered by the Division of Highways; limiting the use of expenditures from the Courtesy Patrol Fund; and prohibiting the Parkways Authority from operating a courtesy patrol program.”

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

**H. B. 2119**, Repealing West Virginia Health Benefit Exchange 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. 87**), and there were, including pairs—yeas 68, nays 31, absent and not voting 1, with the paired, nays and absent and not voting being as follows:

Pursuant to House Rule 43, the following pairing was filed and announced by the Clerk:



Paired:

Yea: Marcum      Nay: Rowe

Nays: Baldwin, Barrett, Bates, Boggs, Brewer, Byrd, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Fleischauer, Fluharty, Hartman, Hicks, Hornbuckle, Iaquinta, Isner, Lovejoy, Lynch, Miley, R. Miller, Moye, Pushkin, Pyles, Robinson, Rodighiero, Sponaugle, Thompson and Williams.

Absent and Not Voting: Ferro.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2119) 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. 2518**, Creating a legislative rule to permit a pharmacist or pharmacy intern to administer certain immunizations; on third reading, coming up in regular order, with restricted right to amend, was reported by the Clerk.

On motion of Delegates Ellington, Summers, Howell, Arvon and Folk, the bill was amended on page four, line ninety, after the word “eighteen”, by inserting a comma and the words “with written informed parental consent”.

Having been engrossed, the bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 88**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Paynter.

Absent and Not Voting: Ferro and Marcum.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2518) passed.

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

### **Second Reading**

**Com. Sub. for H. B. 2618**, Relating to body mass index; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Summers, the bill was amended on page two, section seven-a, line thirty-five, after the word “endurance”, by striking out the comma and inserting the word “and”.

And,

On page two, section seven-a, line thirty-five, after the word “flexibility”, by inserting a period and striking out the remainder of the sentence.

The bill was ordered to engrossment and third reading.

### **First Reading**

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

**S. B. 330**, Relating to WV Workplace Freedom Act,

**Com. Sub. for H. B. 2373**, Authorizing school bus drivers trained in administration of epinephrine auto-injectors to administer auto-injectors,

**H. B. 2427**, Requiring agencies listed in the online state phone directory to update certain employee information,

**H. B. 2446**, Relating to the requirement that all executive branch agencies maintain a website that contains specific information,

**H. B. 2522**, Nurse licensure compact,

**Com. Sub. for H. B. 2601**, Relating to municipal policemen's or municipal firemen's pension and relief funds,

**Com. Sub. for H. B. 2603**, Relating to municipal policemen's or firemen's pension and relief funds that are funded at one hundred and twenty-five percent or more,

**Com. Sub. for H. B. 2631**, Relating to time standards for disposition of complaint proceedings,

**Com. Sub. for H. B. 2649**, Adding violations of law upon which a public servant's retirement plan may be forfeited,

**Com. Sub. for H. B. 2683**, Relating to West Virginia Insurance Guaranty Association Act,

**Com. Sub. for H. B. 2792**, Requiring the Library Commission to survey the libraries of the state,

And,

**H. B. 2796**, Relating to the West Virginia National Guard entering into contracts and subcontracts for specialized technical services.

### **Leaves of Absence**

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

### **Miscellaneous Business**

Delegate Kelly asked and obtained unanimous consent that the remarks of Delegate Zatezalo during Remarks by Members today be printed in the Appendix to the Journal.

Delegate Caputo asked and obtained unanimous consent that the remarks of Delegates Boggs and E. Evans regarding Com. Sub. for H. B. 2007 be printed in the Appendix to the Journal.

Delegate Howell asked and obtained unanimous consent that the remarks of Delegate Householder during Remarks by Members today be printed in the Appendix to the Journal.

Delegate Caputo asked and obtained unanimous consent that the remarks of Delegates Miley, Iaquinta, Robinson and Hornbuckle during Remarks by Members today be printed in the Appendix to the Journal.

Delegate Ambler filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2451.

Delegate Fast filed forms with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2547 and H. B. 2845.

Delegate Frich filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 3034.

Delegate Overington filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2552.

Delegate Maynard filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2914.

Delegates Ambler, Eldridge, Lewis and Romine filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2947.

Delegate Capito filed forms with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2998 and H. B. 3030.

Delegate Westfall filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 3064.

Delegate R. Miller filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2793.

Delegates Householder, Moore and Upson filed forms with the Clerk's Office per House Rule 94b to be removed as cosponsors of H. B. 2955.

At 12:28 p.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, March 15, 2017.

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Wednesday, March 15, 2017

**THIRTY-SIXTH 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 Tuesday, March 14, 2017, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**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. 15**, Requesting Congress to fully support the National Park Service's recommendations to extend the Lewis and Clark National Historic Trail to include additional sites along the Expedition's Eastern Legacy,

**H. C. R. 24**, SGT Eugene E. Arbogast Memorial Bridge,

**H. C. R. 59**, USMC LCPL Timothy J. Dunnigan Memorial Intersection,

**H. C. R. 82**, U.S. Marine Sergeant David Paul McCord Memorial Bridge,

And,

**H. C. R. 83**, U.S. Army SPC John R. Tennant Memorial Bridge,

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

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2916**, Authorizing certain first responders to carry firearms,

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

**Com. Sub. for H. B. 2916** – “A Bill to amend and reenact §6-1-3a of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §7-15-19; to amend said code by adding thereto a new section, designated §8-15-28; and to amend said code by adding thereto a new section, designated §16-4C-24, all relating to authorizing certain first responders to carry firearms; authorizing supervising entities to authorize reserve deputy sheriffs, ambulance crew members, firefighters, rescue squad members and emergency service personnel to carry firearms; specifying the training required for them to be eligible to carry a firearm; and allowing reimbursement for the cost of the training.”

With the recommendation that the committee substitute do pass.

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2898**, Authorizing the Joint Committee on Government and Finance to request and obtain criminal background checks of employees of the Legislature,

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

**Com. Sub. for H. B. 2898** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §4-3-6, relating to authorizing the Joint Committee on Government and Finance to request and obtain criminal background checks of employees of the Legislature”,

With the recommendation that the committee substitute do pass.

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

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

**H. B. 2821**, West Virginia Farm-to-Food Bank Tax Credit,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2821) was referred to the Committee on Finance.

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

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

**Com. Sub. for S. B. 410**, Relating to marking traps with DNR identification tag,

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

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

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

**H. B. 2949**, Exempting specified Division of Natural Resources' contracts for some replacement, repair or design for repairs to facilities from review and approval requirements,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2949) 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:

**H. B. 2679**, Relating to the possession of firearms in parks and park facilities,

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. 2679) was referred to the Committee on the Judiciary.

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. 8**, Dr. Roy and Marian Eshenaur Bridge,

**H. C. R. 10**, John Cameron Brown Bridge,

**H. C. R. 35**, Arnold Miller Memorial Bridge,

**H. C. R. 46**, Blue Demon Bridge,

And,

**H. C. R. 58**, William C. Campbell Memorial Highway,

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 (H. C. R. 8, H. C. R. 10, H. C. R. 35, H. C. R. 46 and H. C. R. 58) 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:

**H. B. 2831**, Relating to the reconstitution of the Driver's Licensing Advisory Board,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2831) was referred to the Committee on Government Organization.

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. B. 2514**, Creating a special motor vehicle collector license plate,

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. 2514) was referred to the Committee on Finance.

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. 164**, Relating to traffic regulations and special load limits,

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 (S. B. 164) was referred to the Committee on the Judiciary.

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

**By Delegates Ellington, Summers and Householder:**

**H. B. 3102** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-26, relating to Hopemont Hospital by the Secretary of the Department of Health and Human Resources; exempting certain laws; and providing statutory construction."

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:

**S. B. 198**, Expanding Health Sciences Program to allow certain medical practitioners in underserved areas,

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. 198) was referred to the Committee on Finance.

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

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

**Com. Sub. for S. B. 4**, Allowing licensed professionals donate time to care of indigent and needy in clinical setting,

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

Delegate Storch, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

**H. B. 2434**, Relating to reevaluation of land damaged as a result of natural disaster,

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. 2434) was referred to the Committee on Finance.

Delegate Storch, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

**H. B. 2515**, West Virginia Monument and Memorial Protection Act of 2017,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2515) was referred to the Committee on Government Organization.

Delegate Storch, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

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

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. 2654) was referred to the Committee on the Judiciary.

Delegate Storch, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

**H. B. 2209**, Limiting the authority of municipalities to regulate the purchasing, possessing, transferring, owning, carrying, transporting, selling and storing of knives,

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. 2209) was referred to the Committee on the Judiciary.

Delegate Storch, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

**H. B. 2754**, Relating to fire fees on nonresidents of a municipality,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2754) was referred to the Committee on Finance.

Delegate Fast, Chair of the Committee on Industry and Labor, submitted the following report, which was received:

Your Committee on Industry and Labor has had under consideration:

**H. B. 2897**, Raising the amount required for competitive bidding of construction contracts by the state and its subdivisions,

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

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

Delegate Fast, Chair of the Committee on Industry and Labor, submitted the following report, which was received:

Your Committee on Industry and Labor has had under consideration:

**H. B. 2857**, West Virginia Safer Workplaces Act,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2857) was referred to the Committee on the Judiciary.

Delegate Fast, Chair of the Committee on Industry and Labor, submitted the following report, which was received:

Your Committee on Industry and Labor has had under consideration:

**H. B. 2776**, Creating of special revenue funding sources for the Division of Labor,

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. 2776) was referred to the Committee on Finance.

Delegate Cowles asked and obtained unanimous consent to return to further consideration of H. B. 3102.

The Speaker then referred the bill (H. B. 3102) to the Committee on Finance.

### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

**Com. Sub. for H. B. 2542**, Relating to public higher education personnel.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates as follows:

**H. B. 2590**, Updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates as follows:

**H. B. 2594**, Updating the meaning of federal adjusted gross income and certain other terms used in the West Virginia Personal Income Tax Act.

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. 25** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13DD-1, §11-13DD-2, §11-13DD-3, §11-13DD-4, §11-13DD-5, §11-13DD-6 and §11-13DD-7, all relating to creation of farm-to-food bank tax credit; defining terms; providing method for calculation of value of tax credit; limiting tax credit; providing for certification by Department of Agriculture; allowing carryover of unused tax credits for four years; providing for rulemaking; and establishing effective date of tax credit”; which was referred to the Committee on Agriculture and Natural Resources then Finance.

A message from the Senate, by

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

**S. B. 256** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-4-22, relating to prohibiting aiding and abetting of sexual abuse by school personnel; prohibiting individuals from assisting school employees, contractors or agents in obtaining a new job if the individual knows, or has probable cause to believe, that the person engaged in sexual misconduct with a minor or student; providing exceptions to this requirement; and clarifying the relationship between this prohibition and other statutes, regulations or policies”; 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. 326** - “A Bill to amend and reenact §49-2-802 of the Code of West Virginia, 1931, as amended, relating to requiring Department of Defense family advocacy groups to be notified about any abuse or neglect of a child of a military person”; which was referred to the Committee on Veterans’ Affairs and Homeland Security then the Judiciary.

A message from the Senate, by

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

**S. B. 364** - “A Bill to amend and reenact §11-15B-2a and §11-15B-32 of the Code of West Virginia, 1931, as amended, all relating to incorporating changes to the Streamlined Sales and Use Tax Agreement; and providing new effective dates”; which was referred to the Committee on Finance.

A message from the Senate, by

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



**Com. Sub. for S. B. 440** - “A Bill to amend and reenact §31-20-10 of the Code of West Virginia, 1931, as amended, relating to mandating that investment of certain Regional Jail and Correctional Facility Authority special funds be with the West Virginia Board of Treasury Investments or the West Virginia Investment Management Board; and eliminating obsolete language”; which was referred to the Committee on Finance.

A message from the Senate, by

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

**Com. Sub. for S. B. 455** - “A Bill to amend and reenact §62-7-10 of the Code of West Virginia, 1931, as amended, relating generally to commitment of persons to the custody of the Commissioner of Corrections; updating the commitment order form sentencing courts are required to complete when committing a person to the custody of the Commissioner of Corrections; requiring that the commitment order contain certain information; and clarifying that the circuit clerk of the court is required to transmit certified copies of the commitment order to the Commissioner of the Division of Corrections and the West Virginia Regional Jail Authority upon entry”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with a title amendment, a bill of the House of Delegates, as follows:

**H. B. 2431**, Allowing influenza immunizations to be offered to patients and residents of specified facilities.

On motion of Delegate Cowles, the House of Delegates concurred in the following Senate title amendment:

**H. B. 2431** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-3-4a, relating to offering influenza immunizations to patients upon discharge from licensed hospitals; providing that the

immunizations are voluntary; and providing for exceptions based upon availability and in cases where immunizations are contraindicated.”

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 89**), and there were—yeas 94, nays 4, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Folk, Marcum, Paynter and Sobonya.

Absent and Not Voting: Ferro and Upson.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2431) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with a title amendment, a bill of the House of Delegates, as follows:

**Com. Sub. for H. B. 2301**, Relating to direct primary care.

On motion of Delegate Cowles, the House of Delegates concurred in the following Senate title amendment:

**Com. Sub. for H. B. 2301** – “A Bill to repeal §16-2J-1, §16-2J-2, §16-2J-3, §16-2J-4, §16-2J-5, §16-2J-6, §16-2J-7, §16-2J-8 and §16-2J-9 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §30-3F-1, §30-3F-2, §30-3F-3, §30-3F-4 and §30-3F-5, all relating to direct primary care; defining terms; permitting individuals to enter into agreements, for direct primary care with an individual or other legal entity authorized to provide primary care services, outside of an insurance plan or outside of the Medicaid or Medicare program and pay for the care outside of insurance plans and the Medicaid or

Medicare program; providing that insurance benefits are not forfeited by certain purchases; providing that certain products are not the offer of insurance; providing that direct primary care membership agreement is not considered insurance; prohibiting direct primary care providers from billing third-party payers for services or products under the direct primary care membership agreement; providing that a direct primary care provider is not required to obtain certain credentials; prohibiting the billing of third-party providers for direct primary care services; stating certain requirements for direct primary care membership agreement; providing rule-making authority by the West Virginia Board of Medicine, the West Virginia Board of Osteopathic Medicine, the West Virginia Board of Dentistry, the West Virginia Board of Chiropractic and the West Virginia Board of Examiners for Registered Professional Nurses to effectuate the provisions of this new article; and authorizing civil penalties in the form of sanctions by the respective boards for violations that constitute unprofessional conduct.”

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 90**), 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: Ferro and Upson.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2301) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

**Com. Sub. for H. B. 2167**, Creating a Silver Alert program for senior citizens.

On motion of Delegate Cowles, the House of Delegates concurred in the following Senate amendments:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“That §15-3B-2, §15-3B-3, §15-3B-4, §15-3B-5 and §15-3B-6 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

### **ARTICLE 3B. SILVER ALERT PLAN.**

#### **§15-3B-2. Findings and declarations relative to ‘Silver Alert Plan’.**

(a) The Legislature finds that:

(1) Public alerts can be one of the most effective tools in locating missing cognitively impaired persons or senior citizens;

(2) Law-enforcement officers and other professionals specializing in the field of missing persons agree that the most critical moments in the search for a missing ~~cognitively impaired~~ person are the first few hours immediately following the discovery that the individual is missing, asserting that if he or she is not found within twenty-four hours, it is unlikely that he or she will be found alive or without serious injury. The rapid dissemination of information, including a description of the missing cognitively impaired person or senior citizen, details of how he or she became missing, and of any vehicle involved, to the citizens of the affected community and region is, therefore, critical;

(3) Alerted to the situation, the citizenry become an extensive network of eyes and ears serving to assist law enforcement in quickly locating and safely recovering ~~the~~ a missing cognitively impaired person or senior citizen;

(4) The most effective method of immediately notifying the public of a missing cognitively impaired person or senior citizen is through the broadcast media; and

(5) All forms of developing technologies are required to assist law enforcement in rapidly responding to these alerts and are an additional tool for assuring the well being and safety of our cognitively impaired citizenry. Thus, the use of traffic video recording and monitoring devices for the purpose of surveillance of a suspect vehicle adds yet another set of eyes to assist law enforcement and aid in the safe recovery of the cognitively impaired person or senior citizen.

(b) The Legislature declares that given the successes other states and regions have experienced in using broadcast media alerts to quickly locate and safely recover missing ~~cognitively impaired~~ persons, and, with the recent development of highway video recording and monitoring systems, it is altogether fitting and proper, and within the public interest, to establish these programs for West Virginia.

### **§15-3B-3. Establishment of ‘Silver Alert’ program.**

(a) The Secretary of the Department of Military Affairs and Public Safety shall establish a ‘Silver Alert’ ~~;~~ a program authorizing the broadcast media, upon notice from the State Police, to broadcast an alert to inform the public of a missing cognitively impaired person or a missing senior citizen, subject to the criteria established in section four of this article. The program shall be a voluntary, cooperative effort between state law-enforcement and the broadcast media.

(b) ~~For the purposes of~~ As used in this article, the term:

(1) ‘Cognitively impaired’ means a person having a deficiency in his or her short-term or long-term memory, orientation as to person, place, and time, deductive or abstract reasoning, or judgment as it relates to safety: *Provided*, That the cognitive impairment is not caused by the use of alcohol or drugs not legally prescribed by a physician; and

(2) ‘Senior citizen’ means a person over sixty-five years of age.

(c) The secretary shall notify the broadcast media serving the State of West Virginia of the establishment of 'Silver Alert' program and invite their voluntary participation.

(d) The secretary shall submit a plan to the Joint Committee on Government and Finance no later than December 1, 2009. The plan shall include 'Silver Alert' activation protocols, evaluation of first responder training requirements and needs as related to cognitively impaired persons and senior citizens, coordination and utilization of established programs and analysis of any costs. The secretary shall also make recommendations for any additional legislation or actions necessary to further facilitate the implementation of the 'Silver Alert' program.

#### **§15-3B-4. Activation of Silver Alert.**

The following criteria shall be met before the State Police activate the Silver Alert:

(1) ~~A~~ The person is believed to be cognitively impaired or is a senior citizen;

(2) The person is believed to be missing, regardless of circumstance;

(3) A person who has knowledge that the ~~cognitively impaired~~ person is missing has submitted a missing person's report to the State Police or other appropriate law-enforcement agency;

(4) The missing person may be in danger of death or serious bodily injury;

(5) The missing person is domiciled or believed to be located in the State of West Virginia;

(6) The missing person is, or is believed to be, at a location that cannot be determined by an individual familiar with the missing person, and the missing person is incapable of returning to the missing person's residence without assistance; and

(7) There is sufficient information available to indicate that a Silver Alert would assist in locating the missing person.

**§15-3B-5. Notice to participating media; broadcast of alert.**

(a) To participate, the media may agree, upon notice from the State Police via email or facsimile, to transmit information to the public about a missing cognitively impaired person or senior citizen that has occurred within their broadcast service region.

(b) The alerts shall include a description of the missing cognitively impaired person or senior citizen, such details of the circumstance surrounding him or her becoming missing, as may be known, and such other information as the State Police may deem pertinent and appropriate. The State Police shall in a timely manner update the broadcast media with new information when appropriate concerning the missing cognitively impaired person or senior citizen.

(c) The alerts also shall provide information concerning how those members of the public who have information relating to the missing cognitively impaired person or senior citizen may contact the State Police or other appropriate law-enforcement agency.

(d) Concurrent with the notice provided to the broadcast media, the State Police shall also notify the Department of Transportation, the Division of Highways and the West Virginia Turnpike Commission of the 'Silver Alert' so that the department and the affected authorities may, if possible, through the use of their variable message signs, inform the motoring public that a 'Silver Alert' is in progress and may provide information relating to the missing cognitively impaired person or senior citizen and how motorists may report any information they have to the State Police or other appropriate law-enforcement agency.

(e) The alerts shall terminate upon notice from the State Police.

(f) The secretary shall develop and undertake a campaign to inform law-enforcement agencies about the 'Silver Alert' program established under this article.

**§15-3B-6. Aid to missing cognitively impaired adult or senior citizen; immunity from civil or criminal liability.**

No person or entity who in good faith follows and abides by the provisions of this article is liable for any civil or criminal penalty as the result of any act or omission in the furtherance thereof unless it is alleged and proven that the information disclosed was false and disclosed with the knowledge that the information was false.”

And,

By amending the title of the bill to read as follows:

**Com. Sub. for H. B. 2167** – “A Bill to amend and reenact §15-3B-2, §15-3B-3, §15-3B-4, §15-3B-5 and §15-3B-6 of the Code of West Virginia, 1931, as amended, all relating to the Silver Alert Plan; providing for the Silver Alert program to be available for missing senior citizens; defining “senior citizen”; requiring the Silver Alert plan address missing senior citizens; and applying Silver Alert program procedures to missing senior citizens.”

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 91**), and there were—yeas 94, nays 4, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Folk, Marcum, McGeehan and Wilson.

Absent and Not Voting: Ferro and Upson.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2167) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates.



A message from the Senate, by

The Clerk of the Senate, announced concurrence in the House of Delegates amendment, with amendment, and the passage, as amended, to take effect July 1, 2017, of

**S. B. 231**, Relating to State Board of Education and Medicaid-eligible children.

On motion of Delegate Cowles, the House of Delegates concurred in the following Senate amendment:

On page one, section five-b, by striking out all of subsection (b) and inserting in lieu thereof a new subsection, designated subsection (b), to read as follows:

“(b) The state board may delegate this provider status and subsequent reimbursement to regional education service agencies, county boards or both: *Provided*, That a county board is not required to seek reimbursement if it determines there is not a net benefit after consideration of costs and time involved with seeking the reimbursement for eligible services and that the billing process detracts from the educational program.”

And by amending the title to read as follows:

**S. B. 231** – “A Bill to amend and reenact §18-2-5b of the Code of West Virginia, 1931, as amended, relating to providing that a county board of education is not required to seek Medicaid reimbursement if it determines there is not a net benefit after consideration of costs and time involved with seeking the reimbursement for eligible services and that the billing process detracts from the educational program.”

The bill, as amended by the House, and further amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 92**), 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: Ferro and Upson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 231) passed.

Delegate Cowles moved that the bill take effect July 1, 2017.

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

Nays: Howell.

Absent and Not Voting: Ferro, Kelly and Upson.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 231) takes effect July 1, 2017.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

## **Special Calendar**

### **Third Reading**

**Com. Sub. for H. B. 2618**, Relating to body mass index; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 94**), and there were—yeas 92, nays 7, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Bates, Fluharty, Hicks, Iaquina, Marcum, Miley and Rowe.

Absent and Not Voting: Ferro.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2618) passed.

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

### **Second Reading**

**Com. Sub. for S. B. 301**, Supplemental appropriation of federal funds from Treasury to State Board of Education, School Lunch Program; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**S. B. 330**, Relating to WV Workplace Freedom Act; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted, amending the bill on page one, after the enacting section, by striking out everything thereafter and inserting in lieu thereof the following:

### **“ARTICLE 5G. WEST VIRGINIA WORKPLACE FREEDOM ACT.**

#### **§21-5G-1. Definitions.**

As used in this article: ~~the following terms have the following definitions~~

(a) (1) The term ‘person’ means any individual, proprietorship, partnership, firm, association, corporation, labor organization or any other legal entity.

(b) (2) The term ‘labor organization’ means any organization, agency, union or employee representation committee of any kind that exists, in whole or in part, to assist employees in negotiating with employers concerning grievances, labor disputes, wages, rates of pay or other terms or conditions of employment.

(c) (3) The term ‘employer’ means any person employing at least one individual in the state or any agent of an employer employing at least one individual in the state.

~~(d) The term ‘state’ means any officer, board, branch, commission, department, division, bureau, committee, agency, authority or other instrumentality of the State of West Virginia~~

**§21-5G-7. Construction; Applicability; severability.**

~~(a) *Construction.*—Except to the extent expressly prohibited by the provisions of this article, nothing in this article is intended, or should be construed, to change or affect any law concerning collective bargaining or collective bargaining agreements in the building and construction industry~~

~~(b) (a) *Applicability.* — This article applies to any written or oral contract or agreement entered into, modified, renewed or extended on or after July 1, 2016: *Provided*, That the provisions of this article shall do not otherwise apply to or abrogate a written or oral contract or agreement in effect on or before June 30, 2016.~~

~~(c) (b) *Severability.* — If any provision of this ~~act~~ article or the application of any such provision of this article to any person or circumstance ~~should be~~ is held invalid by a court of competent jurisdiction, the remainder of this ~~act~~ article or the application of its provisions to persons or circumstances other than those to which it is held invalid ~~shall~~ is not be affected thereby.”~~

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 2373**, Authorizing school bus drivers trained in administration of epinephrine auto-injectors to administer auto-injectors; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2427**, Requiring agencies listed in the online state phone directory to update certain employee information; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2446**, Relating to the requirement that all executive branch agencies maintain a website that contains specific

information; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2522**, Nurse licensure compact; 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. 2601**, Relating to municipal policemen's or municipal firemen's pension and relief funds; 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. 2603**, Relating to municipal policemen's or firemen's pension and relief funds that are funded at one hundred and twenty-five percent or more; 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. 2631**, Relating to time standards for disposition of complaint proceedings; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Shott, the bill was amended on page one, section five, line fourteen, after the word 'complaint', by inserting the words "and the Respondent".

And,

On page two, section five, line twenty-one, after the word "due", by inserting the following sentence:

"The board shall send a copy of the status report to the party filing the complaint and the Respondent by certified mail with a signed return receipt."

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 2649**, Adding violations of law upon which a public servant's retirement plan may be forfeited; 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. 2683**, Relating to West Virginia Insurance Guaranty Association 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. 2792**, Requiring the Library Commission to survey the libraries of the state; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2796**, Relating to the West Virginia National Guard entering into contracts and subcontracts for specialized technical services; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

#### **First Reading**

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

**Com. Sub. for H. B. 2546**, Allowing replacement costs of employer provided property to be deducted from an employee's final paycheck if the property is not returned,

**Com. Sub. for H. B. 2555**, Relating to tax credits for apprenticeship training in construction trades,

**Com. Sub. for H. B. 2586**, Relating to required minimum distribution of retirement benefits of plans administered by the Consolidated Public Retirement Board,

**Com. Sub. for H. B. 2676**, Transferring the Security office under the Division of Culture and History to the Division of Protective Services,

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

**Com. Sub. for H. B. 2739**, Relating to supplemental Medicaid provider reimbursement,

**H. B. 2766**, Establishing a new special revenue fund, designated the Adult Drug Court Participation Fund,

**Com. Sub. for H. B. 2811**, Relating to the definition of above ground storage tanks,

**H. B. 2833**, Specifying the contents and categories of information for inclusion in annual reports,

**Com. Sub. for H. B. 2839**, Updating the procedures for legislative review of departments and licensing boards,

**Com. Sub. for H. B. 2852**, Relating to the preparation of a comprehensive annual financial report,

And,

**Com. Sub. for H. B. 2868**, Relating generally to Uniform Unclaimed Property Act.

### **Leaves of Absence**

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

### **Miscellaneous Business**

Delegate Hamrick asked and obtained unanimous consent that the remarks of Delegate Gearheart during Remarks by Members today be printed in the Appendix to the Journal.

Delegate Sponaule asked and obtained unanimous consent that the remarks of Delegates Baldwin and Marcum during Remarks by Members today be printed in the Appendix to the Journal.

Delegate Householder filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2451.

Delegate A. Evans filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2949.

Delegate Lane filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 3030.

Delegate Baldwin filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 3034.

Delegate Eldridge filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 3059.

Delegate Frich filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 3064.

Delegate Byrd filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 3093.

Delegate Baldwin filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2660.

Delegate Westfall filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2738.

Delegate Canestraro filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 3017.

Delegate Robinson filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 3093.

Delegate Isner filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. C. R. 79.

At 12:16 p.m., the House of Delegates adjourned until 11:00 a.m., Thursday, March 16, 2017.



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Thursday, March 16, 2017

**THIRTY-SEVENTH 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 Wednesday, March 15, 2017, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

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

Your Committee on Finance has had under consideration:

**H. B. 2402**, Relating to abandoned antique vehicles,

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

**Com. Sub. for H. B. 2402** – “A Bill to amend and reenact §17-24A-1 and §17-24A-4 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §17-24A-6a; and to amend and reenact §17A-4-10 of said code, all relating to abandoned motor vehicles; adding new definitions; establishing a process for automobile auctions to obtain title to and sell motor vehicles abandoned on its premises; creating a special procedure for a person to apply for and receive title to an abandoned antique motor vehicle valued at \$7500 or less; providing for the issuance of a Vehicle Removal Certificate to remove an antique motor vehicle from private property with permission of the property owner; providing that the Division of

Motor Vehicles to search for the owner and lienholders of the motor vehicle and provide notice of the application for title to the vehicle; creating a procedure for the owner or lienholders to reclaim the vehicle within 30 days of notice of an application for title to the vehicle; establishing fees to accompany an application for title to the vehicle; establishing fees for reclamation of the vehicle by owner or lienholder; creating a misdemeanor offense of interference with a person who has acquired title to an antique motor vehicle attempting to recover the vehicle from private property and establishing penalties upon conviction thereof; directing the division to promulgate rules and forms to effectuate new procedure; allowing an insurance company to obtain a salvage certificate or a cosmetic total loss salvage certificate after paying a total loss claim on a vehicle; and creating a process by which an automobile auction may apply for and obtain a salvage certificate or a nonrepairable motor vehicle certificate for certain vehicles on its property received from an insurer who subsequently denies a claim on the vehicle or otherwise does not obtain ownership of the vehicle; and providing for indemnity by the applicant to the Division of Motor Vehicles for the erroneous issuance of such title.”

**H. B. 2471**, Relating to insurance coverage for breast cancer screening,

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

**Com. Sub. for H. B. 2471** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-7b; to amend and reenact §16-5A-2 of said code; to amend said code by adding thereto a new section, designated §33-15-4o; to amend and reenact §33-16-3g of said code; to amend said code by adding thereto a new section, designated §33-16-3aa; to amend and reenact §33-24-7b of said code; to amend said code by adding thereto a new section, designated §33-24-7p; to amend said code by adding thereto a new section, designated §33-25-8m; and to amend said code by adding thereto a new section, designated §33-25A-8o, all relating to breast cancer screening; requiring director to develop certain information regarding breast density for

use in educating patients; requiring director to work with radiologists and mammography facilities regarding dissemination of certain information; and requiring that certain breast cancer screening be included within certain health insurance policies,”

And,

**H. B. 2637**, Relating to employment of retired teachers and prospective employable professional personnel in areas of critical need and shortage,

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

**Com. Sub. for H. B. 2637** – “A Bill to amend and reenact §18A-2-3 of the Code of West Virginia, 1931, as amended, relating to employment of retired teachers and prospective employable professional personnel in areas of critical need and shortage; including speech pathologists and school nurses in definition of teacher or substitute teacher for purposes of employment of retired teachers beyond the post-retirement limit; establishing uniform date retirement must become effective to determine status of retirement benefits during employment as critical needs substitute teacher; restating reporting requirement to legislative committees; extending date for expiration of provisions related to employment of retired teacher as substitute teach beyond the post-retirement limit; eliminating requirement that county policy for employment of prospective employable professional personnel be based on areas of critical need and shortage identified by state board; requiring posting of notice of critical need and shortage area positions prior to making offers of employment and options for posting; limiting employment of prospective employable professional personnel to certain candidates at job fair who will commence employment at the next employment term; changing limit on number of prospective employable professional personnel that may be employed to number required to fill positions posted; clarifying action required for prospective employable professional personnel to obtain regular employment status; clarifying that provisions relating to prospective employable professional personnel do not prevent filling posted vacancy at any time in

accordance with other provisions; eliminating any requirement for successive postings where there were no qualified applicants in response to the initial posting; and allowing financial incentives for purposes of recruiting professional personnel in critical needs areas and to attract professional personnel in a critical need or shortage area.”

With the recommendation that the committee substitutes each do pass.

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

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

**H. B. 2552**, Increasing the pet food registration fee and directing that the additional money be deposited into the West Virginia Spay Neuter Assistance Fund,

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. 2552) was referred to the Committee on Finance.

Delegate Hanshaw, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 15<sup>th</sup> day of March, 2017, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

**Com. Sub. for H. B. 2347**, Allowing schools licensed to provide barber, cosmetology and related training to hold theory classes and clinical classes at different locations.

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

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

**H. B. 2788**, Allowing military veterans with certain military ratings to qualify for examinations required of a probationary firefighter,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2788) was referred to the Committee on Government Organization.

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

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

**H. B. 2804**, Removing chiropractors from the list of medical professions required to obtain continuing education on mental health conditions common to veterans and family members,

And,

**H. B. 2838**, Allowing military veterans who meet certain qualifications to qualify for examination for license as an emergency medical technician,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2804 and H. B. 2838) were each referred to the Committee on Health and Human Resources.

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

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

**H. B. 3034**, Exempting military retirement income from personal income tax after specified date,

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

In accordance with the former direction of the Speaker, the bill (H. B. 3034) was referred to the Committee on Finance.

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

Your Committee on Government Organization has had under consideration:

**H. B. 2819**, Terminating the State Agency for Surplus Property,

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. 2819) was referred to the Committee on Finance.

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

Your Committee on Government Organization has had under consideration:

**H. B. 2698**, Providing certain notice to civil service exempt employees dismissed from employment due to change in administration,

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. 2698) was referred to the Committee on the Judiciary.

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

Your Committee on Government Organization has had under consideration:

**H. B. 2936**, Requiring competitive bidding for all state purchases of commodities, printing and services,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2936) was referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2798**, Clarifying provisions relating to candidates unaffiliated with a political party,

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

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2797**, Codifying statutory immunity for government agencies and officials from actions of third-parties using documents or records,

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

**Com. Sub. for H. B. 2797** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-8-23, relating to codifying statutory immunity for government agencies and officials from actions of third-parties using documents or records of governmental agencies for unlawful acts, @

With the recommendation that the committee substitute do pass.

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

Your Committee on Education has had under consideration:

**H. B. 2702**, Relating to excused absences for personal illness from school,

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

**Com. Sub. for H. B. 2702** – “A Bill to amend and reenact §18-8-4 of the Code of West Virginia, 1931, as amended, relating to documentation of unexcused absences from compulsory school attendance; limiting excused absences for personal illness or injury in the family to those of student’s parent, guardian or custodian and requiring confirming statement from medical provider; requiring all documentation related to absences be provided to school no later than three days of occurrence; authorizing notice in the case of three unexcused absences to be made by means other than written; removing provision for designated representative of principal for conference on unexcused absences and clarifying responsibility of administrative head or other chief administrator of school for meeting; and making other technical clarifications,”



With the recommendation that the committee substitute do pass.

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

Your Committee on Education has had under consideration:

**H. B. 2738**, Providing flexibility in the transfer process of school personnel,

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

**Com. Sub. for H. B. 2738** – “A Bill to amend and reenact §18A-2-7 of the Code of West Virginia, 1931, as amended, relating generally to the transfer of school personnel; providing flexibility in the employee transfer process; removing April 1 deadline for notifying employee that he or she is being considered for transfer; specifying circumstances which must be known or expected for considerations of transfer; requiring employee to be transferred be provided with a statement of the reason for the proposed transfer; removing requirement that employee to be transferred request reason for transfer in writing; requiring hearing on proposed transfer occur within twenty days of receipt of a hearing request; removing May 1 deadline for list of employees considered for transfer to be furnished to board; requiring written notice to employee following board meeting and if approved by the board, stating transfer and reassignment and reasons; requiring transferred employee to report to the new assignment upon the date specified in the notice, but no sooner than ten days following receipt of notice, unless another date can be mutually agreed upon by the superintendent and employee; making all transfers subject to limitations of other provisions respecting special populations and service personnel; removing the reassignment process that can occur when actual student enrollment in a grade level or program is unforeseen on or before May 1 of the preceding school year; and retaining provisions limiting transfers to least senior qualified personnel and prohibiting change in contract term, compensation or benefits as result of reassignment,”

With the recommendation that the committee substitute do pass.

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2845**, Establishing that the Division of Corrections is responsible for the costs of housing and maintaining an inmate the day following an inmate's conviction,

And,

**H. B. 2961**, Relating generally to charitable bingo games and charitable raffles,

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 (H. B. 2845 and H. B. 2961) were referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2767**, Authorizing the Secretary of State to transmit electronic versions of undeliverable mail to the circuit clerks,

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

**Com. Sub. for H. B. 2767** – “A Bill to amend and reenact §31B-1-111 of the Code of West Virginia, 1931, as amended; and to amend and reenact §31D-5-504 of said code; to amend and reenact §31E-5-504 and to amend and reenact §47-9-4 of said code; and to amend and reenact §56-3-31, §56-3-33, §56-3-33a and §56-3-34 of said code, all relating to requiring the Secretary of State to

create a preservation duplicate of registered or certified mail returned to the Secretary of State; permitting the Secretary of State to destroy or otherwise dispose of original returned or undeliverable mail; and requiring written notice of such action be provided to the circuit clerks of the state by certified mail, facsimile or by electronic mail,”

**H. B. 2828**, Changing the number of strikes in jury selection in felony cases,

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

**Com. Sub. for H. B. 2828** – “A Bill to amend and reenact §62-3-3 of the Code of West Virginia, 1931, as amended, relating to changing the number of strikes in jury selection in felony cases to provide five strikes to the accused and three strikes to the prosecution; and setting forth the order the strikes are to be taken,”

And,

**H. B. 3030**, Relating to appeals as a matter of right in the West Virginia Supreme Court of Appeals,

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

**Com. Sub. for H. B. 3030** – “A Bill to amend and reenact §58-5-1 of the Code of West Virginia, 1931, as amended, relating to appeals as a matter of right in the West Virginia Supreme Court of Appeals and providing that every party shall be afforded an opportunity to be heard and a written decision on the merits on appeal,”

With the recommendation that the committee substitutes each do pass.

### **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

**S. B. 28** – “A Bill to amend and reenact §20-7-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §20-14A-1, §20-14A-2, §20-14A-3, §20-14A-4, §20-14A-5, §20-14A-6, §20-14A-7, §20-14A-8, §20-14A-9, §20-14A-10 and §20-14A-11; and to amend and reenact §20-15-1, §20-15-2, §20-15-3, §20-15-4 and §20-15-5 of said code, all relating to establishing regional recreation authorities and areas; establishing trails for off-highway recreational vehicle use; providing for reimbursement by authority for natural resources police officers or county sheriffs; authorizing creation of regional recreation authority as joint development entity formed by three or more contiguous counties; setting forth findings and definitions; establishing powers and composition of governing board; providing for financial review and oversight of public funds; prohibiting certain conduct in regional recreation area; establishing requirements for bidding and purchasing; prohibiting conflicts of interest; limiting liability; clarifying duties and responsibilities of participants to landowners and lessors in the regional recreation area; and establishing criminal penalties and civil remedies”; which was referred to the Committee on Agriculture and Natural Resources then Government Organization.

A message from the Senate, by

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

**Com. Sub. for S. B. 187** – “A Bill to amend and reenact §27-3-1 of the Code of West Virginia, 1931, as amended, relating generally to confidentiality of medical records for patients’ physical, mental or emotional conditions generally; eliminating disclosure exception for treatment or internal review purposes; eliminating 30-day requirement; eliminating requirement that provider make good faith effort to obtain consent from the patient or legal representative; eliminating requirement that the minimum information necessary is released for a specifically stated purpose; eliminating requirement that prompt notice of the disclosure, the recipient of the information and the purpose of the disclosure is given to the patient or legal representative; and adopting provisions

of federal law which pertain to disclosure of protected health information”; 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

**Com. Sub. for S. B. 302** – “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2017, to the Department of Health and Human Resources, Division of Human Services, fund 8722, fiscal year 2017, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2017.”

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the bill (Com. Sub. for S. B. 302) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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. 303** – “A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2017, to the Department of Health and Human Resources, Division of Health - Laboratory Services Fund, fund 5163, fiscal year 2017, organization 0506, the Department of Health and Human Resources, Division of Health – West Virginia Birth-to-Three Fund, fund 5214, fiscal year 2017, organization 0506, and the Department of Health and Human Resources, Division of Human Services – Health Care Provider Tax – Medicaid State Share Fund, fund 5090, fiscal year 2017, organization 0511, by supplementing and amending the

appropriations for the fiscal year ending June 30, 2017”); 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. 306** – “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2017, to the Department of Commerce, Workforce West Virginia – Workforce Investment Act, fund 8749, fiscal year 2017, organization 0323, by supplementing and amending the appropriations for the fiscal year ending June 30, 2017”); which was referred to the Committee on Finance.

A message from the Senate, by

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

**Com. Sub. for S. B. 454** – “A Bill to repeal §38-5B-8 of the Code of West Virginia, 1931, as amended; to amend and reenact §29-12D-1a of said code; to amend and reenact §38-5B-5 and §38-5B-9 of said code; to amend and reenact §49-4-716 of said code; and to amend and reenact §51-2A-8 of said code, all relating to providing more efficient collection and submission of state moneys received as a result of certain court transactions or court services; eliminating certain fees generated by suggestee executions; providing for monthly remittance of moneys collected by clerk of court from assessments on claims filed under Medical Professional Liability Act; directing clerk of court to remit certain assessments on claims filed under Medical Professional Liability Act to State Treasury; directing payment of certain sums collected pursuant to execution of judgment to be paid to judgment creditor; directing clerk of court of conviction to collect any fees collected for teen court program and remit monthly to sheriff for deposit in appropriate account; directing circuit clerk to remit moneys received for duplication of family court records to remit amounts

received to State Treasury for deposit in West Virginia Supreme Court of Appeals Fund; and making technical corrections”; 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. 497** - “A Bill to amend and reenact §55-7-19 of the Code of West Virginia, 1931, as amended, relating to liability for health care providers who provide services at school athletic events; providing that persons licensed, certified or registered in this state or another state to provide health care or professional health care services are subject to limited liability if they render emergency care or treatment at a public or private elementary or secondary school athletic event; outlining circumstances under which liability can be limited; eliminating provisions limiting liability to the extent of insurance coverage; eliminating reference to standard of care in medical professional liability act; and establishing that acts of willful misconduct are not subject to limited liability”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

**S. C. R. 5** – “Requesting the Division of Highways name bridge number 06-35-3.83 (06A086) (38.36457, - 82.37397), locally known as the Green Valley Bridge, along County Route 35 traversing Fourpole Creek in Cabell County, the ‘U. S. Army PFC John Ira Pinkerman Memorial Bridge’.”

Whereas, John Ira Pinkerman was born in Huntington, West Virginia, in 1921 and was raised on Green Valley Road near Bowen Ridge in Cabell County; and

Whereas, John Ira Pinkerman married Geneva Frances Alley in 1941 and they had one child, John Alan Pinkerman, born May 19, 1943; and

Whereas, PFC John Ira Pinkerman was drafted into the U. S. Army on January 18, 1944; and

Whereas, PFC John Ira Pinkerman was killed in action in Northeast France on January 12, 1945; he is one of five thousand two hundred fifty-five soldiers laid to rest in the U. S. Military Cemetery in Epinal, France; and

Whereas, It is fitting and proper that PFC John Ira Pinkerman be remembered and acknowledged for his dedicated service to this country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 06-35-3.83 (06A086) (38.36457, -82.37397), locally known as the Green Valley Bridge, along County Route 35 traversing Fourpole Creek in Cabell County, the “U. S. Army PFC John Ira Pinkerman Memorial Bridge”; and, be it

*Further Resolved,* That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Army PFC John Ira Pinkerman Memorial Bridge”; and, be it

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

A message from the Senate, by

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

**S. C. R. 8** – “Requesting Division of Highways name bridge number 41-19-13.21 (41A179), (37.74976, -81.14022), locally



known as Beaver Arch, carrying U. S. Route 19 over Little Beaver Creek in Raleigh County, the ‘Donnie Adkins Memorial Bridge’.”

Whereas, Mr. Adkins was born on November 26,1977, in Charleston and attended DuPont High School. He was most recently employed by the Capital Resource Weatherization Program in Montgomery. He was a member of the Glasgow Volunteer Fire Department and had been a member of the Rand Volunteer Fire Department; and

Whereas, Mr. Adkins died on March 13, 2010, while assisting with a swift water rescue during flooding at Beaver. He and his crew had successfully rescued fifteen people before their boat capsized, throwing all three of them into the water. The other two were rescued shortly thereafter; and

Whereas, Mr. Adkins was a loving son, brother, father and friend to many, especially his friends at the fire department where he spent many hours. He was known for his love of WVU football and basketball and NASCAR; and

Whereas, Hundreds of people attended the funeral service for Mr. Adkins in the gymnasium at Riverside High School where his casket was draped with an American flag. His uniform sat next to it along with dozens of flower arrangements and a sea of blue and white as dozens of his fellow first responders paid their respects to him; and

Whereas, Chaplain Dee Gibson with the Cedar Grove Volunteer Fire Department spoke at the service about how Mr. Adkins knew their lives were in danger saying, “He gave his life so another could live. He didn’t just save one life that day, he saved many”; and

Whereas, State Fire Marshal Sterling Lewis addressed members of the Glasgow Volunteer Fire Department during the service by saying, “Return to what you do best. I think that’s what Donnie would want you to do.” Mr. Lewis also thanked Mr. Adkins’ family for allowing him to become a volunteer adding, “Without you sharing time, he could not have done that”; and

Whereas, Mr. Adkins' father spoke during the service, thanking the first responders for their hard work and dedication. He also asked everyone in the crowd never to take life for granted saying, "Everyone here that has children or grandchildren turn and give them a big hug because you never know from one minute to the next. Do everything with your kids while you can. To be truthful, wish it could have been me, instead of him"; and

Whereas, Governor Joe Manchin attended the funeral service and thanked Mr. Adkin's family, along with other emergency workers; and

Whereas, When the funeral service ended, local fire departments were dismissed slowly out of the gymnasium. Mr. Adkins' casket was in a fire truck, escorted by several other fire trucks to the Kanawha Valley Memorial Gardens along Route 60 in Glasgow where the graveside service ended with a last call to Mr. Adkins over the radio; and

Whereas, Mr. Adkins will always be a hero to all the family and friends he leaves behind; and

Whereas, It is a fitting tribute to Mr. Adkins and his unselfish heroism to name bridge number 41-19-13.21 (41A179), (37.74976, -81.14022), locally known as Beaver Arch, carrying U. S. Route 19 over Little Beaver Creek in Raleigh County, the "Donnie Adkins Memorial Bridge"; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 41-19-13.21 (41A179), (37.74976, -81.14022), locally known as Beaver Arch, carrying U. S. Route 19 over Little Beaver Creek in Raleigh County, the "Donnie Adkins Memorial Bridge"; and, be it

*Further Resolved,* That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Donnie Adkins Memorial Bridge"; and, be it

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

A message from the Senate, by

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

**S. C. R. 11** – “Requesting the Division of Highways to name bridge number 26-5-7.84 (26A120), (40.02701, -80.65272), locally known as New County Line Bridge, carrying County Route 5 over Big Wheeling Creek in Marshall County, the ‘USMC Lance Corporal Edwin Russell “Snook” Danehart Memorial Bridge’.”

Whereas, Edwin Russell “Snook” Danehart was born in Elm Grove, West Virginia, on July 31, 1947, the son of Carl and Della Behrens Danehart; and was the third youngest of fifteen children and affectionately known as “Snook” to those that knew him. He attended Sherrard High School and graduated in 1965 where he was awarded the Future Farmers of America Blue Ribbon for raising a prize Black Angus bull. He was a member of the Saint Mark’s Lutheran Church in Wheeling, West Virginia; and

Whereas, Edwin Russell “Snook” Danehart entered service to his country during the Vietnam Conflict in 1968 where he served in the United States Marine Corps attaining the rank of Lance Corporal. Lance Corporal Edwin Russell “Snook” Danehart paid the ultimate price on May 8, 1969, when his life was cut short in South Vietnam; and

Whereas, Naming this bridge is an appropriate recognition of Lance Corporal Edwin Russell “Snook” Danehart’s ultimate sacrifice to his country, state and 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 26-5-7.84 (26A120), (40.02701, -80.65272), locally known as New County Line Bridge, carrying County Route 5 over Big Wheeling Creek in Marshall County, the “USMC Lance Corporal Edwin Russell ‘Snook’ Danehart 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 “USMC Lance Corporal Edwin Russell ‘Snook’ Danehart Memorial Bridge”; and, be it

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

A message from the Senate, by

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

**S. C. R. 14** – “Requesting the Division of Highways name bridge number 40-10-1.70 (40A008), (38.62608) (-81.94803), locally known as Oldaker Bridge, carrying County Route 10 over Eighteen Mile Creek in Putnam County, the ‘U. S. Army PVT Oren J. “Junior” Johnson Memorial Bridge’.”

Whereas, Oren J. “Junior” Johnson was born July 22, 1922, in Midway, Putnam County, West Virginia, to his parents William E. Johnson and Veralie Bell McAllister Johnson; and

Whereas, Until he entered into the United States Army, Junior worked as a farmhand. On January 6, 1943, at the age of twenty, Junior entered the United States Army in Huntington, West Virginia. He served in Company L 133rd Infantry at the rank of private as a rifleman; and

Whereas, PVT Johnson served in the European Theatre during World War II. He served in campaigns in Naples-Foggia, Rome-

Arno and North-Appenines, Italy. In October 1944, PVT Johnson was wounded in action and lost his right arm and left leg; and

Whereas, PVT Johnson was awarded a Purple Heart. He also received European-African-Middle Eastern Campaign Medal with three Bronze Campaign Stars and the Honorable Service Lapel Button; and

Whereas, PVT Johnson was honorably discharged from the Army on June 18, 1945, at the Walter Reed General Hospital in Washington, D.C. He resided in the Buffalo, West Virginia, area until the time of his death on June 23, 1993; and

Whereas, It is fitting that an enduring memorial be established to commemorate his service and sacrifice 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 40-10-1.70 (40A008), (38.62608) (-81.94803), locally known as Oldaker Bridge, carrying County Route 10 over Eighteen Mile Creek in Putnam County, be named the “U. S. Army PVT Oren J. ‘Junior’ Johnson Memorial Bridge”; and, be it

*Further Resolved*, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Army PVT Oren J. ‘Junior’ Johnson Memorial Bridge”; and, be it

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

A message from the Senate, by

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

**Com. Sub. for S. C. R. 15** – “Requesting the Division of Highways to name bridge number 55-85-5.98 (55A098), locally known as Kopperston Mine Bridge, carrying WV Route 85 over Tug Fork in Wyoming County, the ‘U. S. Army CPL Herbert “Herb” Linkous Memorial Bridge’.”

Whereas, Herbert “Herb” Linkous lived in Kopperston, West Virginia, from 1957 until his death in 2015 with his wife Betty and their five children; and

Whereas, Herb worked for more than 30 years in the coal mines, retiring from Peabody Coal at Kopperston; and

Whereas, Herb served as an officer and representative of United Mine Workers Kopperston Local 7604 for nearly 20 years, working to make certain that miners were treated fairly and had safe working conditions; and

Whereas, Herb was a U. S. Army Veteran, serving in World War II in the Asiatic-Pacific Theater from September 5, 1946, until April 15, 1947, and was awarded the World War II Victory Medal; and

Whereas, Herb also served in the U. S. Army from January 30, 1948, until January 29, 1952, in Korea and was honorably discharged after obtaining the rank of Corporal. During his service in Korea, Herb and his company endured heavy artillery combat and were engaged in hand-to-hand combat. For his service, he was awarded the Bronze Star Medal, the Korean Service Medal with three Bronze Service Stars, the Good Conduct Medal, the Distinguished Unit Emblem and the Overseas Bar; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 55-85-5.98 (55A098), locally known as Kopperston Mine Bridge, carrying WV Route 85 over Tug Fork in Wyoming County, the “U. S. Army CPL Herbert ‘Herb’ Linkous Memorial Bridge”; and, be it

*Further Resolved*, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Army CPL Herbert ‘Herb’ Linkous Memorial Bridge”; and, be it

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

A message from the Senate, by

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

**S. C. R. 17** – “Requesting the Division of Highways name bridge number 19-340-14.66 (19A037), (39.32014, -77.74155), locally known as Harpers Ferry Bridge, carrying US 340 over the Shenandoah River, Park Access Road and CSX Railroad in Jefferson County, the ‘John Hancock Hall Memorial Bridge’.”

Whereas, John Hancock Hall was the inventor of the M1819 Hall breech-loading rifle and was a mass production innovator; and

Whereas, In 1819, John Hancock Hall, a New England gun maker, signed a contract with the United States War Department to produce 1,000 breech-loading rifles, a weapon he had designed and patented in 1811; and

Whereas, Under the terms of the contract, Hall came to Harpers Ferry where he constructed an industrial complex along the Shenandoah River. This site soon became known as Hall’s Rifle Works and the small island on which it stood was called Lower Hall Island; and

Whereas, Hall spent several years tooling new workshops and perfecting precision machinery for producing rifles with interchangeable parts—a boldly ambitious goal for an industry which was traditionally based on the manual labor of skilled craftsmen; and

Whereas, Hall's innovations in construction, tools, controls, stops and gauges were historic breakthroughs in milling iron and machine tools; and

Whereas, The men who had learned Hall's methods of interchangeable parts, while working at his factories in Harpers Ferry, went on to apply those methods to production of shoes, watches, clocks, bicycles, clothing, rubber goods, and later, automobiles. Hall's methods transformed the United States from an economy of workshop craftsmen to a nation of industrialized mass production, the American System; and

Whereas, Hall's achievement formed the basis of mass production that ushered in our modern age; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 19-340-14.66 (19A037), (39.32014, -77.74155), locally known as Harpers Ferry Bridge, carrying US 340 over the Shenandoah River, Park Access Road and CSX Railroad in Jefferson County, the "John Hancock Hall Memorial Bridge"; and, be it

*Further Resolved,* That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "John Hancock Hall Memorial Bridge"; and, be it

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

A message from the Senate, by

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



**S. C. R. 18** – “Requesting the Division of Highways to name bridge number 20-60-2.86, EB-WB (20A820-20A821), (38.39623, -81.84824), locally known as Amandaville Railroad Overpass, carrying US 60 over CSX Railroad in Kanawha County the ‘U. S. Marine Corps CPL Walter Vincent Filipek Memorial Bridge’.”

Whereas, Walter V. Filipek was born in Raleigh, West Virginia, on June 16, 1925, into a family with a tremendous tradition of service to the United States. Walter’s father, Anton, served as an Army Sergeant in a machine gun crew. Walter’s brothers also served: Joseph served in the Army in Italy during World War II; Edward served in the Navy during the Korean War from 1952-1954; Theodore served in the Air Force in Korea from 1955-1959; and Andrew served in the Army in Korea; and

Whereas, Walter served with the Sixth Marine Division and fought at Okinawa. During the Battle of Okinawa, while under intense enemy fire, Walter moved forward from his concealed position and rescued his wounded squad leader. Thereafter, Walter neutralized an enemy machine gun that was impeding the advance of his platoon. His selfless actions earned him a Bronze Star; and

Whereas, On May 29, 1945, Walter sustained injuries from shrapnel to his right side at Okinawa Island, Ryuku Islands, but, after receiving treatment, returned to duty on the same day; and

Whereas, On June 23, 1945, Walter similarly sustained shrapnel injuries to his left knee, but, after receiving treatment, once again returned to duty on the same day; and

Whereas, In August 1945, while serving in Guam, Walter received a Purple Heart; and

Whereas, On October 25, 1945, Walter participated in the ceremony of surrender of the Japanese military forces in the area of Tsingtao, China; and

Whereas, For his bravery and exemplary service, Walter was awarded numerous medals including a Purple Heart, Gold Star, Combat Action Medal, Good Conduct Medal, American Campaign Medal, Asiatic-Pacific Campaign Medal, Bronze Star, World War

II Victory Medal, Rifle Marksmanship Badge, Presidential Unit Citation and Combat V Medal; and

Whereas; Walter's service honors his family, his community and the entire 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 20-60-2.86, EB-WB (20A820-20A821), (38.39623, -81.84824), locally known as Amandaville Railroad Overpass, carrying US 60 over CSX Railroad in Kanawha County the "U. S. Marine Corps CPL Walter Vincent Filipek Memorial Bridge"; and, be it

*Further Resolved,* That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U. S. Marine Corps CPL Walter Vincent Filipek Memorial Bridge"; and, be it

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

A message from the Senate, by

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

**Com. Sub. for S. C. R. 19** – "Requesting the Division of Highways name bridge number 24-52/19-0.01 (24A293), (37.41606, -81.43625), originally known as the Northfork Bridge, located in Northfork, McDowell County, carrying County Route 52/19 over Elkhorn Creek, the 'Blue Demons Bridge'."

Whereas, The Northfork High School's sobriquet, going back to 1966, was the Blue Demons; and

Whereas, Sports fans from across this state still talk about the Blue Demons' boys' basketball teams that won Class AA state championships in 1971 and 1984, as well as eight consecutive state championships from 1974 through 1981; and

Whereas, When this state inaugurated the first girls' basketball tournament in 1976, the Demonettes won then as well in 1977 and 1979; and

Whereas, The Blue Demons' 1973 football team had a perfect season record of 12 and 0; and

Whereas, Over the 19 years in which Northfork High School was in existence, the boys' basketball team compiled an amazing record of 112 wins to only 12 losses on their home floor; and

Whereas, Although Northfork High School has been closed for more than 30 years, the memories are just as vivid today as when they were being made decades ago for all who attended this legendary school, forever holding a place in the hearts of former students and teachers; and

Whereas, This school will always be remembered by all who saw the Blue Demons play or heard of their exploits, as the source of the nickname for the town that is still known today as the basketball capital of the United States; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 24-52/19-0.01 (24A293), (37.41606, -81.43625), originally known as the Northfork Bridge, located in Northfork, McDowell County, carrying County Route 52/19 over Elkhorn Creek, the "Blue Demons Bridge"; and, be it

*Further Resolved,* That the Commissioner of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Blue Demons Bridge"; and, be it

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

A message from the Senate, by

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

**S. C. R. 21** – “Requesting the Division of Highways to name bridge number 31-79-142.37, NB & SB (31A159, 31A160), (39.51978, -80.04148), locally known as Whiteday Creek Bridge, carrying Interstate 79 NB and SB over Whiteday Creek and County Route 73/1 in Monongalia County, the ‘U. S. Army CPL Daniel Frederick Mehringer Memorial Bridge’.”

Whereas, Daniel Frederick Mehringer was born in Randolph County, West Virginia, on June 23, 1986. He resided in Barbour County, West Virginia, until he was 15 years of age, when he moved to Monongalia County. He graduated from Morgantown High School in 2004; and

Whereas, Daniel Frederick Mehringer enlisted in the Army prior to graduation, as he had always wanted to serve his country in the military. Following graduation, he completed basic training at Ft. Benning, Georgia, and was then assigned to the 82<sup>nd</sup> Airborne Division at Ft. Bragg, NC. He was very proud to be a paratrooper; and

Whereas, Daniel Frederick Mehringer married his high school sweetheart, Marialies, on June 18, 2006. They resided together on base at Ft. Bragg until he was deployed to Afghanistan, just a short six months later, in January 2007. He continued his college education via the internet and hoped one day to be an engineer. He worked in the Army intelligence section, doing classified work; and

Whereas, Daniel Frederick Mehringer died on April 27, 2007, in Bagram, Afghanistan, in a noncombat incident. He was

promoted posthumously to Corporal for his meritorious service. He was a proud American and West Virginian; and

Whereas, Naming this bridge is an appropriate recognition of U. S. Army CPL Daniel Frederick Mehringer; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 31-79-142.37, NB & SB (31A159, 31A160), (39.51978, -80.04148), locally known as Whiteday Creek Bridge, carrying Interstate 79 NB and SB over Whiteday Creek and County Route 73/1 in Monongalia County, the “U. S. Army CPL Daniel Frederick Mehringer Memorial Bridge”; and, be it

*Further Resolved,* That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Army CPL Daniel Frederick Mehringer Memorial Bridge”; and, be it

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

A message from the Senate, by

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

**S. C. R. 22** – “Requesting the Division of Highways name bridge number 17-9-0.35 (17A053), (39.28632, -80.38919), locally known as Wilsonburg T-beam Bridge, carrying County Route 9 over Limestone Run in Harrison County, the ‘Walter E. Swiger, Jr. Memorial Bridge’.”

Whereas, Walter E. Swiger, Jr. is a lifelong resident of Harrison County, a graduate of Victory High School and West Virginia Business College; and

Whereas, Walter E. Swiger, Jr. retired after 43 years in petroleum marketing having operated his own business; and

Whereas, Walter E. Swiger, Jr. was appointed to the Harrison County Solid Waste Authority in 1990 by the Harrison County Commission and served as chairman of the authority; and

Whereas, Walter E. Swiger, Jr. was chosen as the Volunteer of the Year by the Association of West Virginia Solid Waste Authorities during their twelfth annual conference in the fall of 2000; and

Whereas, Walter E. Swiger, Jr. was an outstanding community leader with many years of service in various organizations serving the local emergency planning committee, Clarksburg Lions Club, Central West Virginia Community Action Association and others; and

Whereas, As chairman, Walter E. Swiger, Jr. worked to help develop a recycling ordinance for the county and established a recycling hotline and was recognized in several issues of The Solid Waste Reporter for his leadership in “one of the top integrated waste management programs in West Virginia”; and

Whereas, Walter E. Swiger, Jr. worked with county education leaders through the solid waste authorities’ efforts as Partner in Education with 10 county schools; and

Whereas, It is fitting that a permanent memorial be established to honor the work of Walter E. Swiger, Jr.; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 17-9-0.35 (17A053), (39.28632, -80.38919), locally known as Wilsonburg T-beam Bridge, carrying County Route 9 over Limestone Run in Harrison County, the “Walter E. Swiger, 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 “Walter E. Swiger, Jr. Memorial Bridge”; and, be it

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

A message from the Senate, by

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

**S. C. R. 28** – “Requesting the Division of Highways to name a section of road from the Intersection of U. S. Route 219 and WV State Route 15 at Valley Head, West Virginia, south to the Pocahontas County line in Randolph County, the ‘U. S. Army SPC 4 Randall W. Arbogast Memorial Road’.”

Whereas, Randall W. Arbogast was born at Valley Head, West Virginia, on February 12, 1945, the eldest son of the late Warren Everett Arbogast and Arizona Ware Arbogast. He was a graduate of Tygarts Valley High School Class of 1964 and was employed by Pioneer Lumber Company until entering the U. S. Army on September 29, 1965, and was one of 4,000 soldiers assigned to the elements of the 196<sup>th</sup> Light Infantry Brigade. The 196<sup>th</sup> was the first “light” infantry brigade in U. S. military history. He was the only casualty of the Vietnam War from southern Randolph County communities of Valley Head, Mingo and Monterville, West Virginia. He was also the only graduate of Tygarts Valley High School to lose his life in the Vietnam War; and

Whereas, Randall served with B Company 4<sup>th</sup> Battalion 31 Infantry from September 29, 1965 thru February 11, 1967. On his 22<sup>nd</sup> birthday, February 12, 1967, he was transferred to B Company 1st Battalion Mechanized 5<sup>th</sup> Infantry 25<sup>th</sup> Infantry Division where he was assigned as an 11C10 Indirect Fire Infantryman M-60 Machine Gunner. On May 3, 1967, his squad was engaged in

hostile action with the enemy in Hau Nghia Province. He was hit with a blast from a white phosphorous grenade. Randall suffered sixty-eight percent total body burns with forty-seven percent being third degree burns. He was evacuated from the field and on May 8, 1967, arrived at Brook General Hospital, Fort Sam Houston, Texas, for treatment of his injuries. He died on May 31, 1967, of septicemia due to burns received in combat. He was survived by two brothers, Stanley and Steve Arbogast, and six sisters, Lou Arbogast Burkhardt, Leanne Arbogast, Jean Arbogast Hesson, Janice Arbogast Hadley, Kayleen Arbogast Dunsmoor and Carol Arbogast. SPC 4 Arbogast was awarded the Purple Heart, Bronze Star, the Republic of Vietnam Campaign Medal, the Vietnam Service Medal, the National Defense Medal and the Combat Infantry Badge. His name is listed on the Vietnam Memorial Wall in Washington, D. C.; and

Whereas, The death of this brave American soldier and his sacrifice to his country, state and community should not go unnoticed and the naming of a section of road from the Intersection of U. S. Route 219 and WV State Route 15 at Valley Head, West Virginia, south to the Pocahontas County line, the "U. S. Army SPC 4 Randall W. Arbogast Memorial Road" in Randolph County would be an appropriate tribute; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name a section of road from the Intersection of U. S. Route 219 and WV State Route 15 at Valley Head, West Virginia, south to the Pocahontas County line in Randolph County, the "U. S. Army SPC 4 Randall W. Arbogast Memorial Road"; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs identifying the road as the "U. S. Army SPC 4 Randall W. Arbogast Memorial Road"; and, be it

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



A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

**Com. Sub. for H. B. 2099**, Defining the act of leaving the scene of a crash involving death or serious bodily injury as a felony; Erin's Law.

On motion of Delegate Cowles, the House of Delegates refused to concur in the following Senate amendments and requested the Senate to recede therefrom:

On page one, by striking out everything after the enacting section and inserting in lieu thereof the following:

**“ARTICLE 4. CRASHES.**

**§17C-4-1. Crashes involving death or personal injuries; Erin's Law.**

(a) The driver of any vehicle involved in a crash resulting in the injury to or death of any person shall immediately stop the vehicle at the scene of the crash or as close to the scene as possible and return to and remain at the scene of the crash until he or she has complied with the requirements of section three of this article: *Provided*, That the driver may leave the scene of the crash as may reasonably be necessary for the purpose of rendering assistance to ~~an injured~~ any person injured in the crash, as required by ~~said~~ section three ~~Every such of this article. stop shall be made without~~ obstructing traffic more than is necessary.

(b) ~~Any person knowingly violating the provisions of subsection (a) of this section after being involved in a crash resulting in the death of any person is guilty of a felony and, upon conviction, thereof, shall be fined by not more than \$5,000, or imprisoned in a correctional facility for not less than one year nor more than five years, or both fined and confined. Any driver who is involved in a crash in which another person suffers bodily injury and who intentionally violates subsection (a) of this section when he or she knows or has reason to believe that another person suffered physical injury in said crash, is guilty of a misdemeanor~~

and, upon conviction thereof, shall be punished by confinement in jail for not more than one year, or fined not more than \$1,000, or both fined and confined.

(c) Notwithstanding the provisions of subsection (b) of this section, any driver who is involved in a crash in which another person suffers serious bodily injury and who intentionally violates subsection (a) of this section when he or she knows or has reason to believe that another person has suffered physical injury in said crash is guilty of a felony and, upon conviction, shall be imprisoned in a state correctional facility for not less than one year nor more than three years, or fined not more than \$2,500, or both fined and imprisoned.

~~(e) (d) Any person knowingly violating the provisions of subsection (a) of this section after being involved in a crash resulting in physical injury to any person is guilty of a misdemeanor and, upon conviction thereof, shall be punished by confinement in jail for not more than one year, or fined not more than \$1,000, or both. Notwithstanding the provisions of subsection (b) or (c) of this section, any driver who is involved in a crash that proximately causes the death of another person who intentionally violates subsection (a) of this section when he or she knows or has reason to believe that another person has suffered physical injury in said crash is guilty of a felony and, upon conviction thereof, shall be fined not more than \$5,000, or imprisoned in a state correctional facility for not less than one year nor more than five years, or both fined and imprisoned: *Provided*, That any death underlying a prosecution under this subsection must occur within one year of the crash.~~

(e) As used in this section:

(1) 'Bodily injury' means injury that causes substantial physical pain, illness or any impairment of physical condition;

(2) 'Physical injury' means bodily injury, serious bodily injury or death; and

(3) ‘Serious bodily injury’ means bodily injury that creates a substantial risk of death, that causes serious or prolonged disfigurement, prolonged impairment of health, prolonged loss or impairment of the function of any bodily organ, loss of pregnancy, or the morbidity or mortality occurring because of a preterm delivery.

~~(d)~~ (f) The commissioner shall revoke the license or permit or operating privilege to drive of any resident or nonresident person convicted pursuant to the provisions of this section for a period of one year from the date of conviction or the date of release from incarceration, whichever is later.

~~(e)~~ (g) This section may be known and cited as ‘Erin’s Law’.”

And,

By amending the title of the bill to read as follows:

**Com. Sub. for H. B. 2099** – “A Bill to amend and reenact §17C-4-1 of the Code of West Virginia, 1931, as amended, relating to crashes involving death or personal injuries generally; defining terms; clarifying when a driver may leave the scene of a crash for the purpose of rendering assistance to an injured person in the crash; clarifying essential elements of the crimes of leaving the scene of a crash that causes bodily injury, serious bodily injury or death; creating a felony crime of leaving the scene of a crash that causes another person serious bodily injury and providing criminal penalties; clarifying knowledge requirement; and clarifying that the offense of leaving the scene of a crash that causes death requires death to occur within one year of the crash.”

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

**Com. Sub. for H. B. 2318**, Relating generally to human trafficking.

On motion of Delegate Cowles, the House concurred in the following Senate amendments:

On page one, by striking out everything after the enacting section and inserting in lieu thereof the following:

**“CHAPTER 15. PUBLIC SAFETY.**

**ARTICLE 9A. DIVISION OF JUSTICE AND COMMUNITY SERVICES.**

**§15-9A-2. Division established; appointment of director.**

(a) The Division of Justice and Community Services is created. The purpose of the division is to provide executive and administrative support to the Governor’s Committee on Crime Delinquency and Correction in the coordination of planning for the criminal justice system, to administer federal and state grant programs assigned to it by the actions of the Governor or Legislature and to perform such other duties as the Legislature may from time to time assign to the division. The division is the designated staffing agency for the Governor’s Committee on Crime, Delinquency and Correction, and all of its subcommittees. The division may apply for grants and other funding from federal or state programs, foundations, corporations and organizations which funding is consistent with its responsibilities and the purposes assigned to it or the subcommittees it staffs. The Division of Justice and Community Services is hereby designated as the state administrative agency responsible for criminal justice and juvenile justice systems, and various component agencies of state and local government, for the planning and development of state programs and grants which may be funded by federal, state or other allocations in the areas of community corrections, law-enforcement training and compliance, sexual assault forensic examinations, victim services, human trafficking and juvenile justice.

(b) The director of the division shall be named by the Governor to serve at his will and pleasure.

(c) The director of the division shall take and subscribe to an oath of office in conformity with article IV, section five of the Constitution of the State of West Virginia.

## **ARTICLE 12. SEX OFFENDER REGISTRATION ACT.**

### **§15-12-2. Registration.**

(a) The provisions of this article apply both retroactively and prospectively.

(b) Any person who has been convicted of an offense or an attempted offense or has been found not guilty by reason of mental illness, mental retardation or addiction of an offense under any of the following provisions of chapter sixty-one of this code or under a statutory provision of another state, the United States Code or the Uniform Code of Military Justice which requires proof of the same essential elements shall register as set forth in subsection (d) of this section and according to the internal management rules promulgated by the superintendent under authority of section twenty-five, article two of this chapter:

(1) Article eight-a;

(2) Article eight-b, including the provisions of former section six of said article, relating to the offense of sexual assault of a spouse, which was repealed by an Act of the Legislature during the year 2000 legislative session;

(3) Article eight-c;

(4) Sections five and six, article eight-d;

(5) Section fourteen, article two;

(6) Sections six, seven, twelve and thirteen, article eight; ~~or~~

(7) Section fourteen-b, article three-c, as it relates to violations of those provisions of chapter sixty-one listed in this subsection; or

(8) Sections two, five and six, article fourteen; *Provided*, That as to section two of said article only those violations involving human trafficking for purposes of sexual servitude require registration pursuant to this subdivision.

(c) Any person who has been convicted of a criminal offense and the sentencing judge made a written finding that the offense was sexually motivated shall also register as set forth in this article.

(d) Persons required to register under the provisions of this article shall register in person at the West Virginia State Police detachment responsible for covering the county of his or her residence, and in doing so, provide or cooperate in providing, at a minimum, the following when registering:

(1) The full name of the registrant, including any aliases, nicknames or other names used by the registrant;

(2) The address where the registrant intends to reside or resides at the time of registration, the address of any habitable real property owned or leased by the registrant that he or she regularly visits: *Provided*, That a post office box may not be provided in lieu of a physical residential address, the name and address of the registrant's employer or place of occupation at the time of registration, the names and addresses of any anticipated future employers or places of occupation, the name and address of any school or training facility the registrant is attending at the time of registration and the names and addresses of any schools or training facilities the registrant expects to attend;

(3) The registrant's social security number;

(4) A full-face photograph of the registrant at the time of registration;

(5) A brief description of the crime or crimes for which the registrant was convicted;

(6) Fingerprints and palm prints;

(7) Information related to any motor vehicle, trailer or motor home owned or regularly operated by a registrant, including vehicle make, model, color and license plate number: *Provided*, That for the purposes of this article, the term ‘trailer’ shall mean travel trailer, fold-down camping trailer and house trailer as those terms are defined in section one, article one, chapter seventeen-a of this code;

(8) Information relating to any Internet accounts the registrant has and the screen names, user names or aliases the registrant uses on the Internet; and

(9) Information related to any telephone or electronic paging device numbers that the registrant has or uses, including, but not limited to, residential, work and mobile telephone numbers.

(e) (1) On the date that any person convicted or found not guilty by reason of mental illness, mental retardation or addiction of any of the crimes listed in subsection (b) of this section, hereinafter referred to as a ‘qualifying offense’, including those persons who are continuing under some post-conviction supervisory status, are released, granted probation or a suspended sentence, released on parole, probation, home detention, work release, conditional release or any other release from confinement, the Commissioner of Corrections, regional jail administrator, city official or sheriff operating a jail or Secretary of the Department of Health and Human Resources who releases the person and any parole or probation officer who releases the person or supervises the person following the release, shall obtain all information required by subsection (d) of this section prior to the release of the person, inform the person of his or her duty to register and send written notice of the release of the person to the State Police within three business days of receiving the information. The notice must include the information required by said subsection. Any person having a duty to register for a qualifying offense shall register upon conviction, unless that person is confined or incarcerated, in which case he or she shall register within three business days of release, transfer or other change in disposition status. Any person currently registered who is incarcerated for any offense shall re-register within three business days of his or her release.

(2) Notwithstanding any provision of this article to the contrary, a court of this State shall, upon presiding over a criminal matter resulting in conviction or a finding of not guilty by reason of mental illness, mental retardation or addiction of a qualifying offense, cause, within seventy-two hours of entry of the commitment or sentencing order, the transmittal to the sex offender registry for inclusion in the registry all information required for registration by a registrant as well as the following nonidentifying information regarding the victim or victims:

- (A) His or her sex;
- (B) His or her age at the time of the offense; and
- (C) The relationship between the victim and the perpetrator.

The provisions of this paragraph do not relieve a person required to register pursuant to this section from complying with any provision of this article.

(f) For any person determined to be a sexually violent predator, the notice required by subsection (d) of this section must also include:

- (1) Identifying factors, including physical characteristics;
- (2) History of the offense; and
- (3) Documentation of any treatment received for the mental abnormality or personality disorder.

(g) At the time the person is convicted or found not guilty by reason of mental illness, mental retardation or addiction in a court of this state of the crimes set forth in subsection (b) of this section, the person shall sign in open court a statement acknowledging that he or she understands the requirements imposed by this article. The court shall inform the person so convicted of the requirements to register imposed by this article and shall further satisfy itself by interrogation of the defendant or his or her counsel that the defendant has received notice of the provisions of this article and that the defendant understands the provisions. The statement, when



signed and witnessed, constitutes prima facie evidence that the person had knowledge of the requirements of this article. Upon completion of the statement, the court shall provide a copy to the registry. Persons who have not signed a statement under the provisions of this subsection and who are subject to the registration requirements of this article must be informed of the requirement by the State Police whenever the State Police obtain information that the person is subject to registration requirements.

(h) The State Police shall maintain a central registry of all persons who register under this article and shall release information only as provided in this article. The information required to be made public by the State Police by subdivision (2), subsection (b), section five of this article is to be accessible through the Internet. No information relating to telephone or electronic paging device numbers a registrant has or uses may be released through the Internet.

(i) For the purpose of this article, ‘sexually violent offense’ means:

(1) Sexual assault in the first degree as set forth in section three, article eight-b, chapter sixty-one of this code or of a similar provision in another state, federal or military jurisdiction;

(2) Sexual assault in the second degree as set forth in section four, article eight-b, chapter sixty-one of this code or of a similar provision in another state, federal or military jurisdiction;

(3) Sexual assault of a spouse as set forth in the former provisions of section six, article eight-b, chapter sixty-one of this code, which was repealed by an Act of the Legislature during the 2000 legislative session, or of a similar provision in another state, federal or military jurisdiction;

(4) Sexual abuse in the first degree as set forth in section seven, article eight-b, chapter sixty-one of this code or of a similar provision in another state, federal or military jurisdiction.

(j) For purposes of this article, the term ‘sexually motivated’ means that one of the purposes for which a person committed the crime was for any person’s sexual gratification.

(k) For purposes of this article, the term ‘sexually violent predator’ means a person who has been convicted or found not guilty by reason of mental illness, mental retardation or addiction of a sexually violent offense and who suffers from a mental abnormality or personality disorder that makes the person likely to engage in predatory sexually violent offenses.

(l) For purposes of this article, the term ‘mental abnormality’ means a congenital or acquired condition of a person, that affects the emotional or volitional capacity of the person in a manner that predisposes that person to the commission of criminal sexual acts to a degree that makes the person a menace to the health and safety of other persons.

(m) For purposes of this article, the term ‘predatory act’ means an act directed at a stranger or at a person with whom a relationship has been established or promoted for the primary purpose of victimization.

(n) For the purposes of this article, the term ‘business days’ means days exclusive of Saturdays, Sundays and legal holidays as defined in section one, article two, chapter two of this code.

## **CHAPTER 49. CHILD WELFARE.**

### **ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.**

#### **PART II. DEFINITIONS.**

#### **§49-1-201. Definitions related, but not limited, to child abuse and neglect.**

When used in this chapter, terms defined in this section have the meanings ascribed to them that relate to, but are not limited to, child abuse and neglect, except in those instances where a different meaning is provided or the context in which the word is used clearly indicates that a different meaning is intended.

‘Abandonment’ means any conduct that demonstrates the settled purpose to forego the duties and parental responsibilities to the child;

‘Abused child’ means a child whose health or welfare is being harmed or threatened by:

(A) A parent, guardian or custodian who knowingly or intentionally inflicts, attempts to inflict or knowingly allows another person to inflict, physical injury or mental or emotional injury, upon the child or another child in the home. Physical injury may include an injury to the child as a result of excessive corporal punishment;

(B) Sexual abuse or sexual exploitation;

(C) The sale or attempted sale of a child by a parent, guardian or custodian in violation of section fourteen-h, article two, chapter sixty-one of this code; or

(D) Domestic violence as defined in section two hundred two, article twenty-seven, chapter forty-eight of this code; or

(E) Human trafficking of a child, or attempting to traffic a child, in violation of section two, article fourteen, chapter sixty-one of this code.

‘Abusing parent’ means a parent, guardian or other custodian, regardless of his or her age, whose conduct has been adjudicated by the court to constitute child abuse or neglect as alleged in the petition charging child abuse or neglect.

‘Battered parent’ for the purposes of part six, article four of this chapter, means a respondent parent, guardian, or other custodian who has been adjudicated by the court to have not condoned the abuse or neglect and has not been able to stop the abuse or neglect of the child or children due to being the victim of domestic violence as defined by section two hundred two, article twenty-seven, chapter forty-eight of this code which was perpetrated by the same person or persons determined to have abused or neglected the child or children.

‘Child abuse and neglect services’ means social services which are directed toward:

(A) Protecting and promoting the welfare of children who are abused or neglected;

(B) Identifying, preventing and remedying conditions which cause child abuse and neglect;

(C) Preventing the unnecessary removal of children from their families by identifying family problems and assisting families in resolving problems which could lead to a removal of children and a breakup of the family;

(D) In cases where children have been removed from their families, providing time-limited reunification services to the children and the families so as to reunify those children with their families or some portion thereof;

(E) Placing children in suitable adoptive homes when reunifying the children with their families, or some portion thereof, is not possible or appropriate; and

(F) Assuring the adequate care of children or juveniles who have been placed in the custody of the department or third parties.

‘Condition requiring emergency medical treatment’ means a condition which, if left untreated for a period of a few hours, may result in permanent physical damage; that condition includes, but is not limited to, profuse or arterial bleeding, dislocation or fracture, unconsciousness and evidence of ingestion of significant amounts of a poisonous substance.

‘Imminent danger to the physical well-being of the child’ means an emergency situation in which the welfare or the life of the child is threatened. These conditions may include an emergency situation when there is reasonable cause to believe that any child in the home is or has been sexually abused or sexually exploited, or reasonable cause to believe that the following conditions threaten the health, life, or safety of any child in the home:

(A) Nonaccidental trauma inflicted by a parent, guardian, custodian, sibling or a babysitter or other caretaker;

(B) A combination of physical and other signs indicating a pattern of abuse which may be medically diagnosed as battered child syndrome;

(C) Nutritional deprivation;

(D) Abandonment by the parent, guardian or custodian;

(E) Inadequate treatment of serious illness or disease;

(F) Substantial emotional injury inflicted by a parent, guardian or custodian;

(G) Sale or attempted sale of the child by the parent, guardian or custodian;

(H) The parent, guardian or custodian's abuse of alcohol or drugs or other controlled substance as defined in section one hundred one, article one, chapter sixty-a of this code, has impaired his or her parenting skills to a degree as to pose an imminent risk to a child's health or safety; or

(I) Any other condition that threatens the health, life, or safety of any child in the home.

'Neglected child' means a child:

(A) Whose physical or mental health is harmed or threatened by a present refusal, failure or inability of the child's parent, guardian or custodian to supply the child with necessary food, clothing, shelter, supervision, medical care or education, when that refusal, failure or inability is not due primarily to a lack of financial means on the part of the parent, guardian or custodian; or

(B) Who is presently without necessary food, clothing, shelter, medical care, education or supervision because of the disappearance or absence of the child's parent or custodian;

(C) ‘Neglected child’ does not mean a child whose education is conducted within the provisions of section one, article eight, chapter eighteen of this code.

‘Petitioner or co-petitioner’ means the Department or any reputable person who files a child abuse or neglect petition pursuant to section six hundred one, article four, of this chapter.

‘Permanency plan’ means the part of the case plan which is designed to achieve a permanent home for the child in the least restrictive setting available.

‘Respondent’ means all parents, guardians, and custodians identified in the child abuse and neglect petition who are not petitioners or co-petitioners.

‘Sexual abuse’ means:

(A) Sexual intercourse, sexual intrusion, sexual contact, or conduct proscribed by section three, article eight-c, chapter sixty-one, which a parent, guardian or custodian engages in, attempts to engage in, or knowingly procures another person to engage in with a child notwithstanding the fact that for a child who is less than sixteen years of age the child may have willingly participated in that conduct or the child may have suffered no apparent physical injury or mental or emotional injury as a result of that conduct or, for a child sixteen years of age or older the child may have consented to that conduct or the child may have suffered no apparent physical injury or mental or emotional injury as a result of that conduct;

(B) Any conduct where a parent, guardian or custodian displays his or her sex organs to a child, or procures another person to display his or her sex organs to a child, for the purpose of gratifying the sexual desire of the parent, guardian or custodian, of the person making that display, or of the child, or for the purpose of affronting or alarming the child; or

(C) Any of the offenses proscribed in sections seven, eight or nine of article eight-b, chapter sixty-one of this code.

‘Sexual assault’ means any of the offenses proscribed in sections three, four or five of article eight-b, chapter sixty-one of this code.

‘Sexual contact’ means sexual contact as that term is defined in section one, article eight-b, chapter sixty-one of this code.

‘Sexual exploitation’ means an act where:

(A) A parent, custodian or guardian, whether for financial gain or not, persuades, induces, entices or coerces a child to engage in sexually explicit conduct as that term is defined in section one, article eight-c, chapter sixty-one of this code; ~~or~~

(B) A parent, guardian or custodian persuades, induces, entices or coerces a child to display his or her sex organs for the sexual gratification of the parent, guardian, custodian or a third person, or to display his or her sex organs under circumstances in which the parent, guardian or custodian knows that the display is likely to be observed by others who would be affronted or alarmed;

(C) A parent, guardian or custodian knowingly maintains or makes available a child for the purpose of engaging the child in commercial sexual activity in violation of section five, article fourteen, chapter sixty-one of this code.

‘Sexual intercourse’ means sexual intercourse as that term is defined in section one, article eight-b, chapter sixty-one of this code.

‘Sexual intrusion’ means sexual intrusion as that term is defined in section one, article eight-b, chapter sixty-one of this code.

‘Serious physical abuse’ means bodily injury which creates a substantial risk of death, which causes serious or prolonged disfigurement, prolonged impairment of health or prolonged loss or impairment of the function of any bodily organ

## **CHAPTER 61. CRIMES AND THEIR PUNISHMENT.**

### **ARTICLE 2. CRIMES AGAINST THE PERSON.**

**§61-2-17. Human trafficking; criminal penalties.**

(a) As used in this section:

(1) ~~‘Debt bondage’ means the status or condition of a debtor arising from a pledge by the debtor of the debtor’s personal services or those of a person under the debtor’s control as a security for debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined.~~

(2) ~~‘Forced labor or services’ means labor or services that are performed or provided by another person and are obtained or maintained through a person’s:~~

~~(A) Threat, either implicit or explicit, deception or fraud, scheme, plan, or pattern, or other action intended to cause a person to believe that, if the person did not perform or provide the labor or services that person or another person would suffer serious bodily harm or physical restraint: *Provided*, That, this does not include work or services provided by a minor to the minor’s parent or legal guardian so long as the legal guardianship or custody of the minor was not obtained for the purpose compelling the minor to participate in commercial sex acts or sexually explicit performance, or perform forced labor or services.~~

~~(B) Physically restraining or threatening to physically restrain a person;~~

~~(C) Abuse or threatened abuse of the legal process; or~~

~~(D) Knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person.~~

~~‘Forced labor or services’ does not mean labor or services required to be performed by a person in compliance with a court order or as a required condition of probation, parole, or imprisonment.~~



~~(3) ‘Human trafficking’ means the labor trafficking or sex trafficking involving adults or minors where two or more persons are trafficked within any one year period.~~

~~(4) ‘Labor trafficking’ means the promotion, recruitment, transportation, transfer, harboring, enticement, provision, obtaining or receipt of a person by any means, whether a United States citizen or foreign national, for the purpose of:~~

~~(A) Debt bondage or forced labor or services; or~~

~~(B) Slavery or practices similar to slavery.~~

~~(5) ‘Sex trafficking of minors’ means the promotion, recruitment, transportation, transfer, harboring, enticement, provision, obtaining or receipt of a person under the age of eighteen by any means, whether a United States citizen or foreign national, for the purpose of causing the minor to engage in sexual acts, or in sexual conduct violating the provisions of subsection (b), section five, article eight of this chapter or article eight c of this chapter.~~

~~(6) ‘Sex trafficking of adults’ means the promotion, recruitment, transportation, transfer, harboring, enticement, provision, obtaining, receipt of a person eighteen years of age or older, whether a United States citizen or foreign national for the purposes of engaging in violations of subsection (b), section five, article eight of this chapter by means of force, threat, coercion, deception, abuse or threatened abuse of the legal process, or any scheme, plan, pattern, or other action intended to cause a person to believe that, if the person did not engage in a violation of subsection (b), section five, article eight of this chapter, that person or another person would suffer serious bodily harm or physical restraint.~~

~~(b) Any person who knowingly and wilfully engages in human trafficking is guilty of a felony and upon conviction shall be incarcerated in a state correctional facility for an indeterminate sentence of not less than three nor more than fifteen years or fined not more than \$200,000, or both.~~

~~(c) Any person who is a victim of human trafficking may bring a civil action in circuit court. The court may award actual damages, compensatory damages, punitive damages, injunctive relief and any other appropriate relief. A prevailing plaintiff is also entitled to attorneys fees and costs. Treble damages shall be awarded on proof of actual damages where defendant's acts were willful and malicious.~~

~~(d) Notwithstanding the definition of victim in subsection (k), section three, article two a, chapter fourteen of this code, a person who is a victim of human trafficking is a victim for all purposes of article two a, chapter fourteen of this code.~~

~~(e) This article and the rights and remedies provided in this article are cumulative and in addition to other existing rights.~~

~~(f) Notwithstanding the age and criminal history limitations set forth in section twenty six, article eleven of this chapter, any person convicted of prostitution in violation of subsection (b), section five, article eight of this chapter where the conviction was a result of the person being a victim of human trafficking as defined in this section, may petition the circuit court of the county of conviction for an order of expungement pursuant to section twenty-six, article eleven of this chapter.~~

~~No victim of human trafficking seeking relief under this subsection shall be required to prove her or she has rehabilitated himself or herself in order to obtain expungement.~~

## **ARTICLE 14. HUMAN TRAFFICKING.**

### **§61-14-1. Definitions.**

When used in this article, the following words and terms shall have meaning specified unless the context clearly indicates a different meaning:

(1) 'Adult' means an individual eighteen years of age or older.

(2) 'Coercion' means:

(A) The use or threat of force against, abduction of, serious harm to or physical restraint of an individual;

(B) The use of a plan, pattern or statement with intent to cause an individual to believe that failure to perform an act will result in the use of force against, abduction of, serious harm to, physical restraint of or deportation of an individual;

(C) The abuse or threatened abuse of law or legal process;

(D) The destruction or taking of, or the threatened destruction or taking of, an individual's identification document or other property; or

(E) The use of an individual's physical or mental impairment when the impairment has a substantial adverse effect on the individual's cognitive or volitional function.

As used in this article, 'coercion' does not include statements or actions made by a duly authorized state or federal law-enforcement officer as part of a lawful law enforcement investigation or undercover action.

(3) 'Commercial sexual activity' means sexual activity for which anything of value is given to, promised to or received by a person.

(4) 'Debt bondage' means inducing an individual to provide:

(A) Commercial sexual activity in payment toward or satisfaction of a real or purported debt; or

(B) Labor or services in payment toward or satisfaction of a real or purported debt if:

(i) The reasonable value of the labor or services is not applied toward the liquidation of the debt; or

(ii) The length of the labor or services is not limited, and the nature of the labor or services is not defined.

(5) ‘Forced labor’ means labor or services that are performed or provided by another person and are obtained or maintained through the following:

(A) Threat, either implicit or explicit, deception or fraud, scheme, plan, or pattern or other action intended to cause a person to believe that, if the person did not perform or provide the labor or services, that person or another person would suffer serious bodily harm, physical restraint or deportation;

(B) Physically restraining or threatening to physically restrain a person;

(C) Abuse or threatened abuse of the legal process; or

(D) Destroying, concealing, removing, confiscating or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document of another person: *Provided*, That ‘forced labor’ does not mean labor or services required to be performed by a person in compliance with a court order or as a required condition of probation, parole, or imprisonment.

As applied in this article, forced labor shall not include labor, work or services provided by a minor to the minor’s parent, legal custodian or legal guardian, so long as the legal guardianship or custody of the minor was not obtained for the purpose of compelling the minor to participate in commercial sex acts or sexually explicit performance, or perform forced labor or services; nor shall it include physical restraint of a minor, or the threat of physical restraint to a minor, by his or her parents, legal custodian or legal guardian if conducted in an otherwise lawful manner and for the purpose of discipline, supervision or teaching.

(6) ‘Human trafficking’, ‘trafficking’, or ‘traffics’ means knowingly recruiting, transporting, transferring, harboring, receiving, providing, obtaining, isolating, maintaining or enticing an individual to engage in debt bondage, forced labor or sexual servitude.

(7) 'Identification document' means a passport, driver's license, immigration document, travel document or other government-issued identification document, including a document issued by a foreign government.

(8) 'Labor or services' means activity having economic value.

(9) 'Minor' means an individual less than eighteen years of age.

(10) 'Patronize' means giving, agreeing to give or offering to give anything of value to another person in exchange for commercial sexual activity.

(11) 'Person' means an individual, estate, business or nonprofit entity, or other legal entity. The term does not include a public corporation or government or governmental subdivision, agency or instrumentality.

(12) 'Serious harm' means harm, whether physical or nonphysical, including psychological, economic or reputational, to an individual which would compel a reasonable individual of the same background and in the same circumstances to perform or continue to perform labor or services or sexual activity to avoid incurring the harm.

(13) 'Sexual activity' means sexual contact, sexual intercourse or sexual intrusion, as defined in section one, article eight-b of this chapter, or sexually explicit conduct, as defined in section one, article eight-c of this chapter.

(14) 'Sexual servitude' means:

(A) Maintaining or making available a minor for the purpose of engaging the minor in commercial sexual activity; or

(B) Using coercion to compel an adult to engage in commercial sexual activity.

(15) 'Victim' means an individual who is subjected to human trafficking, regardless of whether a perpetrator is prosecuted or convicted.

**§61-14-2. Human trafficking of an individual; penalties.**

(a) Any person who knowingly and willfully traffics an adult is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than three nor more than fifteen years, fined not more than \$200,000, or both imprisoned and fined.

(b) Any person who knowingly and willfully traffics a minor is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than five nor more than twenty years, fined not more than \$300,000, or both imprisoned and fined.

**§61-14-3. Use of forced labor; penalties.**

(a) Any person who knowingly uses an adult in forced labor is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than one nor more than five years, fined not more than \$100,000, or both imprisoned and fined.

(b) Any person who knowingly uses a minor in forced labor is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than three nor more than fifteen years, fined not more than \$300,000, or both imprisoned and fined.

**§61-14-4. Use of persons in debt bondage; penalties.**

(a) Any person who knowingly uses an adult in debt bondage is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than one nor more than five years, fined not more than \$100,000, or both imprisoned and fined.

(b) Any person who knowingly uses a minor in debt bondage is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than three nor more than fifteen years, fined not more than \$300,000, or both imprisoned and fined.

**§61-14-5. Sexual servitude; penalties.**

(a) Any person who knowingly uses coercion to compel an adult to engage in commercial sexual activity is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than three nor more than fifteen years, fined not more than \$200,000, or both imprisoned and fined.

(b) Any person who knowingly maintains or makes available a minor for the purpose of engaging the minor in commercial sexual activity is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than ten nor more than twenty years, fined not more than \$300,000, or both imprisoned and fined.

(c) It is not a defense in a prosecution under subsection (b) of this section that the minor consented to engage in commercial sexual activity, or that the defendant believed the minor was an adult.

**§61-14-6. Patronizing a victim of sexual servitude; penalties.**

(a) Any person who knowingly patronizes another in commercial sexual activity and who knows that such person patronized is a victim of sexual servitude, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than one nor more than five years, fined not more than \$100,000, or both imprisoned and fined.

(b) Notwithstanding the provisions of subsection (a) of this section, any person who knowingly patronizes a minor to engage in commercial sexual activity and who knows or has reason to know that said minor is a victim of sexual servitude, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than three nor more than fifteen years, fined not more than \$300,000, or both imprisoned and fined.

**§61-14-7. General provisions and other penalties.**

(a) *Separate violations.* — For purposes of this article, each adult or minor victim constitutes a separate offense.

(b) Aggravating circumstance. —

(1) Notwithstanding any provision of this code to the contrary, if an individual is convicted of an offense under this article and the trier of fact makes a finding that the offense involved an aggravating circumstance, the individual shall not be eligible for parole before serving three years in a state correctional facility.

(2) For purposes of this subsection, ‘aggravating circumstance’ means the individual recruited, enticed or obtained the victim of the offense from a shelter or facility that serves runaway youths, children in foster care, the homeless or victims of human trafficking, domestic violence or sexual assault.

(c) Restitution. —

(1) The court shall order a person convicted of an offense under this article to pay restitution to the victim of the offense.

(2) A judgment order for restitution may be enforced by the state or a victim named in the order to receive the restitution in the same manner as a judgment in a civil action in accordance with section four, article eleven-a of this chapter, including filing a lien against the person, firm or corporation against whom restitution is ordered.

(3) The court shall order restitution under subdivision (1) of this subsection even if the victim is unavailable to accept payment of restitution.

(4) If the victim does not claim restitution ordered under subdivision (1) of this subsection within five years of the entry of the order, the restitution shall be paid to the Crime Victims Compensation Fund created under section four, article two-a, chapter fourteen of this code.

(d) Eligibility for Compensation Fund. — Notwithstanding the definition of victim in section three, article two-a, chapter fourteen of this code, a victim of any offense under this article is a victim for all purposes of article two-a, chapter fourteen of this code: *Provided*, That for purposes of subsection (b), section fourteen,



article two-a, chapter fourteen of this code, if otherwise qualified, a victim of any offense under this article may not be denied eligibility solely for the failure to report to law enforcement within the designated time frame.

(e) Law Enforcement Notification. — Should a law-enforcement officer encounter a child who reasonably appears to be a victim of an offense under this article, the officer shall notify the Department of Health and Human Resources. If available, the Department of Health and Human Resources may notify the Domestic Violence Program serving the area where the child is found.

(f) Forfeiture; Debarment. —

(a) The following are declared to be contraband and no person shall have a property interest in them:

(1) All property which is directly or indirectly used or intended for use in any manner to facilitate a violation of this article; and

(2) Any property constituting or derived from gross profits or other proceeds obtained from a violation of this article.

(b) In any action under this section, the court may enter such restraining orders or take other appropriate action, including acceptance of performance bonds, in connection with any interest that is subject to forfeiture.

(c) Forfeiture actions under this section shall use the procedure set forth in article seven, chapter sixty-a of this code.

(d) Any person or business entity convicted of a violation of this article shall be debarred from state or local government contracts.

#### **§61-14-8. Immunity for minor victim of sex trafficking.**

(a) In a prosecution or a juvenile prosecution for an offense of prostitution in violation of subsection (b), section five, article eight of this chapter, a minor shall not be held criminally liable if the

Court determines that the minor is a victim of an offense under this article: *Provided*, That subject to proof, a minor so charged shall be rebuttably presumed to be a victim under the provisions of this article.

(b) This section does not apply in a prosecution or a juvenile proceeding for any of the other offenses under subsection (b), section five, article eight of this chapter, including specifically soliciting, inducing, enticing or procuring another to commit an act or offense of prostitution, unless it is determined by the court that the minor was coerced into the criminal behavior.

(c) A minor who, under subsection (a) or (b) of this section, is not subject to criminal liability or adjudication as a juvenile delinquent is presumed to be an abused child, as defined in section two-hundred-one, article one, chapter forty-nine of this code, and may be eligible for services under chapter forty-nine of this code including, but not limited to, appropriate child welfare services.

**§61-14-9. Petition to vacate and expunge conviction of sex trafficking victim.**

(a) Notwithstanding the age and criminal history limitations set forth in section twenty-six, article eleven of this chapter, an individual convicted of prostitution in violation of subsection (b), section five, article eight of this chapter as a direct result of being a victim of trafficking, may apply by petition to the circuit court in the county of conviction to vacate the conviction and expunge the record of conviction. The court may grant the petition upon a finding that the individual's participation in the offense was a direct result of being a victim of trafficking.

(b) A victim of trafficking seeking relief under this section is not required to complete any type of rehabilitation in order to obtain expungement.

(c) A petition filed under subsection (a) of this section, any hearing conducted on the petition, and any relief granted are subject to the procedural requirements of section twenty-six, article eleven of this chapter: *Provided*, That the age or criminal history

limitations in that section are inapplicable to victims of human trafficking.

## CHAPTER 62. CRIMINAL PROCEDURE.

### ARTICLE 1D. WIRETAPPING AND ELECTRONIC SURVEILLANCE ACT.

#### **§62-1D-8. County prosecuting attorney or duly appointed special prosecutor may apply for order authorizing interception.**

The prosecuting attorney of any county or duly appointed special prosecutor may apply to one of the designated circuit judges referred to in section seven of this article and such judge, in accordance with the provisions of this article, may grant an order authorizing the interception of wire, oral or electronic communications by an officer of the investigative or law-enforcement agency when the prosecuting attorney or special prosecutor has shown reasonable cause to believe the interception would provide evidence of the commission of: (i) Kidnapping or abduction as defined and prohibited by the provisions of sections fourteen and fourteen-a, article two, chapter sixty-one of this code and including threats to kidnap or demand ransom as defined and prohibited by the provisions of section fourteen-c of said article two ~~or~~; (ii) of any offense included and prohibited by section eleven, article four, chapter twenty-five of said code, sections eight, nine and ten, article five, chapter sixty-one of said code or section one, article eight, chapter sixty-two of said code to the extent that any of said sections provide for offenses punishable as a felony ~~or~~; (iii) dealing, transferring or trafficking in any controlled substance or substances in the felonious violation of chapter sixty-a of this code; ~~or~~ (iv) of any offense included and prohibited by article fourteen, chapter sixty-one of this code; or (v) any aider or abettor to any of the foregoing offenses or any conspiracy to commit any of the foregoing offenses if any aider, abettor or conspirator is a party to the communication to be intercepted.”

And,

By amending the title of the bill to read as follows:

**Com. Sub. for H. B. 2318** – “A Bill to repeal §61-2-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §15-9A-2 of said code; to amend and reenact §15-12-2 of said code; to amend and reenact §49-1-201 of said code; to amend said code by adding thereto a new article, designated §61-14-1, §61-14-2, §61-14-3, §61-14-4, §61-14-5, §61-14-6, §61-14-7, §61-14-8 and §61-14-9; and to amend and reenact §62-1D-8 of said code, all relating generally to human trafficking; designating the Division of Justice and Community Services to be the state administrative agency responsible for criminal justice and juvenile justice systems for the planning and development of state programs and grants relating to human trafficking; adding offenses that require registration under the Sex Offender Registration Act; defining terms; creating criminal felony offenses and penalties for human trafficking of an individual; creating criminal felony offenses and penalties for using victim of human trafficking in forced labor; creating criminal felony offenses and penalties for using victim of human trafficking in debt bondage; creating criminal felony offenses and penalties for compelling a victim of human trafficking through coercion to engage in commercial sexual activity; creating a criminal felony offense for maintaining or making available a minor victim of human trafficking for the purpose of engaging in commercial sexual activity; clarifying that consent of minor and misbelief as to age are not defenses to prosecution for sexual servitude offenses; creating a criminal felony offense of unknowingly patronizing an individual victim of human trafficking to engage in commercial sexual activity; creating offense of patronizing a minor victim of human trafficking; creating criminal penalties; clarifying that each victim constitutes a separate offense; limiting ability for parole in circumstances where the court makes a finding of aggravated circumstances; defining aggravated circumstances; providing for restitution to victims and the enforcement of a judgment order for restitution; directing unclaimed restitution to be paid to the Crime Victims Compensation Fund; providing for forfeiture of profits from human trafficking and debarment from state and local government contracts for persons or entities convicted of human trafficking

offenses; making certain victims of human trafficking eligible for compensation under the Crime Victims Compensation Fund; specifying the notification procedure to be followed by a law-enforcement officer upon encountering a child who appears to be a victim of an offense under this article; providing for immunity for offense of prostitution for minors; defining a minor victim of sex trafficking as an abused child and establishing a child's eligibility for services therefor; providing for expungement of prostitution conviction for victims of trafficking; and authorizing the use of wiretaps to conduct investigations of human trafficking offenses.”

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 95**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2318) passed.

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

**Com. Sub. for H. B. 2318** – “A Bill to repeal §61-2-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §15-9A-2 of said code; to amend and reenact §15-12-2 of said code; to amend and reenact §49-1-201 of said code; to amend said code by adding thereto a new article, designated §61-14-1, §61-14-2, §61-14-3, §61-14-4, §61-14-5, §61-14-6, §61-14-7, §61-14-8 and §61-14-9; and to amend and reenact §62-1D-8 of said code, all relating generally to human trafficking; designating the Division of Justice and Community Services to be the state administrative agency responsible for criminal justice and juvenile justice systems for the planning and development of state programs and grants relating to human trafficking; adding offenses that require registration under the Sex Offender Registration Act; adding human trafficking within the definition of an abused child; adding under the definition of sexual exploitation an act where a parent,

guardian, or custodian knowingly maintains or makes available a child for the purpose of engaging the child in commercial sexual activity; defining terms; creating criminal felony offenses and penalties for human trafficking of an individual; creating criminal felony offenses and penalties for using victim of human trafficking in forced labor; creating criminal felony offenses and penalties for using victim of human trafficking in debt bondage; creating criminal felony offenses and penalties for compelling a victim of human trafficking through coercion to engage in commercial sexual activity; creating a criminal felony offense and penalty for maintaining or making available a minor victim of human trafficking for the purpose of engaging in commercial sexual activity; clarifying that consent of minor and misbelief as to age are not defenses to prosecution for sexual servitude offenses; creating a criminal felony offense and penalty for knowingly patronizing an individual to engage in commercial sexual activity with knowledge that the individual is a victim of sexual servitude; creating a criminal felony offense and penalty for knowingly patronizing a minor to engage in commercial sexual activity with knowledge or having reason to know that the minor is a victim of sexual servitude; clarifying that each victim constitutes a separate offense; limiting ability for parole in circumstances where the court makes a finding of aggravated circumstances; defining aggravated circumstances; providing for restitution to victims and the enforcement of a judgment order for restitution; directing unclaimed restitution to be paid to the Crime Victims Compensation Fund; making victims of certain offenses eligible for compensation under the Crime Victims Compensation Fund; specifying the notification procedure to be followed by a law-enforcement officer upon encountering a child who appears to be a victim; providing for forfeiture of certain property; providing for debarment from state and local government contracts for persons or entities convicted of certain offenses; providing for immunity for offense of prostitution for minors; defining a minor victim of sex trafficking as an abused child and establishing a child's eligibility for services therefor; providing for expungement of prostitution conviction for victims of trafficking; and authorizing the use of wiretaps to conduct investigations.”

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

### **Petitions**

Delegates Longstreth, Caputo and Ward presented a petition signed by residents of Marion County in support of keeping the John Manchin Sr. Health Center open to continue their service to the elderly and less fortunate members of their community; which was referred to the Committee on Health and Human Resources.

### **Special Calendar**

#### **Unfinished Business**

The following resolutions, coming up in regular order, as unfinished business, were reported by the Clerk and adopted:

**H. C. R. 15**, Requesting Congress to fully support the National Park Service's recommendations to extend the Lewis and Clark National Historic Trail to include additional sites along the Expedition's Eastern Legacy,

**H. C. R. 24**, SGT. Eugene E. Arbogast Memorial Bridge,

**H. C. R. 59**, USMC LCpl Timothy J. Dunnigan Memorial Intersection,

**H. C. R. 82**, U.S. Marine Sergeant David Paul McCord Memorial Bridge,

And,

**H. C. R. 83**, U.S. Army SPC John R. Tennant Memorial Bridge.

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

### Third Reading

**Com. Sub. for S. B. 301**, Supplemental appropriation of federal funds from Treasury to State Board of Education, School Lunch Program; 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. 96**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 301) passed.

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

On this question, the yeas and nays were taken (**Roll No. 97**), and there were—yeas 100, nays none, absent and not voting none.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 301) takes effect from its passage.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

**S. B. 330**, Relating to WV Workplace Freedom 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. 98**), and there were—yeas 52, nays 48, absent and not voting none, with the nays being as follows:

Nays: Baldwin, Barrett, Bates, Boggs, Brewer, Byrd, Canestraro, Caputo, Diserio, Eldridge, A. Evans, E. Evans, Ferro, Fleischauer, Fluharty, Folk, Hamilton, Hartman, Hicks, Hornbuckle, Iaquinta, Isner, Lewis, Longstreth, Love, Lovejoy, Lynch, Marcum, Maynard, McGeehan, Miley, R. Miller, Moye, Paynter, Pethtel, Phillips, Pushkin, Pyles, Robinson, Rodighiero,



Rohrbach, R. Romine, Rowe, Sponaugle, Storch, Thompson, Ward and Williams.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 330) passed.

An amendment to the title, offered by Delegate Shott, was reported by the Clerk:

**S. B. 330** – “A Bill to amend and reenact §21-5G-1 and §21-5G-7 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia Workplace Freedom Act; eliminating the term ‘state’ from the definitions section; eliminating a provision regarding construction of the act as it relates to the building and construction industry; and clarifying dates of applicability.”

Delegate Caputo moved to amend the title amendment by striking out the title and substituting therefor a new title, to read as follows:

**S. B. 330** – “A Bill to amend and reenact §21-5G-1 and §21-5G-7 of the Code of West Virginia, 1931, as amended, all relating to the right of workers to freeloading off of unions; eliminating the term ‘state’ from the definitions section; eliminating a provision regarding construction of the act as it relates to the building and construction industry; and modifying dates of applicability.”

Delegate Caputo was explaining the amendment to the House when Delegate Cowles arose to a point of order.

The Speaker reminded the Delegate that the amendment was not debatable and that he must explain the amendment.

Delegate Caputo resumed his explanation when Delegate Cowles arose to a point of order and the Speaker reminded the Delegate to explain the amendment.

The question being on adoption of the amendment to the title amendment, Delegate Caputo demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 99**), and there were—yeas 39, nays 61, absent and not voting none, with the yeas being as follows:

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

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

The title amendment offered by Delegate Shott was then adopted.

*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. 2373**, Authorizing school bus drivers trained in administration of epinephrine auto-injectors to administer auto-injectors; 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. 100**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2373) passed.

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

**Com. Sub. for H. B. 2373** – “A Bill to amend and reenact §18-5-22c of the Code of West Virginia, 1931, as amended, all

relating to the administration of epinephrine auto-injectors by a school nurse, a nonmedical personnel, or a school transportation personnel to a student or school personnel; authorizing school transportation personnel trained in administration of epinephrine auto-injectors and designated and authorized by the school or county board to administer auto-injectors to a student or school personnel experiencing an anaphylactic reaction and excluding such school transportation personnel from chapter eighteen, article five, section twenty-two; adding the county board as an entity that can authorize and designate nonmedical school personnel to administer the epinephrine auto-injector; establishing that school transportation personnel are immune from liability for administration of an epinephrine auto-injector except in cases of gross negligence or willful misconduct; and requiring the State Board of Education to promulgate rules necessary to effectuate the provisions of this section.”

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

**H. B. 2427**, Requiring agencies listed in the online state phone directory to update certain employee information; 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. 101**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2427) 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. 2446**, Relating to the requirement that all executive branch agencies maintain a website that contains specific

information; 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. 102**), and there were—yeas 69, nays 31, absent and not voting none, with the nays being as follows:

Nays: Baldwin, Bates, Boggs, Brewer, Byrd, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hamilton, Hartman, Hornbuckle, Iaquina, Isner, Longstreth, Love, Lovejoy, Marcum, Miley, R. Miller, Moye, Pethel, Robinson, Rodighiero, Sponaule, Thompson and Williams.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2446) 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. 2522**, Nurse licensure compact; on third reading, coming up in regular order, was read a third time.

Delegates Summers, Fast, Moye, E. Evans, Westfall, Rodighiero, Zatezalo and Love requested to be excused from voting on the passage of H.B. 2522 under the provisions of House Rule 49.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 103**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2522) passed.

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

**H. B. 2522** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-7F-1, §30-7F-2, §30-7F-3, §30-7F-4, §30-7F-5, §30-7F-6, §30-7F-7, §30-7F-8, §30-7F-9, §30-7F-10 and §30-7F-11, all relating to the establishment and operation of an interstate compact for licensure of nurses; setting forth findings; setting forth the purposes for the compact; defining terms; providing eligibility requirements; requiring a nurse to designate a state of principal license; providing licensure requirements; establishing a licensure process; providing for fees; providing requirements for renewal of a license; providing for joint investigation of nurses by member boards; establishing the effect of disciplinary actions; creating the commission to administer the compact; setting forth commission composition; establishing the authority of the commission; providing immunity; establishing commission rule making authority; providing for judicial review; providing for state enforcement; providing the commission may intervene in proceedings; providing for legal enforcement of compact rules and provisions; providing for termination or withdrawal of a member state; setting forth provisions for resolution of disputes; establishing provisions for state eligibility; setting forth the circumstances under which the compact will become effective; providing for amending the compact; setting forth procedures for states to withdraw from the Compact; providing process to amend the Compact; and establishing provisions related to severability.”

*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. 2601**, Relating to municipal policemen’s or municipal firemen’s pension and relief funds; 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. 104**), and there were—yeas 96, nays 4, absent and not voting none, with the nays being as follows:

Nays: Hornbuckle, Lovejoy, Rohrbach and Sobonya.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2601) 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. 2603**, Relating to municipal policemen's or firemen's pension and relief funds that are funded at one hundred and twenty-five percent or more; 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. 105**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2603) 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. 2631**, Relating to time standards for disposition of complaint proceedings; 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. 106**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2631) passed.

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

**Com. Sub. for H. B. 2631** – “A Bill to amend and reenact §30-1-5 of the Code of West Virginia, 1931, as amended, relating to providing notice of status report to the party filing the complaint and the Respondent by certified mail with a signed return receipt; requiring that in the event a board is unable to issue a final ruling within the statutory prescribed time, the board must issue a status report detailing the reasons it is unable to meet the prescribed time period and a new date for issuance of a final ruling; and prohibiting the new date for the issuance of a final ruling to be in excess of six (6) months from the date the final ruling was due.”

*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. 2649**, Adding violations of law upon which a public servant’s retirement plan may be forfeited; 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. 107**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2649) 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. 2683**, Relating to West Virginia Insurance Guaranty Association 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. 108**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2683) 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. 2792**, Requiring the Library Commission to survey the libraries of the state; 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. 109**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2792) 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. 2796**, Relating to the West Virginia National Guard entering into contracts and subcontracts for specialized technical 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. 110**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2796) passed.

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



**H. B. 2796** – “A Bill to amend and reenact §15-1J-4 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia Military Authority entering into contracts and subcontracts on behalf of the West Virginia National Guard for specialized technical services at a rate commensurate with industry standards as determined by the Adjutant General.”

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

### Second Reading

**Com. Sub. for H. B. 2546**, Allowing replacement costs of employer provided property to be deducted from an employee’s final paycheck if the property is not returned; 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. 2555**, Relating to tax credits for apprenticeship training in construction trades; 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. 2586**, Relating to required minimum distribution of retirement benefits of plans administered by the Consolidated Public Retirement Board; 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. 2676**, Transferring the Security office under the Division of Culture and History to the Division of Protective Services; 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. 2694**, Relating to the development and implementation of a program to facilitate commercial sponsorship of rest areas; 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. 2739**, Relating to supplemental Medicaid provider reimbursement; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2766**, Establishing a new special revenue fund, designated the Adult Drug Court Participation Fund; 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. 2811**, Relating to the definition of above ground storage tanks; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2833**, Specifying the contents and categories of information for inclusion in annual reports; on second reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Cowles, and by unanimous consent, the bill was postponed one day.

**Com. Sub. for H. B. 2839**, Updating the procedures for legislative review of departments and licensing boards; 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. 2852**, Relating to the preparation of a comprehensive annual financial report; 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. 2868**, Relating generally to Uniform Unclaimed Property Act; 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 H. B. 2898**, Authorizing the Joint Committee on Government and Finance to request and obtain criminal background checks of employees of the Legislature,

And,

**Com. Sub. for H. B. 2916**, Authorizing certain first responders to carry firearms.

### **Miscellaneous Business**

Delegate Howell asked and obtained unanimous consent that the remarks of Delegate Hamrick during the Remarks by Members today be printed in the Appendix to the Journal.

Delegate Hornbuckle asked and obtained unanimous consent that the remarks of Delegate Shott during the Remarks by Members today be printed in the Appendix to the Journal.

Delegate Caputo asked and obtained unanimous consent that the remarks of Delegate Miley during the Remarks by Members today be printed in the Appendix to the Journal.

Delegate Caputo asked and obtained unanimous consent that the remarks of Delegate Brewer regarding S. B. 330 be printed in the Appendix to the Journal.

Delegates Butler, Espinosa, A. Evans, Frich, Hartman, Lewis, C. Miller and Walters filed forms with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2451.

Delegates Iaquinta, R. Miller, Rohrbach and Sobonya filed forms with the Clerk's Office per House Rule 94b to be added as cosponsors of H. B. 2483.

Delegate Pushkin filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 3034.

Delegate Summers filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 3093.

Delegate Rowan filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2384.

Delegate Westfall filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 3044.

Delegate Espinosa filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. J. R. 24.

At 1:28 p.m., the House of Delegates adjourned until 11:00 a.m., Friday, March 17, 2017.

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Friday, March 17, 2017

**THIRTY-EIGHTH 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, March 16, 2017, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

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

Your Committee on Finance has had under consideration:

**H. B. 2856**, Declaring public policy and legislative intent for improving the marketing, quality and frequency of passenger rail service of the Cardinal Passenger Train,

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

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

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

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

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. 3020) was referred to the Committee on the Judiciary.

On motion for leave, a bill was introduced (Originating in the Committee on Agriculture and Natural Resources and reported with the recommendation that it do pass but that it first be referred to the Committee on the Judiciary), which was read by its title, as follows:

**By Delegates Atkinson, Harshbarger, Love, Lynch, R. Romine, Sponaugle and A. Evans:**

**H. B. 3101** – “A Bill to amend and reenact §20-2-5 of the Code of West Virginia, 1931, as amended, relating to catching, taking, killing or attempting to catch, take or kill any fish by any means within two hundred feet of agency personnel stocking fish into public waters; creating a misdemeanor for violations thereof; and providing for criminal penalties.”

The bill (H. B. 3101) was referred to the Committee on the Judiciary.

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

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

**H. B. 3027**, Imposing a tax on cattle which is to be used to help fund the U. S. Department of Agriculture’s Wildlife Services Fund,

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. 3027) was referred to the Committee on Finance.

Delegate Frich, 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. 2851**, Updating fee structure provisions for broker-dealers,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2851) was referred to the Committee on Finance.

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

Your Committee on Banking and Insurance has had under consideration:

**H. B. 2871**, Eliminating the mandated employer versus employee cost share of eighty percent employer, twenty percent employee for Public Employee Insurance Agency,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2871) was referred to the Committee on Finance.

Chairman Howell, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

**H. B. 2840**, Reorganizing the departments, agencies and commissions within the executive branch of state government,

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

**Com. Sub. for H. B. 2840** – “A Bill to amend and reenact §5A-1-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §5F-2-1 of said code; and to amend said code by adding thereto twelve new sections, designated §5F-2-1a, §5F-2-1b, §5F-2-1c, §5F-2-1d, §5F-2-1e, §5F-2-1f, §5F-2-1g, §5F-2-1h, §5F-2-1i, §5F-2-1j, §5F-2-1k and §5F-2-1l, all relating to the reorganization of certain code provisions that organize the executive branch of state government,”

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

In the absence of objection, reference of the bill (Com. Sub. for H. B. 2840) to the Committee on Finance was abrogated.

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. 2827**, Updating the all payor claims database,

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

**Com. Sub. for H. B. 2827** - “A Bill to amend and reenact §33-4A-1, §33-4A-2, §33-4A-3, §33-4A-4, §33-4A-5, §33-4A-6, §33-4A-7 and §33-4A-8 of the Code of West Virginia, 1931, as amended, all relating to the all payor claims database; defining terms; providing sole authority to the Secretary of the Department of Health and Human Resources; removing memorandum of understanding requirements,”

With the recommendation that the committee substitute do pass.

The bill was referred to the Committee on Finance.



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

Your Committee on Energy has had under consideration:

**H. B. 2948**, Establishing timelines for taking final action on certain permits,

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. 2948) was referred to the Committee on the Judiciary.

Delegate Cowles asked and obtained unanimous consent that Com. Sub. for H. B. 2827 be taken up for further consideration.

Delegate Cowles then asked and obtained unanimous consent that reference of the bill to the Committee on Finance be dispensed with.

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

Your Committee on Energy has had under consideration:

**H. B. 3037**, Removing the Division of Energy as an independent agency,

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

In accordance with the former direction of the Speaker, the bill (H. B. 3037) was referred to the Committee on Government Organization.

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. 2002**, Relating to parental notification of abortions performed on unemancipated minors,

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. 2002) was referred to the Committee on the Judiciary.

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

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

**H. B. 2498**, Creating a rebuttable presumption that development of certain cancers by professional or volunteer firefighters arose out of the course of employment,

And,

**H. B. 3009**, Relating to access by the Office of Health Facility Licensure and Certification to the Controlled Substances Monitoring Program database,

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. 2498 and H. B. 3009) were each referred to the Committee on the Judiciary.

### **Messages from the Executive**

The following communication was laid before the House of Delegates, which was reported by the Clerk as follows:

State of West Virginia  
OFFICE OF THE GOVERNOR  
Charleston, WV

March 16, 2017

The Honorable Mitch Carmichael  
President of the Senate  
State Capitol, Building 1, Room 229-M  
Charleston, West Virginia 25305

The Honorable Tim Armstead  
Speaker of the House of Delegates  
State Capitol, Building 1, Room 228-M  
Charleston, West Virginia 25305

Dear President Carmichael and Speaker Armstead:

After submission of my recommended FY 2018 Executive Budget on February 8, 2017, there have been a few areas that require adjustments.

These changes, in coordination with my revised revenue proposals, will result in a FY 2018 surplus in the General Revenue Fund of over \$54 million.

Therefore, pursuant to Section 51, Article VI of the Constitution of the State of West Virginia, I submit revisions to the FY 2018 Budget Bill for the TITLE II – APPROPRIATIONS as follows:

**Section 1. Appropriations from general revenue.**

**Executive**

*Governor's Office, Fund 0101, Fiscal Year 2018, Org 0100*

(To rename the Herbert Henderson Office of Minority Affairs per SB 425/HB 2724.)

- Rename appropriation 13400 “Herbert Henderson Office of Inclusion”.

- Change the references in the directive language to reflect the renamed appropriation and special revenue fund.

### **Department of Commerce**

*Division of Forestry, Fund 0250, Fiscal Year 2018, Org 0305*

(To allow for rehiring of previously laid off Forester positions.)

- Increase “Personal Services and Employee Benefits” Appropriation 00100 by \$550,000.

*West Virginia Development Office, Fund 0256, Fiscal Year 2018, Org 0307*

(To spread funding for the Save Our State program over three years.)

- Decrease “Save Our State (SOS)” Appropriation 05050 by \$70,505,000.

*Division of Miners’ Health, Safety and Training, Fund 0277, Fiscal Year 2018, Org 0314*

(To realign funding to reflect departmental reorganization and to allow for rehiring of previously laid off Forester positions.)

- Decrease “Personal Services and Employee Benefits” Appropriation 00100 by \$605,000.

*Department of Commerce – Office of the Secretary, Fund 0606, Fiscal Year 2018, Org 0327*

(To realign funding to reflect departmental reorganization.)

- Increase “Personal Services and Employee Benefits” Appropriation 00100 by \$55,000.

### **Department of Education**

*State Board of Education – State Aid to Schools, Fund 0317, Fiscal Year 2018, Org 0402*

(To adjust the State Aid Formula Teachers' Retirement System Unfunded Liability appropriation to reflect a smoothing methodology for actuarial gains and losses adopted by the Retirement Board.)

- Decrease "Retirement Systems – Unfunded Liability" Appropriation 77500 by \$43,213,000.

(To adjust School Aid Formula based on final local share numbers.)

- Increase "Less Local Share" line by \$703,080 from (\$453,783,878) to (\$454,486,958).

*State Board of Education – Division of Education Performance Audits, Fund 0573, Fiscal Year 2018, Org 0402*

(To reflect elimination of the Office of Performance Audits per SB 420/HB 2711.)

- Delete fund 0573 in its entirety, a reduction of \$1,171,798.

### **Department of Education and the Arts**

*Educational Broadcasting Authority, Fund 0300, Fiscal Year 2018, Org 0439*

(To restore funding for the Educational Broadcasting Authority to permit the agency to enter into a transition phase with a land-grant institution of higher education.)

- Add "Personal Services and Employee Benefits" Appropriation 00100 for \$4,245,141.
- Add "Current Expense" Appropriation 13000 for \$20,146.
- Add "Mountain Stage" Appropriation 24900 for \$300,000.
- Add "Capital Outlay and Maintenance" Appropriation 75500 for \$10,000.

- Add “BRIM Premium” Appropriation 91300 for \$45,283.

### **Department of Transportation**

*State Rail Authority, Fund 0506, Fiscal Year 2018, Org 0804*

(To combine agencies into the Division of Multimodal Transportation per SB 414/HB 2717.)

- Delete fund 0506 in its entirety.

*Aeronautics Commission, Fund 0582, Fiscal Year 2018, Org 0807*

(To combine agencies into the Division of Multimodal Transportation per SB 414/HB 2717.)

- Delete fund 0582 in its entirety.

*Division of Multimodal Transportation, Fund \_\_\_\_\_, Fiscal Year 2018, Org \_\_\_\_\_*

(To create Division of Multimodal Transportation per SB 414/HB 2717.)

- Add “Personal Services and Employee Benefits” Appropriation 00100 for \$525,832.
- Add “Current Expenses” Appropriation 13000 for \$998,946.
- Add “Repairs and Alterations” Appropriation 06400 for \$100.
- Add “Civil Air Patrol” Appropriation 23400 for \$129,219.
- Add “Other Assets” Appropriation 69000 for \$1,335,760.
- Add “BRIM Premium” Appropriation 91300 for \$192,504.
- Add the language, “Any unexpended balances remaining in the appropriations for Unclassified (fund 0582,

appropriation 09900), Current Expenses (fund 0582, appropriation 13000), and Other Assets (fund 0506, appropriation 69000), at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018, with the exception of fund 0506, fiscal year 2017, appropriation 69000 (\$32,483) which shall expire on June 30, 2017. The specified unexpended balances attributable to the former separate agencies combined into the Division of Multimodal Transportation shall be transferred and reassigned to the fund and organization number assigned to the Division of Multimodal Transportation. From the above appropriation for Current Expenses (fund \_\_\_\_, appropriation 13000), the sum of \$120,000 shall be distributed equally to each of the twelve local Civil Air Patrol Squadrons.”

### **Section 3. Appropriations from other funds.**

#### **Executive**

*Governor’s Office – Minority Affairs Fund, Fund 1058, Fiscal Year 2018, Org 0100*

(To rename the Herbert Henderson Office of Minority Affairs per SB 425/HB 2724.)

- Rename fund 1058 “Governor’s Office – Office of Inclusion”.

#### **Department of Administration**

*Division of Information Services and Communications, Fund 2220, Fiscal Year 2018, Org 0210*

(To combine the Office of Technology and Division of Information Services and Communications per SB 557/HB 2900.)

- Rename fund “Office of Technology – Information Services and Communication Fund”.

- Increase “Personal Services and Employee Benefits” Appropriation 00100 by \$399,911.
- Increase “Unclassified” Appropriation 09900 by \$6,949.
- Increase “Current Expenses” Appropriation 13000 by \$227,116.
- Increase “Repairs and Alterations” Appropriation 06400 by \$1,000.
- Increase “Equipment” Appropriation 07000 by \$50,000.
- Increase “Other Assets” Appropriation 69000 by \$10,000.

*Office of Technology – Chief Technology Officer Administration Fund, Fund 2531, Fiscal Year 2018, Org 0231*

(To combine the Office of Technology and Division of Information Services and Communications per SB 557/HB 2900.)

- Delete fund 2531 in its entirety.

### **Miscellaneous Boards and Commissions**

*WV Board of Examiners for Registered Professional Nurses – Registered Professional Nurses, Fund 8520, Fiscal Year 2018, Org 0907*

(To correcting a drafting error.)

- Decrease “Directed Transfer” Appropriation 70000 by \$500,000.
- Delete the directive language following fund 8520.

*Board of Medicine – Medical Licensing Board Fund, Fund 9070, Fiscal Year 2018, Org 0945*

(To allow for hiring of an investigator and part-time attorney position.)



- Increase “Personal Services and Employee Benefits” Appropriation 00100 by \$140,000.

#### **Section 4. Appropriations from lottery net profits.**

##### **Department of Commerce**

*West Virginia Development Office – Division of Tourism, Fund 3067, Fiscal Year 2018, Org 0304*

(To rename the Division of Tourism per SB 535/HB 2899.)

- Rename fund 3067 “West Virginia Tourism Office”.

#### **Section 6. Appropriations of federal funds.**

##### **Department of Transportation**

*Public Port Authority, Fund 8830, Fiscal Year 2018, Org 0806*

(To combine agencies into the Division of Multimodal Transportation per SB 414/HB 2717.)

- Delete fund 8830 in its entirety.

*Division of Multimodal Transportation, Fund \_\_\_\_\_, Fiscal Year 2018, Org \_\_\_\_\_*

(To create Division of Multimodal Transportation per SB 414/ HB 2717.)

- Add “Current Expenses” Appropriation 13000 for \$200,000.

##### **Miscellaneous Boards and Commissions**

*Public Service Commission – Motor Carrier Division, Fund 8743, Fiscal Year 2018, Org 0926*

(To allow for expenditure of federal funds for equipment purchases.)

- Add “Equipment” Appropriation 07000 for \$750,000.

Thank you for your prompt attention of this matter. Your cooperation is always appreciated. Should you have any questions or require additional information, please call me at any time.

Sincerely,

Jim Justice,  
*Governor.*

### **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. 186** – “A Bill to amend and reenact §18-5-18 and §18-5-44 of the Code of West Virginia, 1931, as amended, and to amend and reenact §18-8-1a of said code, all relating to adjusting the date upon which children become eligible for certain school programs and school attendance requirements; changing the kindergarten age attainment requirement from age five prior to September 1 to age five prior to July 1, with the July 1 date to become enforceable with the 2019-2020 school year; changing the early childhood education program age attainment date requirement from age four prior to September 1 to age four prior to July 1, with the July 1 date becoming enforceable with the 2018-2019 school year; and changing the age for which compulsory attendance begins to those who attain age six by July 1 of each year, with the July 1 date becoming enforceable with the 2019-2020 school year”; 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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 192** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §37-12-3, relating generally to licensed surveyors; and

providing that licensed surveyors may not be held liable for defamation or slander of title while performing their professional duties, except in cases of professional negligence, incompetence, malicious intent, fraud or deceit”; 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. 413** – “A Bill to amend and reenact §5-22-1 of the Code of West Virginia, 1931, as amended, relating to the solicitation for bids for government construction contracts; submitting bids on government construction contracts; defining the term “alternates”; limiting the number of alternates that may be included on any solicitation of bids for government construction contracts; establishing procedures for acceptance of alternate bids and determination of the lowest qualified responsible bidder; and providing procedures for the required submission of a list of subcontractors who will perform more than \$25,000 of work on certain projects”; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

**Com. Sub. for S. B. 471** – “A Bill to amend and reenact §20-2-3 of the Code of West Virginia, 1931, as amended, relating to state ownership of wildlife; and making technical clarifications”; 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. 474** – “A Bill to amend and reenact §20-2-27 of the Code of West Virginia, 1931, as amended, relating to hunting licenses; and exempting the list of names, addresses and contact information for license holders from public disclosure with certain exceptions”; 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. 495** – “A Bill to amend and reenact §29-5A-1, §29-5A-6, §29-5A-15, §29-5A-16, §29-5A-20 and §29-5A-24 of the Code of West Virginia, 1931, as amended, all relating to regulation of events by the State Athletic Commission; authorizing the commission in limited circumstances to approve certain event changes in writing; providing for the designation and payment of a scorekeeper; clarifying the authority of the commission to designate inspectors for an event; and providing for licensing and rules regarding the regulation of amateur mixed martial arts”; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

**Com. Sub. for S. B. 531** – “A Bill to amend and reenact §19-13-4 of the Code of West Virginia, 1931, as amended, relating to the renewal date for apiary certificates of registration”; 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. 536** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-5i; and to amend and reenact §20-2-16 of said code, all relating to hunting; using leashed dogs to track mortally wounded deer or bear; and clarifying the handling of dogs caught chasing deer”; 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. 575** – “A Bill to amend and reenact §61-6-23 of the Code of West Virginia, 1931, as amended, relating generally to shooting ranges; limiting applicability of municipal and county noise ordinances for shooting ranges to those ordinances in effect at the time construction of a shooting range is begun or operation of a shooting range is begun, whichever is earlier in time; declaring that shooting ranges taken by eminent domain which reopen within two years of the final order of condemnation in the same municipality or county are subject to the noise control standards in effect at the time construction or operation of the condemned shooting range began, whichever occurred earlier in time; and declaring legislative intent that amendments to the section enacted during the 2017 regular session are retroactive”; which was referred to the Committee on the Judiciary.

### **Resolutions Introduced**

Delegates Hamrick and Queen 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 the Division of Highways to name bridge number 17-50/59-0.01 (17A227) (39.28756, -80.34876), locally known as Northview Overpass, carrying County Route 50/59 over US 50 in Harrison County, the ‘Michael Angiulli Memorial Bridge’.”

Whereas, Michael “Mike” Angiulli was born in North View in Harrison County, West Virginia, on September 1, 1924, the son of the late John and Mary Agnes Checchia Angiulli; and

Whereas, In 1942, he graduated from Victory High School; and

Whereas, Mike was married to Roanna Gay Snyder and had five children: John Michael Angiulli, Michael “Mike” Angiulli, Mary Ann Preston, Cheryl Angiulli and Kenneth Snyder; and

Whereas, In 1943, Mike joined the Marine Corps and began serving in the E Company, 9th Marine Regiment, 3<sup>rd</sup> Marine Division. During his time with the Marine Corps, he attained the rank of Platoon Sergeant. While serving during World War II in the Pacific, he took part in three beach landings - Guam, Bougainville and Iwo Jima; and

Whereas, In 1945, upon returning from World War II, Mike became a Clarksburg Firefighter and later retired due to an injury; and

Whereas, In 1957, he and a small group formed the North View Athletic Club (“NVAC”) and at one time had three playgrounds in North View. Mike was awarded the Clarksburg Man of the Year Award in 1958 and remained active in the NVAC his entire life; and

Whereas, In the early 1980’s, Mike built one of the first signs entering the North View community with the help of Roger Diaz; and

Whereas, In the 1990’s Mike worked with Pete Iquinto and Liberty Baseball. Mike was given the name “The Grass Doctor” by Pete; and

Whereas, Also in the 1990s and early 2000s, Mike made notebooks of World War II which he gave to area high schools and colleges, and also gave talks about World War II; and

Whereas, Mike fell ill in 2006 and was cared for by his family until he entered the West Virginia Veterans Nursing Facility in 2012; and

Whereas, Mike passed away on Thursday, July 23, 2015, at the Louis A. Johnson Veterans Administration Hospital in Clarksburg; and

Whereas, Mr. Angiulli was preceded in death by his wife, Roanna Gay Snyder Angiulli, on February 14, 2004, and son, Kenneth Snyder; and

Whereas, 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 17-50/59-0.01 (17A227) (39.28756, -80.34876), locally known as Northview Overpass, carrying County Route 50/59 over US 50 in Harrison County, the “Michael Angiulli 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 proclaiming it the “Michael Angiulli Memorial 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.

Delegates Caputo, Ferro, Ward, Paynter, Maynard, Lane, Sponaugle, Miley, Pethel, Hornbuckle, Thompson, Ambler, Atkinson, Baldwin, Barrett, Bates, Blair, Boggs, Brewer, Byrd, Canestraro, Diserio, Eldridge, E. Evans, Fast, Fleischauer, Fluharty, Hamilton, Hartman, Hicks, Hill, Iaquina, Isner, Longstreth, Love, Lovejoy, Lynch, Marcum, R. Miller, Moye, Phillips, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sobonya, Walters and Williams offered the following resolution, which was

read by its title and referred to the Committee on Energy then Rules:

**H. R. 13** – “Urging the United States Congress to keep America’s promise to our retired coal miners and widows and to pass the Miners Protection Act as soon as possible and provide the full measure of benefits these retirees were promised and have earned.”

Whereas, In 1946, faced with the prospect of a long strike that could hamper post-war economic recovery, President Harry Truman issued an Executive Order directing the Secretary of the Interior to take possession of all bituminous coal mines in the United States and to negotiate with the United Mine Workers of America “appropriate changes in the terms and conditions of employment”. After a week of negotiations, the historic Krug-Lewis agreement was announced and signed in the White House with Truman as a witness. The agreement created a welfare and retirement fund that guaranteed lifetime payments to miners and their dependents and survivors in cases of sickness, permanent disability, death or retirement and the agreement also created a separate medical and hospital fund. In 1947, the government returned control of the mines back to their owners and a new collective bargaining agreement was reached with the companies that guaranteed retirement benefits to miners and their dependents and survivors for life. For the next seventy years miners bargained for money to be dedicated to their health care in retirement, because they knew when they retired they would be sicker than the average senior citizen, with more nagging injuries and a greater risk of black lung or some other cardio-pulmonary disease. The federal government has repeatedly confirmed its role in guaranteeing retirement benefits for coal miners. In 1992, Congress passed and President George H. W. Bush signed into law the Coal Act, which established an industry-funded mechanism for paying for the health care of retirees whose companies had gone out of business. In 2006, Congress and President George W. Bush amended the Coal Act to expand the financial resources available to the Fund; and



Whereas, A depression reigns in America's coalfields today, with tens of thousands of jobs eliminated. Multiple companies have filed for bankruptcy, and received approval from bankruptcy courts to shed their retiree obligations, leaving more than 26,000 retirees confronting the loss of their health care benefits. Like many other multiemployer pension funds, the UMWA 1974 Pension Fund lost a significant portion of its value in the 2008-09 recession and due to the devastation of the coal industry will not receive enough contributions from the employers to make up the shortfall, leading the fund to likely become insolvent by 2022. On December 9, 2016, Congress passed a Continuing Resolution (C.R.) to continue funding for federal programs and services until April 28, 2017, including a provision providing \$45 million for continued health care benefits for these retirees and their families until April 30, 2017. Senators Joe Manchin (D-W.Va.) and Shelley Moore Capito (R-W.Va.) have introduced legislation, SR. 175, the Miners Protection Act, co-sponsored by Republicans and Democrats that would amend the Coal Act to allow retirees from recently bankrupt companies to get health care coverage from the UMWA Health and Retirement Funds and would repurpose the balance of an existing appropriation to provide funding to shore up the Pension Plan. Rep. David McKinley (R-W.Va.) has introduced the Miners Protection Act in the House as H.R. 179, co-sponsored by both Republicans and Democrats; and

Whereas, America's coal miners have sacrificed much for our nation, with more than 105,000 killed on the job in the last century and more than 100,000 having died from coal workers' pneumoconiosis, or Black Lung. Knowing those risks, miners have continued to go to work every day to provide for their families, build a secure future for themselves and produce the fuel that has allowed America to become the most powerful nation on earth. America has an obligation to our retired coal miners for the sacrifices they have made for our nation; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the United States Congress is urged to keep America's promise to our retired coal miners and widows and to pass the Miners Protection Act as soon as possible and provide the full

measure of benefits these retirees were promised and have earned; and, be it.

*Further Resolved*, That the Clerk of the House of Delegates forward a certified copy of this Resolution to the members of the United States Senate and House of Representatives.

### **Petitions**

Delegates Sponaugle, A. Evans, R. Romine and Hamilton presented a petition signed by constituents requesting continued funds for the Wildlife Services Predator Control Program for the 2018 fiscal year; which was referred to the Committee on Finance.

### **Bills Introduced**

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

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

**H. B. 3103** – “A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2017 in the amount of \$2,700,000 from the Department of Revenue, Office of the Secretary – Revenue Shortfall Reserve Fund, fund 7005, fiscal year 2017, organization 0701, and making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Health and Human Resources, Division of Health – Central Office, fund 0407, fiscal year 2017, organization 0506, and to the Department of Health and Human Resources, Division of Human Services, fund 0403, fiscal year 2017, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2017”; to the Committee on Finance.

### **Special Calendar**

#### **Third Reading**

**Com. Sub. for H. B. 2546**, Allowing replacement costs of employer provided property to be deducted from an employee’s

final paycheck if the property is not returned; on third reading, coming up in regular order, was read a third time.

Delegates Howell and Moye requested to be excused from voting on the passage of Com. Sub. for H. B. 2546 under the provisions of House Rule 49.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 111**), and there were—yeas 59, nays 40, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Baldwin, Barrett, Bates, Boggs, Brewer, Butler, Byrd, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hamilton, Hartman, Hicks, Hornbuckle, Iaquina, Isner, Lewis, Longstreth, Love, Lovejoy, Lynch, Marcum, Martin, Miley, R. Miller, Moye, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaugle, Thompson and Williams.

Absent and Not Voting: Ellington.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2546) 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. 2555**, Relating to tax credits for apprenticeship training in construction trades; 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. 112**), and there were—yeas 69, nays 30,

absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Baldwin, Bates, Boggs, Brewer, Byrd, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hornbuckle, Iaquina, Isner, Longstreth, Love, Lovejoy, Lynch, Miley, R. Miller, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaugle and Thompson.

Absent and Not Voting: Ellington.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2555) 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. 2586**, Relating to required minimum distribution of retirement benefits of plans administered by the Consolidated Public Retirement 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. 113**), 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: Ellington and Nelson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2586) 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. 2676**, Transferring the Security office under the Division of Culture and History to the Division of

Protective 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. 114**), 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: Ellington.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2676) 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. 2694**, Relating to the development and implementation of a program to facilitate commercial sponsorship of rest areas; 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. 115**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Love.

Absent and Not Voting: Ellington and R. Romine.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2694) 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. 2739**, Relating to supplemental Medicaid provider reimbursement; 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. 116**), 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: Ellington.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2739) 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. 2766**, Establishing a new special revenue fund, designated the Adult Drug Court Participation Fund; 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. 117**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Ellington and Pyles.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2766) 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. 2811**, Relating to the definition of above ground storage tanks; on third reading, coming up in regular order, was read a third time.

Delegates Capito and Harshbarger requested to be excused from voting on the passage of Com. Sub. for H. B. 2811 under the provisions of House Rule 49.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 118**), and there were—yeas 94, nays 5, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Byrd, Capito, Pushkin, Robinson and White.

Absent and Not Voting: Ellington.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2811) 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. 2839**, Updating the procedures for legislative review of departments and licensing boards; 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. 119**), 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: Ellington.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2839) 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. 2852**, Relating to the preparation of a comprehensive annual financial report; 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. 120**), 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: Ellington.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2852) 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. 2868**, Relating generally to Uniform Unclaimed Property Act; on third reading, coming up in regular order, was read a third time.

Delegate Byrd requested to be excused from voting on the passage of Com. Sub. for H. B. 2868 under the provisions of House Rule 49.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 121**), 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, Byrd, Canestraro, Fleischauer, Fluharty, Hicks, Hornbuckle, Lovejoy, Marcum, Pushkin, Robinson, Rowe, Sponaugle and Thompson.



Absent and Not Voting: Ellington.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2868) passed.

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

**Com. Sub. for H. B. 2868** – “A Bill to amend and reenact §36-8-2 of the Code of West Virginia, 1931, as amended, relating generally to the Uniform Unclaimed Property Act; clarifying that policies or annuities payable upon proof of death in which the insured has not been listed in the Death Master file are presumed abandoned if they remain unclaimed three years after the insurer has learned of the death of the insured; clarifying that policies and annuities payable upon proof of death in which the insured has been listed on the Death Master file are presumed abandoned if they remain unclaimed two years after the date of the death of the insured as indicated on the death master list; and providing that at the time the proceeds owed by the insurer are presumed to be abandoned, those proceeds are then subject to other provisions of the Unclaimed Property Act and administration by the State Treasurer.”

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

### Second Reading

**Com. Sub. for S. B. 302**, Supplemental appropriation of federal funds from Treasury to Division of Human Services; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**H. B. 2833**, Specifying the contents and categories of information for inclusion in annual reports; 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. 2898**, Authorizing the Joint Committee on Government and Finance to request and obtain criminal background checks of employees of the Legislature; 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. 2916**, Authorizing certain first responders to carry firearms; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Hanshaw, the bill was amended on page three, section nineteen, line two, by striking out the words “member of an ambulance crew” and inserting in lieu thereof “emergency medical service personnel”.

And,

On page four, section twenty-four, line one, immediately following the word “contrary”, by striking out the words “a department” and inserting in lieu thereof “an emergency medical service agency”.

The bill was then ordered to engrossment and third reading.

#### **First Reading**

**Com. Sub. for H. B. 2402**, Relating to abandoned antique vehicles; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 2471**, Relating to insurance coverage for breast cancer screening; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 2637**, Relating to employment of retired teachers and prospective employable professional personnel in areas of critical need and shortage; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 2702**, Relating to excused absences for personal illness from school; on first reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Cowles, and by unanimous consent, the bill was postponed one day.

**Com. Sub. for H. B. 2738**, Providing flexibility in the transfer process of school personnel; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 2767**, Authorizing the Secretary of State to transmit electronic versions of undeliverable mail to the circuit clerks; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 2797**, Codifying statutory immunity for government agencies and officials from actions of third-parties using documents or records; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 2798**, Clarifying provisions relating to candidates unaffiliated with a political party; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 2828**, Changing the number of strikes in jury selection in felony cases; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 3030**, Relating to appeals as a matter of right in the West Virginia Supreme Court of Appeals; 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, leave of absence for the day was granted Delegate Ellington.

### **Miscellaneous Business**

Delegate Nelson noted to the Clerk that he was absent on today when the vote was taken on Roll No. 113, and that had he been present, he would have voted “Yea” thereon.

Delegate R. Romine noted to the Clerk that he was absent on today when the vote was taken on Roll No. 115, and that had he been present, he would have voted “Yea” thereon.

Delegate Pyles noted to the Clerk that he was absent on today when the vote was taken on Roll No. 117, and that had he been present, he would have voted “Yea” thereon.

Delegate Williams asked and obtained unanimous consent that the remarks of his Frasure-Singleton Intern, Mr. Sam Brown, be printed in the Appendix to the Journal.

Delegate Hicks asked and obtained unanimous consent that the remarks of Delegate Thompson during Remarks by Members today be printed in the Appendix to the Journal.

Delegate Caputo asked and obtained unanimous consent that the remarks of Delegate Rowe during Remarks by Members today be printed in the Appendix to the Journal.

Delegate Wagner filed a form with the Clerk’s Office per House Rule 94b to be added as a cosponsor of H. B. 2494.

Delegate White filed forms with the Clerk’s Office per House Rule 94b to be added as a cosponsor of H. B. 2650 and H. B. 3059.

Delegate Baldwin filed a form with the Clerk’s Office per House Rule 94b to be added as a cosponsor of H. B. 3061.

Delegates Robinson and White filed a form with the Clerk’s Office per House Rule 94b to be added as a cosponsor of H. B. 3073.

Delegate Folk filed a form with the Clerk’s Office per House Rule 94b to be added as a cosponsor of H. B. 3089.

Delegates Fluharty, Foster, Frich, Lane and Zatezalo filed forms with the Clerk’s Office per House Rule 94b to be added as a cosponsor of H. B. 3093.

Delegate Rowe filed a form with the Clerk’s Office per House Rule 94b to be added as a cosponsor of H. C. R. 66.

At 1:44 p.m., the House of Delegates adjourned until 11:00 a.m., Monday, March 20, 2017.

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Monday, March 20, 2017

**FORTY-FIRST DAY**

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

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

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

The Clerk proceeded to read the Journal of Friday, March 17, 2017, 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 Com. Sub. for H. B. 2702, on First Reading, Special Calendar, to the House Calendar.

**Committee Reports**

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

Your Committee on Senior Citizens Issues has had under consideration:

**H. B. 2848**, Livable Home Tax Credit,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2848) was referred to the Committee on Finance.

Delegate Storch, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

**H. B. 2914**, Relating to powers and duties of the Commissioner of Public Health,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2914) was referred to the Committee on Health and Human Resources.

Delegate Storch, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

**H. B. 2109**, Relating to the West Virginia Land Reuse Agency Authorization Act,

And,

**H. B. 2755**, Requiring a seller of real property satisfy upon closing any unpaid charges owed,

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. 2109 and H. B. 2755) were each referred to the Committee on the Judiciary.

Delegate Storch, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

**H. B. 2745**, Adding the examination of Advanced Care Technician,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2745) was referred to the Committee on Health and Human Resources.

Delegate Storch, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

**H. B. 2843**, Permitting Class III and Class IV municipalities to be included in the West Virginia Tax Increment Act,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2843) was referred to the Committee on Finance.

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. B. 173**, Relating generally to autocycles,

And reports the same back, with title 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. 173) was referred to the Committee on the Judiciary.

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. B. 2721**, Removing the cost limitation on projects completed by the Division of Highways,

And,

**H. B. 2722**, Eliminating the financial limitations on utilizing the design-build program for highway construction,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2721 and H. B. 2722) were each referred to the Committee on Finance.

Delegate Hanshaw, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 17<sup>th</sup> day of March, 2017, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

**Com. Sub. for H. B. 2167**, Creating a Silver Alert program for senior citizens,

**Com. Sub. for H. B. 2301**, Relating to direct primary care,

**H. B. 2431**, Allowing influenza immunizations to be offered to patients and residents of specified facilities,

**Com. Sub. for H. B. 2542**, Relating to public higher education personnel,



**H. B. 2590**, Updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act,

And,

**H. B. 2594**, Updating the meaning of federal adjusted gross income and certain other terms used in the West Virginia Personal Income Tax Act.

On motion for leave, a bill was introduced (Originating in the Committee on Government Organization and reported with the recommendation that it do pass, but that it first be referred to the Committee on Finance), which was read by its title, as follows:

**By Delegates Arvon, Howell, Brewer and Iaquina:**

**H. B. 3104** - "A Bill to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9-10-1, §9-10-2, §9-10-3, §9-10-4, §9-10-5 and §9-10-6; to amend and reenact §18-10K-1 of said code; and to repeal §18-10K-2, §18-10K-3, §18-10K-4, §18-10K-5 and §18-10K-6 of said code, all relating to transferring administration of the West Virginia Traumatic Brain and Spinal Cord Injury Rehabilitation Fund to the Department of Health and Human Resources; abolishing the West Virginia Traumatic Brain and Spinal Cord Injury Rehabilitation Fund Board; transferring the powers, duties and records of the West Virginia Traumatic Brain and Spinal Cord Injury Rehabilitation Fund Board to the Department of Health and Human Resources; and transferring the powers and duties of the Division of Rehabilitation Services related to administering the West Virginia Traumatic Brain and Spinal Cord Injury Rehabilitation Fund to the Department of Health and Human Resources."

The bill (H. B. 3104) was referred to the Committee on Finance.

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

Your Committee on Government Organization has had under consideration:

**H. B. 3000**, Authorizing a State Ombudsman position,

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. 3000) was referred to the Committee on the Judiciary.

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

Your Committee on Government Organization has had under consideration:

**H. B. 3013**, Requiring an inspection or inspections of any building prior to purchase or major renovation by the state,

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. 3013) was referred to the Committee on Finance.

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

Your Committee on Government Organization has had under consideration:

**H. B. 2519**, Medicaid program compact,

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

**Com. Sub. for H. B. 2519** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-25, relating to requiring West Virginia Bureau for Medical Services to enter into a compact with surrounding states to ensure providers receive payment for Medicaid services,"

With the recommendation that the committee substitute do pass.

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

Your Committee on Education has had under consideration:

**H. B. 3089**, Relating to the adoption of instructional resources for use in the public schools,

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

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

Your Committee on Education has had under consideration:

**H. B. 3061**, Encouraging mastery-based education through the Innovation In Schools program,

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

**Com. Sub. for H. B. 3061** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5E-8, relating to encouraging mastery-based education through the Innovation In Schools program; making findings and stating purpose; providing definitions; specifying duties of Department of Education with respect to program; providing for Innovation In Education/Mastery Based designations for award of grants and other financial assistance; requiring participation in incubator process; prohibiting penalties for student who transfers from mastery-based to nonmastery-based schools; and requiring institutions of higher education to recognize and accept high school diplomas on equal footing,"

With the recommendation that the committee substitute do pass.

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

Your Committee on Education has had under consideration:

**H. C. R. 66**, Sustainability of the state's current system of higher education,

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

In accordance with the former direction of the Speaker, the resolution (H. C. R. 66) was referred to the Committee on Rules.

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

Your Committee on Education has had under consideration:

**H. B. 2846**, Including high school students participating in a competency based pharmacy technician education and training program as persons qualifying to be a pharmacy technician trainee,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2846) was referred to the Committee on Health and Human Resources.

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2980**, Relating to civil lawsuit filing fees for multiple defendant civil action,

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. 2980) was referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration:

**H. B. 3009**, Relating to access by the Office of Health Facility Licensure and Certification to the Controlled Substances Monitoring Program database,

And reports the same back with the recommendation that it 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. 127**, Authorizing Department of Revenue to promulgate legislative rules,

And reports the same back, with amendment, with the recommendation that it 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:

**H. B. 2857**, West Virginia Safer Workplaces Act,

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

**Com. Sub. for H. B. 2857** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-3E-1, §21-3E-2, §21-3E-3, §21-3E-4, §21-3E-5, §21-3E-6, §21-3E-7, §21-3E-8, §21-3E-9, §21-3E-10, §21-3E-11, §21-3E-12, §21-3E-13, §21-3E-14, §21-3E-15 and §21-3E-16, all relating to creating West Virginia Safer Workplaces Act;

permitting employers to test employees and prospective employees for drugs and alcohol; providing a short title; defining terms; declaring public policy; clarifying exceptions to the applicability of the West Virginia Safer Workplaces Act for employers covered by other drug and alcohol testing statutes; determining a collection of samples, scheduling of tests and testing procedures; providing for ability to request split sample be tested to challenge a positive test result; establishing responsibility for cost of split sample testing; setting forth testing policy requirements; providing for disciplinary procedures; providing for sensitive employees; providing for preemption; providing protection from liability; establishing causes of action; providing exceptions; providing for confidentiality; providing for termination of employment; providing for forfeiture of certain benefits; clarifying that the drug and alcohol testing provisions of the West Virginia Safer Workplace Act cannot be used to show intoxication pursuant to section two, article four, chapter twenty-three of this code; and requiring employers to have drug and alcohol testing policies and procedures when implementing drug and alcohol testing.”

And,

**H. B. 2808**, The West Virginia Assisted Outpatient Treatment Act,

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

**Com. Sub. for H. B. 2808** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §27-5A-1, §27-5A-2, §27-5A-3, §27-5A-4, §27-5A-5, §27-5A-6, §27-5A-7, §27-5A-8, §27-5A-9, §27-5A-10, §27-5A-11, §27-5A-12, §27-5A-13, §27-5A-14, §27-5A-15, §27-5A-16 and §27-5A-17, all relating to establishing assisted outpatient treatment of persons suffering from mental illness; defining terms; setting forth policy and goals of the Legislature in establishing assisted outpatient treatment; requiring legal proceedings; and setting forth the procedure by which assisted outpatient treatment be implemented.”

With the recommendation that the committee substitutes each do pass.

### **Messages from the Executive**

Mr. Speaker, Mr. Armstead, presented a communication from His Excellency, the Governor, advising that on March 17, 2017, he approved **Com. Sub. for H. B. 2347**.

### **Messages from the Senate**

A message from the Senate, by

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

**Com. Sub. for H. B. 2318**, Relating generally to human trafficking.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect January 1, 2018, a bill of the House of Delegates as follows:

**Com. Sub. for H. B. 2678**, Changing the amounts of prejudgment and post-judgment interest to reflect today's economic conditions.

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. 255** - "A Bill to amend and reenact §3-10-3, §3-10-5 and §3-10-7 of the Code of West Virginia, 1931, as amended, all relating generally to vacancies in elected office; requiring vacancies in offices of Secretary of State, Auditor, Treasurer, Attorney General, Commissioner of Agriculture, or other office created or made elective to be filled by voters of entire state, to be filled by Governor from list of three qualified persons submitted by party executive committee of the same political party

with which the person holding the office immediately preceding the vacancy was affiliated at the time the vacancy occurred; requiring Governor to fill vacancies in those offices with person of same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time the vacancy occurred; providing that Governor fill vacancies created in state Legislature from list of three qualified persons submitted by party executive committee of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time the vacancy occurred; requiring vacancies in offices of county commissioner or clerk of the county commission to be filled by county commission with person of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time the vacancy occurred; providing process for vacancy on county commission to be filled if county commission fails to fill the vacancy; providing Governor fill vacancies on county commission when no quorum on county commission from list of three qualified persons submitted by party executive committee of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time the vacancy occurred; making appointments subject to provisions of section one of article; and making technical corrections”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendments of the House of Delegates and the passage, as amended, of

**S. B. 330**, Relating to WV Workplace Freedom Act.

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. 444** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §51-1-22, relating to establishing a new special revenue fund, designated the



Court Advanced Technology Subscription Fund, for the purpose of collecting and remitting moneys to the State Treasury for the use of certain advanced technology systems provided by the Supreme Court of Appeals”; which was referred to the Committee on Finance.

A message from the Senate, by

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

**Com. Sub. for S. B. 522** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-51-1, §33-51-2, §33-51-3, §33-51-4, §33-51-5, §33-51-6, §33-51-7 and §33-51-8, all relating to pharmacy audits; defining terms; setting forth procedures and requirements for pharmacy audits; stating applicable review process for final audit report; setting forth limitations concerning applicability of provisions of the article; requiring registration for certain pharmacy benefits managers and auditing entities; imposing registration fee; imposing application requirements; and providing rule-making authority to the Insurance Commissioner”; which was referred to the Committee on Banking and Insurance then Health and Human Resources.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendments, a bill of the House of Delegates, as follows:

**Com. Sub. for H. B. 2028**, Relating to the venue for suits and other actions against the state.

On motion of Delegate Cowles, the House of Delegates refused to concur in the following Senate amendments and requested the Senate to recede therefrom:

On page one, by striking out everything after the enacting section and inserting in lieu thereof the following:

**“ARTICLE 2. CLAIMS AGAINST THE STATE.**

**§14-2-2. Venue for certain suits and actions.**

(a) The following proceedings shall be brought and prosecuted only in the circuit court of Kanawha County:

(1) Any suit in which the Governor, any other state officer, or a state agency is made a party defendant, except as garnishee or suggestee: Provided, That, any suit for which insurance coverage administered by the state board of risk and insurance management under section twelve, article twenty-nine of this Code exists may be brought and prosecuted in the circuit court of any county where the acts or omissions giving rise to the suit occurred or in the circuit court of Kanawha County;

(2) Any suit attempting to enjoin or otherwise suspend or affect a judgment or decree on behalf of the state obtained in any circuit court.

(b) Any proceeding for injunctive or mandamus relief involving the taking, title, or collection for or prevention of damage to real property may be brought and presented in the circuit court of the county in which the real property affected is situate.

This section shall apply only to such proceedings as are not prohibited by the Constitutional immunity of the state from suit under section thirty-five, article six of the Constitution of the State.”

And,

By amending the title of the bill to read as follows:

**Com. Sub. for H. B. 2028** – “A Bill to amend and reenact §14-2-2 of the Code of West Virginia, 1931, as amended, relating to the venue for suits and other actions against the state; and allowing a plaintiff to file a suit against the state, a state officer or state agency in the circuit court of a county in which a claim arose or, alternatively, in the circuit court of Kanawha County in suits where insurance coverage administered by the State Board of Risk and Insurance Management exists.”

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

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. 16** - “A Bill to repeal §11-6A-5a of the Code of West Virginia, 1931, as amended, relating to classifying wind power projects as pollution control facilities; and providing a reduced valuation assessment for property tax purposes”; which was referred to the Committee on Energy 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. 308** - “A Bill to amend and reenact §20-7-1 of the Code of West Virginia, 1931, as amended, relating to natural resources police officers; finding the administrative and law-enforcement activities of the natural resources police officers are important to the state’s conservation, fish and wildlife; and clarifying that subsistence allowance is pensionable”; which was referred to the Committee on Agriculture and Natural Resources then the Judiciary.

A message from the Senate, by

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

**Com. Sub. for S. B. 500** - “A Bill to amend and reenact §9-7-1, §9-7-3, §9-7-6 and §9-7-6a of the Code of West Virginia, 1931, as amended, all relating to Medicaid fraud and abuse; the Medicaid Fraud Control Unit; transferring the Medicaid Fraud Control Unit, all powers and duties of the unit and employees of the unit from the Department of Health and Human Resources to the Attorney

General effective October 1, 2017; requiring, on or before December 31, 2020, that the Legislative Auditor study and report to the Joint Committee on Government and Finance on the performance of the Medicaid Fraud Control Unit within the Office of the Attorney General compared to the performance of the unit while established within the Department of Health and Human Resources; requiring the Department of Health and Human Resources cooperate with and provide information to the Attorney General on Medicaid fraud and abuse investigations, prosecutions or civil actions; providing that a civil action related to Medicaid fraud and abuse may be prosecuted and maintained on behalf of the Department of Health and Human Resources by the Attorney General or by an attorney in contract with or employed by the Attorney General; providing that a civil action related to Medicaid fraud and abuse may be prosecuted and maintained by a prosecuting attorney and the prosecuting attorney's assistants or by any attorney contracted with or employed by the Department of Health and Human Resources if the Attorney General declines to prosecute and maintain such action; and exempting the Attorney General and employees or agents from civil liability for certain good faith actions"; 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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 524** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2E-11, relating to West Virginia academic standards; defining 'academic standards'; setting forth finding; prohibiting implementation of Common Core academic standards; requiring adoption and implementation of certain other academic standards; requiring academic standards be effective for a minimum of five school years after date of implementation; requiring any proposed changes to academic standards for public schools comply with certain section of code requiring notice, written comments and public hearings in certain instances; and requiring withdrawal from

the memorandum of agreement which required that Common Core represent eighty-five percent of the state's standards in English language arts and mathematics"; which was referred to 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

**S. B. 554** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §4-1-6a, relating to false swearing in a legislative proceeding; providing criminal penalty; and providing disqualification from holding office or position of honor, trust or profit and serving as a juror"; 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

**Com. Sub. for S. B. 559** - "A Bill to amend and reenact §29-22B-501 of the Code of West Virginia, 1931, as amended, relating to video lottery in general; providing that a limited video lottery retailer may sell or transfer ownership of one or more locations, including the limited video lottery retailer's license associated with that location; providing that a purchaser or transferee shall satisfy the requirements for a limited video lottery retailer's license; and providing that the State Lottery Commission be given prior written notice of the sale or transfer"; which was referred to the Committee on Small Business, Entrepreneurship and Economic Development then the Judiciary.

A message from the Senate, by

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

**Com. Sub. for S. B. 581** - "A Bill to amend and reenact §38-1-13 of the Code of West Virginia, 1931, as amended; to amend

and reenact §44D-1-103 of said code; to amend said code by adding thereto a new section, designated §44D-1-113; to amend and reenact §44D-4-405 and §44D-4-414 of said code; to amend and reenact §44D-5-503b and §44D-5-505 of said code; to amend and reenact §44D-6-604 of said code; and to amend and reenact §44D-8-813 and §44D-8-817 of said code, all relating generally to trusts and their administration; eliminating requirement to give notice to trustee of substitution under certain circumstances; modifying definitions; establishing insurable interest of a trustee; clarifying scope of provisions regarding trust established for charitable purposes; increasing amount of noncharitable trust property to modify or terminate trust without court approval; requiring self-settled spendthrift trust have one independent qualified trustee; adding reference to exceptions for self-settled spendthrift trusts to provision allowing creditor or assignee to reach amount distributed for grantor's benefit from irrevocable trust; removing reference to exceptions for self-settled spendthrift trusts to provisions allowing creditor or assignee to reach amount distributed for grantor's benefit from revocable trusts; changing references from beneficiary to interested person in limitation on actions to contest validity of revocable trust; modifying duties of trustee to inform and report to beneficiaries; granting trustee authority and requiring trustee to wind up administration of trust upon its termination; and making technical changes"; 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. 620** - "A Bill to amend and reenact §17C-7-1 and §17C-7-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17C-8-8 of said code, all relating to traffic regulations; increasing fines; permitting visible instead of audible signal when passing to the left of an overtaken vehicle; and clarifying that an appropriate signal is required when moving right or left upon a roadway"; which was referred to the Committee on Roads and Transportation then the Judiciary.

### Resolutions Introduced

Delegates Caputo, Baldwin, Barrett, Bates, Boggs, Brewer, Byrd, Canestraro, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Frich, Hamilton, Hartman, Hicks, Hornbuckle, Iaquinta, Isner, Lane, Longstreth, Love, Lovejoy, Lynch, Marcum, Maynard, Miley, R. Miller, Moye, Pethtel, Phillips, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaule, Storch, Thompson, Ward and Williams offered the following resolution, which was read by its title and referred to the Committee on Energy then Rules:

**H. R. 14** – “Urging the United States Congress to pass, and the President to sign into law, legislation to extend and expand the current federal tax credit for carbon capture, utilization and storage.”

Whereas, According to the United States Department of Energy, “A diverse portfolio of energy resources is critical to U.S. energy and national security,” and, “A diverse energy system has the inherent benefits of being more robust and resilient in comparison to a system that is heavily dependent on a limited set of energy resources,” and “A system that is diverse helps insulate the economy from certain risks, including price volatility and risks from supply disruptions that can affect the availability of particular energy resources or infrastructure,” and “CCUS brings with it significant economic benefits across a range of economic sectors, including mining and extraction, energy infrastructure, the manufacture of CCUS equipment, supply chains including component parts and raw materials, and the creation of a new CO2 commodity industry for use in enhanced oil recovery, bio-refining, and other products”, and “A combination of tax incentives, research and development, demonstration, and deployment will be critical in developing transformational carbon capture technologies and to drive down the cost of capture”; and

Whereas, The United States has abundance supplies of coal that provide important economic and energy security benefits to our nation; and

Whereas, West Virginia has long been committed to and is a leader in the research and development of technologies that provide clean and safe power generation; and

Whereas, Reliable and affordable electricity is vital to the economic growth of West Virginia, the creation and preservation of jobs, and the overall welfare of its citizens; and

Whereas, West Virginia is the second largest coal producing state and seventh largest natural gas producing state in the nation; and

Whereas, West Virginia is the fourth largest net exporter of electricity to other states in the nation; and

Whereas, West Virginia has the nation's third largest recoverable reserves of coal and the nation's fourth largest proved reserves of natural gas; and

Whereas, In West Virginia, ninety-nine percent of the generated electricity comes from coal; and

Whereas, Coal is responsible for more than \$3.5 billion annually in the gross state product; and

Whereas, In 2015, according to the West Virginia Office of Miners' Health, Safety and Training, the West Virginia mining industry employs 48,327 people, and preservation of the coal industry is vital to our state economy; and

Whereas, A central element of a sustainable energy strategy for West Virginia is continued research and development of carbon reduction strategies, such as CO<sub>2</sub> capture, utilization, and storage through emerging technologies such as geological sequestration, mineral carbonation, and the beneficial use of captured CO<sub>2</sub>, in order to maximize economic opportunities; and

Whereas, West Virginia institutions such as West Virginia National Research Center for Coal and Energy, West Virginia State University Energy and Environmental Science Institute, and others strive to develop technologies that will allow efficient carbon



capture through collaboration or applied CO2 research, practical applications, workforce development and public education; and

Whereas, Legislation is needed to enhance current federal tax incentives so as to sustain and promote such collaborations and encourage private industry in manufacturing, energy generation, and food production, to implement and support new technologies that increase CO2 capture, utilization, and storage; therefore, be it

*Resolved by the Legislature of West Virginia:*

That we call upon the United States Congress to pass, and the President to sign into law, legislation to extend and expand the current federal tax credit for carbon capture, utilization and storage under Section 45Q of the Internal Revenue Code; and, be it

*Further Resolved*, That suitable copies of this resolution be delivered to the President of the United States, the Speaker of the United States House of Representatives, the United States Senate Majority Leader, and all members of the West Virginia Congressional Delegation.

## Special Calendar

### Third Reading

**Com. Sub. for S. B. 302**, Supplemental appropriation of federal funds from Treasury to Division of Human 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. 122**), 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: Boggs and Higginbotham.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 302) passed.

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

On this question, the yeas and nays were taken (**Roll No. 123**), 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: Boggs and Higginbotham.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 302) takes effect from its passage.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

**H. B. 2833**, Specifying the contents and categories of information for inclusion in annual reports; 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. 124**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Fluharty.

Absent and Not Voting: Boggs and Higginbotham.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2833) 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. 2898**, Authorizing the Joint Committee on Government and Finance to request and obtain criminal background checks of employees of the Legislature; 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. 125**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Pushkin.

Absent and Not Voting: Boggs and Higginbotham.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2898) 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. 2916**, Authorizing certain first responders to carry firearms; 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. 126**), and there were—yeas 96, nays 2, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Ambler and Cooper.

Absent and Not Voting: Boggs and Higginbotham.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2916) passed.

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

### **Second Reading**

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

**Com. Sub. for H. B. 2402**, Relating to abandoned antique vehicles,

**Com. Sub. for H. B. 2471**, Relating to insurance coverage for breast cancer screening,

**Com. Sub. for H. B. 2637**, Relating to employment of retired teachers and prospective employable professional personnel in areas of critical need and shortage,

**Com. Sub. for H. B. 2738**, Providing flexibility in the transfer process of school personnel,

**Com. Sub. for H. B. 2767**, Authorizing the Secretary of State to transmit electronic versions of undeliverable mail to the circuit clerks,

**Com. Sub. for H. B. 2797**, Codifying statutory immunity for government agencies and officials from actions of third-parties using documents or records,

**H. B. 2798**, Clarifying provisions relating to candidates unaffiliated with a political party,

**Com. Sub. for H. B. 2828**, Changing the number of strikes in jury selection in felony cases,

And,

**Com. Sub. for H. B. 3030**, Relating to appeals as a matter of right in the West Virginia Supreme Court of Appeals.

#### **First Reading**

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

**Com. Sub. for H. B. 2827**, Updating the all payor claims database,

**Com. Sub. for H. B. 2840**, Reorganizing the departments, agencies and commissions within the executive branch of state government,

And,

**H. B. 2856**, Declaring public policy and legislative intent for improving the marketing, quality and frequency of passenger rail service of the Cardinal Passenger Train.

### **Leaves of Absence**

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

### **Miscellaneous Business**

Delegate Lovejoy filed forms with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2109 and H. B. 2755.

Delegate Sobonya asked and obtained unanimous consent that the remarks of Delegate Summers regarding Com. Sub. for H. B. 2916 be printed in the Appendix to the Journal.

Delegate Blair asked and obtained unanimous consent that the remarks of Delegate Espinosa during Remarks by Members today be printed in the Appendix to the Journal.

Delegate Hicks asked and obtained unanimous consent that the remarks of Delegate Marcum during Remarks by Members today be printed in the Appendix to the Journal.

Delegate Caputo asked and obtained unanimous consent that the remarks of Delegates Pethtel and Iaquinta during Remarks by Members today be printed in the Appendix to the Journal.

Delegate Butler asked and obtained unanimous consent that the remarks of Delegate Folk during Remarks by Members today be printed in the Appendix to the Journal.

Delegate Baldwin filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2194.

At 12:14 p.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, March 21, 2017.

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Tuesday, March 21, 2017

**FORTY-SECOND 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, March 20, 2017, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**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. 10**, John Cameron Brown Bridge,

**H. C. R. 19**, U.S. Army PFC Freeman Ray Meade Memorial Road,

**H. C. R. 20**, US Army PVT James Earl Pelfrey Memorial Bridge,

**H. C. R. 21**, 1SG Carl J. Crabtree Memorial Road,

**H. C. R. 22**, U.S. Air Force MSgt Johnny Baxter Clark and U.S. Air Force MSgt Carl Richard (Dick) Clark Memorial Bridge,

**H. C. R. 23**, U.S. Army SSG Styish R. Morris Memorial Road,

**H. C. R. 30**, U.S. Army PFC Cornelious Wiley Memorial Bridge,

**H. C. R. 35**, Arnold Miller Memorial Bridge,

**H. C. R. 49**, U.S. Army PFC Donald Ray Cochran Memorial Bridge,

**H. C. R. 51**, Toby Runyon Memorial Bridge,

**H. C. R. 54**, U.S. Army PVT Preston D. Vanscoy Memorial Bridge,

**H. C. R. 56**, U. S. Army CPL George Browning Memorial Road,

**H. C. R. 62**, Webster County Veterans Highway,

**H. C. R. 63**, William B. Burgess Memorial Road,

**H. C. R. 68**, James Earl Gibson Memorial Road,

And,

**H. C. R. 73**, U S Army Air Corps PVT William James Irwin, Memorial Bridge,

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

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

Your Committee on Finance has had under consideration:

**H. B. 2004**, Creating and maintaining a centralized state vehicle inventory system,

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

**Com. Sub. for H. B. 2004** – “A Bill to repeal §5A-3-49 of the Code of West Virginia, 1931, as amended; to amend and reenact §5A-1-2 of said code; to amend and reenact §5A-3-52 of said code; to amend said code by adding thereto a new article, designated §5A-12-1, §5A-12-2, §5A-12-3, §5A-12-4 and §5A-12-5; to



amend and reenact §17A-3-23 of said code; to amend said code by adding thereto a new section, designated §17A-3-23a; and to amend and reenact §29B-1-4 of said code, all relating to the management and continuous inventory of vehicles owned, leased, operated or acquired by the state and its agencies; repealing provisions relating to the central motor pool; continuing management of state owned or leased aircraft through an aviation division; continuing the Fleet Management Office; providing powers and duties of the Director of the Fleet Management Office; continuing special fund; requiring reporting of state vehicles to Fleet Management Office; requiring reporting to and inventory of vehicles by State Agency for Surplus Property; requiring reporting to and inventory of vehicles by Enterprise Resource Planning Board; authorizing a rental pool; requiring legislative compliance audit; requiring new title, registration and license plates for state vehicles; allowing the Commissioner of the Division of Motor Vehicles to issue special plates to organizations and entities; requiring agencies to apply for a new uniform vehicle title and registration plate; exempting confidential information relating to certain vehicles from public disclosure under the Freedom of Information Act; authorizing legislative rules; and requiring annual reports to Legislature and Governor,”

**H. B. 2475**, Authorizing the Tax Commissioner to collect tax, interest and penalties due and owing from payments to vendors and contractors from the Auditor and other state, county, district or municipal officers and agents,

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

**Com. Sub. for H. B. 2475** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §14-1A-1, §14-1-2 and §14-1A-3, all relating to authorizing the establishment of a Debt Resolution Services Division within the Auditor’s office; providing for administration of division and the offset of a payment due to a vendor, contractor or taxpayer from the state to satisfy an outstanding obligation owed by them to the state; authorizing the administration of the United States Treasury Offset Program; providing for responsibilities of

the State Tax Commissioner and spending units of the state; providing for the adoption of procedures, forms, and agreements; and directing the deposit of moneys offset,”

And,

**H. B. 2524**, Improving the focus on school-level continuous improvement processes,

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

**Com. Sub. for H. B. 2524** – “A Bill to repeal §10-5-2a of the Code of West Virginia, 1931, as amended; to repeal §18-2I-3 of said code; to repeal §18A-3-2d of said code; to repeal §18A-3A-1, §18A-3A-2, §18A-3A-2b, §18A-3A-3 and §18A-3A-5 of said code; to repeal §18B-1-5a, §18B-11-4 and §18B-11-6 of said code; to amend and reenact §4-13-2 of said code; to amend and reenact §5-26A-3 of said code; to amend and reenact §5B-2C-6 of said code; to amend and reenact §5F-1-2 of said code; to amend and reenact §5F-2-1 of said code; to amend and reenact §6-7-2a of said code; to amend and reenact §18-2I-1, §18-2I-2 and §18-2I-4 of said code; to amend and reenact §18-10A-1, §18-10A-2, §18-10A-3, §18-10A-6a and §18-10A-12 of said code; to amend and reenact §18-10K-2, §18-10K-5 and §18-10K-6 of said code; to amend and reenact §18-30-4 of said code; to amend and reenact §18A-2-9 and §18A-2-12 of said code; to amend and reenact §18A-3-1, §18A-3-1d, §18A-3-2c and §18A-3-8 of said code; to amend and reenact §18A-3C-1, §18A-3C-2 and §18A-3C-3 of said code; to amend and reenact §18B-1B-2 of said code; to amend and reenact §18B-3D-2 of said code; to amend and reenact §18B-5-2a of said code; to amend and reenact §18B-16-5 and §18B-16-8 of said code; to amend and reenact §18B-18B-1 of said code; and to amend and reenact §29-24-3 and §29-24-5 of said code, all relating to revising the processes through which professional development is delivered for those who provide public education in this state, including improvement of the focus on school-level continuous improvement processes led by the principal, generally; eliminating administrative offices, duplicative programs and obsolete provisions; repealing provisions related to creation and duties of

distance learning coordinating council; repealing provisions related to annual state board professional development master plan; repealing provisions related to beginning principal internships; repealing provisions related to center for professional development and principals academy curriculum; repealing provisions related to center for development professional development project; repealing provisions related to principals academy establishment, mission, required attendance and employment of coordinator; repealing provisions related to pilot program of delivering educational services via distance learning; repealing provisions related to creation of depositories for assistive devices and services at two colleges or universities; repealing provisions creating the National Institute for Teaching Excellence and its governing board; modifying membership of Sesquicentennial of the American Civil War Commission; modifying membership of Commission for National and Community Service; removing Department of Education and the Arts as option to provide technical support to the Academy of Science and Technology in preparation of annual report; eliminating Department of Education and the Arts as executive department headed by secretary; transferring Division of Culture and History and Division of Rehabilitation Services to Department of Commerce; making Educational Broadcasting Authority and Library Commission each an independent agency within executive branch; eliminating salary of Secretary of Education and the Arts; modifying scope and goals of the system for coordination and delivery of professional development to be instituted by state Board of Education; modifying legislative findings with respect to professional development; eliminating requirement for state Board of Education master plan for professional development; requiring state Board of Education rule to include process for aggregating school and system strategic plan information to assist design and delivery of professional development; replacing references to the Secretary and the Department of Education and the Arts in rehabilitation and vocational services related statutes; modifying membership of Traumatic Brain and Spinal Cord Injury Rehabilitation Fund Board; transferring fund administration to Department of Commerce; modifying membership of College Prepaid Tuition and Savings Program Board; including instructional leadership among

the responsibilities of principals and requiring course work in instructional leadership and related topics as prerequisite for administrative certification; moving from a precertification requirement to a preemployment requirement that principals, assistant principals and administrators complete education and training in evaluation skills; deleting provisions proscribing limitations on certain rights and privileges of principals and assistant principals as teachers; removing requirements for interreacton between state Board of Education and Center for Professional Development regarding performance evaluations; removing proscription of issuance or renewal of certain administrative certificate; removing requirement for state Board of Education consultation with Secretary of Education and Arts and Chancellor for Higher Education prior to exercise of authority over education; adding within standards for education of professional educators requirement providing for the study of the history and philosophical foundations of Western Civilization and the writings of the founders of the United States of America; authorizing state Board of Education cooperation with regional education service agencies for selected phases of preparation programs and expenditure of funds; removing requirement for state Board of Education to consult with Secretary of Education and the Arts and the Chancellor of Higher Education; removing provisions related to required training and professional development of principals through principals academy; adding instructional leadership and management techniques to required minimum standards for rule governing training of principals; removing language relating to waivers, ineligibility, progress tracking and expenses relating to training of principals; requiring county professional staff development councils to base proposals for staff development on analysis of individual and collective need indicated in school's strategic plans; incorporating principals development in the provisions for a comprehensive system to improve teaching and learning; making legislative finding that professional development resources must be focused rather than increased; removing obsolete provisions related to phased implementation of provisions for professional personnel evaluations; eliminating requirement for five percent of evaluations to be based on state summative assessment and increasing percent based on evidence of student

learning by five percent; incorporating principals into the comprehensive system of support for improved professional performance; requiring deficiencies identified through personnel evaluations to be incorporated in strategic plans for continuous improvement; removing language requiring posting and other provisions relating to employment; restricting certain appropriations for certain activities; modifying membership of Higher Education Policy Commission; modifying membership of Workforce Development Initiative Program Advisory Committee; modifying process for approval of transfers of amounts between items of appropriation or special accounts of institutions of higher education; updating agency references and removing Secretary of Education and the Arts with respect to rural health initiative; modifying membership of Science and Research Council; transferring certain references and responsibilities to Technology-Related Assistance Revolving Loan Fund For Individuals With Disabilities Board to Secretary of Commerce; directing the adoption and promulgation of rules and guidelines; and making consequential changes incident to the elimination of agencies or programs or the modification of duties, responsibilities and functions.”

With the recommendation that the committee substitutes each 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:

**H. B. 2774**, Defining special aircraft property,

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. B. 306**, Supplemental appropriation of federal funds from Treasury to WorkForce West Virginia,

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

Delegate Storch, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

**H. B. 2971**, Granting the State Auditor the authority to audit the books and records of local economic development authorities,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2971) was referred to the Committee on Government Organization.

Delegate Storch, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

**H. B. 3073**, Relating generally to public service districts and their boards,

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. 3073) was referred to the Committee on the Judiciary.

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

Your Committee on Education has had under consideration:

**H. B. 2799**, Prohibiting the superintendent of schools from requiring a physical examination to be included to the application for a minor's work permit,

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. 2799) was referred to the Committee on the Judiciary.

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

Your Committee on Education has had under consideration:

**H. B. 2809**, Relating to basic state aid to public education,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2809) was referred to the Committee on Finance.

Delegate Hanshaw, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 20<sup>th</sup> day of March, 2017, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

**S. B. 231**, Relating to State Board of Education and Medicaid-eligible children.

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

Your Committee on Finance has had under consideration:

**H. B. 2366**, Relating to selling Jackie Withrow Hospital,

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

**Com. Sub. for H. B. 2366** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-25, relating to the selling of a certain state owned health care facility and appurtenances by the Secretary of the Department of Health and Human Resources; exempting certain laws; creating a fund; implementing a benefits package for employees; and providing statutory construction,”

**H. B. 2709**, Authorizing the City of South Charleston to levy a special district excise tax,

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

**Com. Sub. for H. B. 2709** – “A Bill to amend and reenact §8-38-9 of the Code of West Virginia, 1931, as amended, relating to the Legislature’s authorizing the City of South Charleston to levy a special district excise tax for the benefit of the South Charleston Park Place Economic Opportunity Development District,”

**H. B. 2734**, Authorizing a method for the collection and remittance of property taxes related to dealers’ heavy equipment inventory,

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

**Com. Sub. for H. B. 2734** – “A Bill adding thereto a new section, designated §11-5-15, all relating to authorizing a method for the collection and remittance of property taxes related to dealers’ heavy equipment rental inventory,”

**H. B. 2805**, Finding and declaring certain claims against the state and its agencies to be moral obligations of the state,



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

**Com. Sub. for H. B. 2805** – “A Bill finding and declaring certain claims against the state and its agencies to be moral obligations of the state; and directing the Auditor to issue warrants for the payment thereof,”

And,

**H. B. 2871**, Eliminating the mandated employer versus employee cost share of eighty percent employer, twenty percent employee for Public Employee Insurance Agency,

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

**Com. Sub. for H. B. 2871** – “A Bill to amend and reenact §5-16-5 of the Code of West Virginia, 1931, as amended, relating to setting a maximum eighty percent and a minimum sixty percent employer share and a maximum forty percent and a minimum twenty percent employee share for Public Employee Insurance Agency active employee premiums,”

With the recommendation that the committee substitutes each do pass.

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

Your Committee on Government Organization has had under consideration:

**H. B. 2208**, Authorizing counties and municipalities to establish a joint airport hazard comprehensive plan,

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

**Com. Sub. for H. B. 2208** – “A Bill to amend and reenact §8A-3-3 of the Code of West Virginia, 1931, as amended, relating to authorizing counties and municipalities to establish a joint airport

hazard comprehensive plan for the purpose of satisfying requirements of federal aviation law, protecting the public safety or preventing hazardous conditions; describes requirements for written agreements; requires submission of a plan and public hearing; providing for modifications to written agreements; and providing just compensation for diminution of property value.”

With the recommendation that the committee substitute do pass.

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

Your Committee on Government Organization has had under consideration:

**H. B. 2759**, Creating Statewide Interoperable Radio Network,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2759) was referred to the Committee on Finance.

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

Your Committee on Government Organization has had under consideration:

**H. B. 3048**, Relating to collection of Tier II fees for chemical inventories,

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. 3048) was referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration:

**H. B. 3062**, The State Settlement and Recovered Funds Accountability 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. 3062) was referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration:

**H. B. 3093**, Establishing Broadband Enhancement and Expansion Policies,

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

**Com. Sub. for H. B. 3093** – “A Bill to repeal §31-15C-1, §31-15C-2, §31-15C-3, §31-15C-4, §31-15C-5, §31-15C-6, §31-15C-7, §31-15C-8, §31-15C-9, §31-15C-12 and §31-15C-13 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new chapter, designated §31G-1-1, §31G-1-2, §31G-1-3, §31G-1-4, §31G-1-5, §31G-1-6, §31G-1-7, §31G-1-8, §31G-1-9, §31G-1-10, §31G-1-11, §31G-1-12, §31G-1-13; §31G-1-14, §31G-2-1, §31G-2-2, §31G-2-3, §31G-2-4, §31G-2-5, §31G-2-6, §31G-2-7, §31G-2-8, §31G-2-9, §31G-2-10, §31G-2-11, §31G-2-12, §31G-2-13; §31G-2-14, §31G-2-15, §31G-2-16, §31G-2-17, §31G-2-18, §31G-2-19, §31G-2-20, §31G-2-21, §31G-2-22, §31G-2-23, §31G-2-24, §31G-2-25, §31G-2-26, §31G-2-27; §31G-3-1, §31G-3-2, §31G-4-1, §31G-4-2, §31G-4-3, §31G-5-1 and §31G-5-2, all relating to establishing Broadband Enhancement and Expansion Polices; re-establishing and continuing the Broadband Enhancement Council; defining terms; revising council powers and duties; directing council to publish an annual assessment and map of broadband in the state; authorizing

council to create an interactive map of broadband services; revising terms for retention of expert consultants; authorizing collection of data by council; authorizing creation of guidelines and recommendations to the Legislature for pilot project for municipalities and counties to form non-profit cooperative associations for internet services; authorizing creation of guidelines and recommendations to the Legislature for voluntary pipeline donation program to facilitate broadband services; authorizing creation of guidelines and recommendations to the Legislature for easement program to facilitate broadband services; authorizing council to seek, utilize and dispense non-state funding and grants; providing for legislative rulemaking authority; authorizing formation of cooperative associations for internet services; providing for who may organize a cooperative association; defining terms; setting forth legislative findings and purpose; establishing the powers of such associations; setting forth all conditions, rights and responsibilities of such cooperative associations; declaring that cooperative association not deemed a restraint in trade; providing for the application of corporation laws; providing for microtrenching; defining terms; providing for make-ready pole access; defining terms; setting forth procedure for attaching items to third-party facilities and poles; providing for exceptions to make-ready pole access; prohibiting internet service providers from advertising the downstream data rate or upstream data rate service solely in terms of the maximum anticipated data rate or as an 'up to' speed; authorizing advertisement in terms of minimum data speeds; declaring violation to be an unfair or deceptive act or practice; and authorizing enforcement and remedy under the Consumer Credit and Protection Act,"

**H. B. 2180**, Authorizing the issuance of special "In God We Trust" motor vehicle registration plates,

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

**Com. Sub. for H. B. 2180** – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17A-3-14a, relating to authorizing the issuance of

special ‘In God We Trust’ and ‘Friends of Coal’ motor vehicle registration plates,”

And,

**H. B. 2679**, Relating to the possession of firearms in parks and park facilities,

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

**Com. Sub. H. B. 2679** – “A Bill to amend and reenact §7-11-5 of the Code of West Virginia, 1931, as amended; and to amend and reenact §20-2-5 of the Code of West Virginia, 1931, as amended, all relating to the possession of firearms in parks and park facilities generally; prohibiting county parks and recreation commissions from promulgating or enforcing rules which prohibit possession of firearms in parks; providing magistrate courts with concurrent jurisdiction; altering antiquated language concerning county courts to county commission; prohibitions on carrying a firearm in state parks, state forests, state wildlife management areas or state rail trails; and providing exceptions for self-defense,”

With the recommendation that the committee substitutes each do pass.

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

Your Committee on Education has had under consideration:

**H. J. R. 24**, Proposing an amendment to the Constitution of the State of West Virginia relating to education, and providing for the election of members of the State Board of Education,

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 (H. J. R. 24) was referred to the Committee on the Judiciary.

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

Your Committee on Education has had under consideration:

**H. B. 2494**, Providing that statewide school report cards are only to be made available to custodial parents and guardians of students upon request,

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

**Com. Sub. for H. B. 2494** - “A Bill to amend and reenact §18-2E-4 of the Code of West Virginia, 1931, as amended, relating to providing that statewide school report cards are only to be made available to custodial parents and guardians of students upon request,”

With the recommendation that the committee substitute 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 (Com. Sub. for H. B. 2494) to the Committee on Government Organization was abrogated.

### **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. 290** – “A Bill to amend and reenact §60-4-3a of the Code of West Virginia, 1931, as amended, relating to authorizing operators of a distillery or mini-distillery to offer for purchase and consumption liquor on the premises if purchased and

consumed at a licensed Class A private club operating on the premises of the distillery or mini-distillery; and allowing distilleries and mini-distilleries to sell and serve alcohol beginning at 10:00 a.m. on Sundays”; which was referred to the Committee on Government Organization then 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. 608** – “A Bill to amend and reenact §2-2-10 of the Code of West Virginia, 1931, as amended, relating to clarifying that regulatory, noncriminal legislative enactments prohibiting a type or types of businesses, or business structures are inapplicable to lawful businesses and business structures operating in this state prior to the effective date of the prohibiting enactment; and updating provisions”; which was referred to the Committee on the Judiciary.

### **Resolutions Introduced**

Delegates Storch, Deem, Folk, Ambler, Anderson, Arvon, Atkinson, Baldwin, Barrett, Bates, Blair, Boggs, Brewer, Butler, Byrd, Canestraro, Capito, Caputo, Cooper, Cowles, Criss, Dean, Diserio, Eldridge, Ellington, Espinosa, A. Evans, E. Evans, Fast, Ferro, Fleischauer, Fluharty, G. Foster, N. Foster, Frich, Gearheart, Hamilton, Hamrick, Hanshaw, Harshbarger, Hartman, Hicks, Higginbotham, Hill, Hollen, Hornbuckle, Householder, Howell, Iaquina, Isner, Kelly, Kessinger, Lane, Lewis, Longstreth, Love, Lovejoy, Lynch, Marcum, Martin, Maynard, Miley, C. Miller, R. Miller, Moye, Nelson, O’Neal, Overington, Paynter, Pethtel, Phillips, Pushkin, Pyles, Queen, Robinson, Rodighiero, Rohrbach, C. Romine, R. Romine, Rowan, Rowe, Shott, Sobonya, Sponaule, Statler, Summers, Sypolt, Thompson, Upson, Wagner, Walters, Ward, Westfall, White, Williams and Wilson offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 90** – “Requesting the Joint Committee on Government and Finance authorize a study on the feasibility of light fidelity (‘Li-Fi’), a bidirectional, high-speed and fully networked wireless communication technology similar to Wi-Fi, as a possible solution to West Virginia’s broadband access limitation.”

Whereas, The Legislature is committed to serving the public by encouraging and promoting infrastructure, commerce and industry; and

Whereas, This optical wireless communication technology uses light from light-emitting diodes (LEDs) as a medium to deliver networked, mobile, high-speed communication in a similar manner to Wi-Fi; and

Whereas, The Li-Fi market is projected to have a compound annual growth rate of 82% from 2013 to 2018 and to be worth over \$6 billion per year by 2018; and

Whereas, Li-Fi has the advantage of being useful in electromagnetic sensitive areas such as in aircraft cabins, hospitals and nuclear power plants without causing electromagnetic interference. Both Wi-Fi and Li-Fi transmit data over the electromagnetic spectrum, but whereas Wi-Fi utilizes radio waves, Li-Fi uses visible light; and

Whereas, The U. S. Federal Communications Commission has warned of a potential spectrum crisis because Wi-Fi is close to full capacity. However, Li-Fi has almost no limitations on capacity. The visible light spectrum is 10,000 times larger than the entire radio frequency spectrum. Researchers have reached data rates of over 224 Gbit/s, which is much faster than typical fast broadband in 2013; and

Whereas, Li-Fi is expected to be ten times cheaper than Wi-Fi; and

Whereas, It is predicted that future home and building automation will be highly dependent on the Li-Fi technology for being secure and fast as the light cannot penetrate through walls hence the signal cannot be hacked from a remote location; and



Whereas, Li-Fi is expected to have many applications including but not limited to security, underwater applications, hospitals and vehicles; and

Whereas, West Virginia has a well-known limitation with regard to providing low cost and reliable broadband due to its geography and rural nature; and

Whereas, Li-Fi may provide an alternative to the citizens of this state; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on Government and Finance is hereby requested to study whether Li-Fi has the feasibility to provide a reasonable alternative to traditional broadband based upon broadband's well-established limitations in this state, also determining whether this technology would be cost-prohibitive to the average consumer in this state; and, be it

*Further Resolved*, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2018, on its findings, conclusions and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

*Further Resolved*, That the expenses necessary to conduct this study and to prepare and draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Delegates Marcum, Rodighiero, Thompson and Hicks offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 91** – “Requesting the Department of Highways to name bridge number 30-3/5-2.58 (30A012) (37.81677, -82.25903), locally known as Canterbury Box Beam Bridge, carrying County Route 3/5 over Laurel Fork in Mingo County, the ‘Alleen Ledson Memorial Bridge’.”

Whereas, Alleen Ledson was born August 31, 1928, at Lenore, Mingo County, West Virginia; and was married for sixty-nine years to Marion C. Ledson, Jr. Together she and her husband raised seven children; and

Whereas, When Alleen Ledson was a young mother, she and other women on Laurel Creek beat up rocks and put them in holes on the road, which led to having a black top road on Laurel Creek; and

Whereas, Alleen Ledson enjoyed shopping with her four girls, and often prepared food for fish fries at Laurel Lake, welcoming all to come; and

Whereas, Alleen Ledson began working at J. C. Penney's in Williamson, West Virginia when she was forty-five years old and worked there for twenty years; and

Whereas, Alleen Ledson was a member of the Bethany Church, often referred to as the old regular Baptist Church; and

Whereas, Alleen Ledson and her husband lived all their lives together at the end of the bridge over Laurel Fork; and

Whereas, Alleen Ledson died April 30, 2015; and

Whereas, Naming the bridge after this woman who faithfully served her family, her neighbors, her church and her community at large in the vicinity of the bridge is a fitting memorial to Alleen Ledson; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name Bridge Number 30-3/5-2.58 (30A012) (37.81677, -82.25903), locally known as "Canterbury Box Beam Bridge", carrying County Route 3/5 over Laurel Fork in Mingo County, the Alleen Ledson Memorial Bridge; and, be it

*Further Resolved,* That the Commissioner of the Division of Highways is hereby requested to have made and be placed at both

ends of the bridge signs identifying the bridge as the “Alleen Ledson Memorial 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.

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

**H. C. R. 92** – “Requesting the Division of Highways to name that portion of West Virginia Route 16, beginning at mile marker 37.50 and ending at mile marker 40.92, the ‘U.S. Army SGT Eugene Dawson Memorial Highway.’”

Whereas, Sergeant Eugene Dawson was born October 18, 1946, at Hallsburg, in Clay County, West Virginia. He was the son of Everett Dawson and Elsie Sears Dawson, and the grandson of Raymond and Alice Jarvis Dawson, and Martin and Gay Burnside Sears. Sergeant Dawson resided with his family in Bintree, Clay County, West Virginia, until he was drafted into the United States Army on December 1, 1966; and

Whereas, Sergeant Eugene Dawson served honorably in the United States Army ground forces in Vietnam. He was killed in action near Long An in South Vietnam on May 17, 1967. Sergeant Dawson was 20 years old. His body was recovered and is buried in the Nebo Baptist Church Cemetery in Nebo, Clay County, West Virginia; and

Whereas, It is only fitting that a memorial be established honoring the life of Sergeant Eugene Dawson and his outstanding service and sacrifice in protecting 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 West Virginia Route 16, beginning at mile marker 37.50 and ending at mile marker 40.92, the U.S. Army SGT Eugene Dawson Memorial Highway; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs identifying the designated highway as the U.S. Army SGT Eugene Dawson Memorial Highway; and, be it

*Further Resolved*, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation.

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

**H. C. R. 93** – “Urging the Division of Highways to extend WV Route 93 from its current terminus at U. S. Route 50 near Claysville, West Virginia through the junction of WV Route 927 and U. S. Route 50 to create a new terminus at the junction of WV Route 972 and U. S. Route 220, and to erect signs reflecting this change.”

Whereas, As currently constructed, individuals driving northbound on WV Route 93 must make three separate road changes in quick succession after WV Route 93 reaches its terminus point to reach Keyser, West Virginia, including merging onto U. S. Route 50, WV Route 972 and U. S. Route 220; and

Whereas, These quick, successive road changes cause confusion for drivers, needlessly extending driving time and increasing the risk of accidents; and

Whereas, By extending WV Route 93 from its current terminus at U. S. Route 50, and erecting signage along sections of U. S. Route 50 and the entirety of WV Route 927 to reflect this extension, visitors to Keyser, West Virginia and the surrounding area will be able to reach their destination more expeditiously and safely; therefore, be it

*Resolved by the Legislature of West Virginia:*

Urging the Division of Highways to extend WV Route 93 from its current terminus at US Route 50 near Claysville, West Virginia

through the junction of WV Route 927 and US Route 50 to create a new terminus at the junction of WV Route 972 and US Route 220, and to erect signs reflecting this change; and, be it

*Further Resolved*, That the Division of Highways provide updated route number information to GPS navigation services to reflect this change.

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

**H. C. R. 94** – “Proclaiming and making August 26 of each year to be Katherine Johnson Day celebrating her many NASA achievements in establishing the United States as the premier explorer of outer space, including the moon landing and the NASA Shuttle, and as the recipient of the nation’s highest civilian honor, the Presidential Medal of Freedom.”

Whereas, Katherine Johnson was born on August 26, 1918, in White Sulphur Springs; and

Whereas, Katherine Johnson’s intense curiosity and brilliance with numbers vaulted her ahead several grades in school. By thirteen, she was attending the high school on the campus of historically black West Virginia State College. At eighteen, she enrolled in the college itself, where she made quick work of the school’s math curriculum and found a mentor in math professor W. W. Schieffelin Claytor, the third African American to earn a PhD in Mathematics. Katherine Johnson graduated with highest honors in 1937 with a Bachelor of Science degree in Mathematics and French and took a job teaching at a black public school in Virginia; and

Whereas, When West Virginia integrated its graduate schools in 1939, West Virginia State’s President Dr. John W. Davis selected Katherine Johnson and two male students as the first black students to be offered spots at the state’s flagship school, West Virginia University. She left her teaching job, and enrolled in the graduate math program. At the end of the first session, however, she decided to leave school to start a family with her husband. Ms.

Johnson returned to teaching when her three daughters got older, but it wasn't until 1952 that a relative told her about open positions at the all-black West Area Computing section at the National Advisory Committee for Aeronautics' (NACA's) Langley laboratory, headed by fellow West Virginian Dorothy Vaughan. Ms. Johnson and her husband, James Goble, decided to move the family to Newport News to pursue the opportunity, and she began work at Langley in the summer of 1953. Just two weeks into her tenure in the office, Dorothy Vaughan assigned her to a project in the Maneuver Loads Branch of the Flight Research Division, and Ms. Johnson's temporary position soon became permanent. She spent the next four years analyzing data from flight test, and worked on the investigation of a plane crash caused by wake turbulence. As she was wrapping up this work her husband died of cancer in December 1956; and

Whereas, The 1957 launch of the Soviet satellite Sputnik changed history — and Katherine Johnson's life. In 1957, she provided some of the math for the 1958 document Notes on Space Technology, a compendium of a series of 1958 lectures given by engineers in the Flight Research Division and the Pilotless Aircraft Research Division (PARAD). Engineers from those groups formed the core of the Space Task Group, the NACA's first official foray into space travel, and Ms. Johnson, who had worked with many of them since coming to Langley, came along with the program as the NACA became NASA later that year; and

Whereas, Katherine Johnson did trajectory analysis for Alan Shepard's May 1961 mission Freedom 7, America's first human spaceflight. In 1960, she and engineer Ted Skopinski coauthored Determination of Azimuth Angle at Burnout for Placing a Satellite Over a Selected Earth Position, a report laying out the equations describing an orbital spaceflight in which the landing position of the spacecraft is specified. It was the first time a woman in the Flight Research Division had received credit as an author of a research report; and

Whereas, In 1962, as NASA prepared for the orbital mission of John Glenn, Ms. Johnson was called upon to do the work that she would become most known for. The complexity of the orbital flight

had required the construction of a worldwide communications network, linking tracking stations around the world to IBM computers in Washington, DC, Cape Canaveral, and Bermuda. The computers had been programmed with the orbital equations that would control the trajectory of the capsule in Glenn's Friendship 7 mission, from blast off to splashdown, but the astronauts were wary of putting their lives in the care of the electronic calculating machines, which were prone to hiccups and blackouts. As a part of the preflight checklist, Glenn asked engineers to get the girl—Katherine Johnson—to run the same numbers through the same equations that had been programmed into the computer, but by hand, on her desktop mechanical calculating machine. If she says they're good, Katherine Johnson remembers the astronaut saying, then I'm ready to go. Glenn's flight was a success, and marked a turning point in the competition between the United States and the Soviet Union in space; and

Whereas, When asked to name her greatest contribution to space exploration, Katherine Johnson talks about the calculations that helped synch Project Apollo's Lunar Lander with the moon-orbiting Command and Service Module. She also worked on the Space Shuttle and the Earth Resources Satellite, and authored or coauthored 26 research reports; and

Whereas, Katherine Johnson retired in 1986, after thirty-three years at Langley. I loved going to work every single day, she said. In 2015, at age 97, Katherine Johnson added another extraordinary achievement to her long list: President Obama awarded her the Presidential Medal of Freedom, America's highest civilian honor; and

Whereas, Katherine Johnson's extraordinary contributions to her country were detailed in Margot Lee Shetterly's acclaimed book, *Hidden Figures: The American Dream and the Untold Story of the Black Women Mathematicians Who Helped Win the Space Race* that was adapted into a motion picture that was not only nominated for an Academy Award for the Best Picture of the Year, but also received standing ovations from movie goers all over the country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Legislature of West Virginia hereby proclaims and makes August 26 of each year to be Katherine Johnson Day celebrating her many NASA achievements in establishing the United States as the premier explorer of outer space, including the moon landing and the NASA Shuttle, and as the recipient of the nation's highest civilian honor, the Presidential Medal of Freedom; and, be it

*Further Resolved,* That the Clerk of the House of Delegates forward a certified copy of this resolution to Katherine Johnson, Dr. Anthony L. Jenkins, President of West Virginia State University, The Board of Trustees of West Virginia State University, Dr. E. Gordon Gee, President of West Virginia University, Dr. Michael Martirano, West Virginia State Superintendent of Schools, Margot Lee Shetterly, and the West Virginia delegation in the U.S. House of Representatives and the U.S. Senate.

Delegates Phillips, Maynard and Eldridge offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

**H. C. R. 95** – “Requesting the Division of Highways to name bridge number 23-119-15.47 (23A102) (37.97474, -82.01842), locally known as Chapmanville RR overpass No. 2, carrying U. S. 119 over CSX Railroad in Logan county the ‘PFC O. T. (Teaberry) Mullins Memorial Bridge’.”

Whereas, O. T. (Teaberry) Mullins was born December 18, 1923, the son of John M. and Martha Farley Mullins at Ferrellsburg, West Virginia. He moved to Chapmanville, West Virginia, in 1953. He is survived by his children, Connie Mullins Guthrie and Jill Mullins. PFC O. T. (Teaberry) Mullins served in the Army Air Corp, having been drafted July 8, 1943. He received the Army Achievement Medal, Army Commendation Medal, Army Good Conduct Medal, Asia Pacific Campaign Medal, WW II Army Occupation of Okinawa Medal and WW II Victory Medal. He was a Life Member of the American Legion and VFW. He was



a Conductor for CSX Transportation 42 years and on the Chapmanville Town Council for 47 years. He was the owner of Mullins License Service and Teaberry Motor Sales, salesman for Paul Cooke Ford, sales manager for Boone Motors and served on the Chapmanville Police Department; and

Whereas, Naming the bridge on Rt. 119 in Chapmanville, Boone County, the “PFC O. T. (Teaberry) Mullins Memorial Bridge” is an appropriate recognition of the contributions to his country, state, community and Boone County; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 23-119-15.47 (23A102) (37.97474, -82.01842), locally known as Chapmanville RR overpass No. 2, carrying US 119 over CSX Railroad in Logan county the “PFC O. T. (Teaberry) Mullins 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 PFC O. T. (Teaberry) Mullins Memorial Bridge”; and, be it

*Further Resolved*, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation.

## **Special Calendar**

### **Third Reading**

**Com. Sub. for H. B. 2402**, Relating to abandoned antique vehicles; 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. 127**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Marcum.

Absent and Not Voting: Higginbotham.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2402) 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. 2471**, Relating to insurance coverage for breast cancer screening; 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. 128**), and there were—yeas 96, nays 3, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Folk, McGeehan and Paynter.

Absent and Not Voting: Higginbotham.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2471) 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. 2637**, Relating to employment of retired teachers and prospective employable professional personnel in areas of critical need and shortage; on third reading, coming up in regular order, was read a third time.

Delegates E. Evans, Pethtel, Ferro, Iaquina, Ambler, Wagner and Rowan requested to be excused from voting on the passage of Com. Sub. for H. B. 2637 under the provisions of House Rule 49.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 129**), 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: Higginbotham.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2637) 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. 2738**, Providing flexibility in the transfer process of school personnel; 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. 130**), and there were—yeas 56, nays 43, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Anderson, Baldwin, Barrett, Bates, Boggs, Brewer, Byrd, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hamilton, Hartman, Hicks, Hornbuckle, Iaquina, Isner, Kelly, Lewis, Longstreth, Love, Lovejoy, Lynch, Marcum, Miley, R. Miller, Moye, Pethel, Phillips, Pushkin, Pyles, Robinson, Rodighiero, Rohrbach, Rowe, Sponagle, Thompson, Wagner and Williams.

Absent and Not Voting: Higginbotham.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2738) 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. 2767**, Authorizing the Secretary of State to transmit electronic versions of undeliverable mail to the circuit clerks; 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. 131**), 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: Higginbotham and Kelly.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2767) 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. 2797**, Codifying statutory immunity for government agencies and officials from actions of third-parties using documents or records; 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. 132**), and there were—yeas 95, nays 3, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Hicks, Hornbuckle and Marcum.

Absent and Not Voting: Higginbotham 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. 2797) 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. 2798**, Clarifying provisions relating to candidates unaffiliated with a political party; 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. 133**), and there were—yeas 94, nays 4, absent and not voting 2, with the nays and absent and not voting being as follows:

Yeas: Fleischauer, Pushkin, Robinson and Rowe.

Absent and Not Voting: Higginbotham and Walters.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2798) 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. 2828**, Changing the number of strikes in jury selection in felony cases; 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. 134**), and there were—yeas 40, nays 58, absent and not voting 2, with the yeas and absent and not voting being as follows:

Yeas: Anderson, Arvon, Atkinson, Blair, Butler, Canestraro, Cooper, Cowles, Deem, Ellington, Espinosa, A. Evans, G. Foster, Gearheart, Hamrick, Hanshaw, Hollen, Householder, Howell, Kessinger, Lane, C. Miller, R. Miller, Moore, Nelson, O'Neal, Overington, Phillips, Queen, Rohrbach, C. Romine, R. Romine, Shott, Sobonya, Statler, Summers, Sypolt, Westfall, Zatezalo, and Mr. Speaker (Mr. Armstead).

Absent and Not Voting: Higginbotham and Walters.

So, a majority of the members present and voting not having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2828) rejected.

**Com. Sub. for H. B. 3030**, Relating to appeals as a matter of right in the West Virginia Supreme Court of Appeals; on third reading, coming up in regular order, was read a third time.

Delegates Fast and Isner requested to be excused from voting on the passage of Com. Sub. for H. B. 3030 under the provisions of House Rule 49.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 135**), and there were—yeas 96, nays 2, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Robinson and Rowe.

Absent and Not Voting: Higginbotham 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. 3030) passed.

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

**Com. Sub. for H. B. 3030** – “A Bill to amend and reenact §58-5-1 of the Code of West Virginia, 1931, as amended, relating to appeals as a matter of right in the West Virginia Supreme Court of Appeals; and providing that all appeals shall be afforded a full and meaningful review, an opportunity to be heard, and a written decision on the merits.”

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

### **Second Reading**

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

**Com. Sub. for H. B. 2827**, Updating the all payor claims database,

**Com. Sub. for H. B. 2840**, Reorganizing the departments, agencies and commissions within the executive branch of state government,

And,

**H. B. 2856**, Declaring public policy and legislative intent for improving the marketing, quality and frequency of passenger rail service of the Cardinal Passenger Train.

### **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. 127**, Authorizing Department of Revenue to promulgate legislative rules,

**Com. Sub. for H. B. 2519**, Medicaid program compact,

**Com. Sub. for H. B. 2808**, The West Virginia Assisted Outpatient Treatment Act,

**Com. Sub. for H. B. 2857**, West Virginia Safer Workplaces Act,

**H. B. 3009**, Relating to access by the Office of Health Facility Licensure and Certification to the Controlled Substances Monitoring Program database,

**Com. Sub. for H. B. 3061**, Encouraging mastery-based education through the Innovation In Schools program,

And,

**H. B. 3089**, Relating to the adoption of instructional resources for use in the public schools.

### **Leaves of Absence**

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

### **Miscellaneous Business**

Delegate Kelly announced that he was absent on today when the vote was taken on Roll No. 131, and that had he been present, he would have voted “Yea” thereon.

Delegate Boggs announced that he was absent yesterday when the votes were taken on Roll Nos. 122 through 126, and had he been present, he would have voted “Yea” thereon.

Delegate Barrett asked and obtained unanimous consent that the remarks of Delegate Pushkin during Remarks by Members today be printed in the Appendix to the Journal.

Delegate Wilson asked and obtained unanimous consent that the remarks of Delegate Kessinger during Remarks by Members today be printed in the Appendix to the Journal.

Delegate Westfall asked and obtained unanimous consent that the remarks of Delegate Dean during Remarks by Members today be printed in the Appendix to the Journal.

Delegate Barrett asked and obtained unanimous consent that the remarks of Delegates Ferro, Hicks, Marcum, E. Evans, Moye and Iaquinta regarding Com. Sub. for H. B. 2738 be printed in the Appendix to the Journal.

Delegate Longstreth filed a form with the Clerk’s Office per House Rule 94b to be added as a cosponsor of H. B. 2416.



Delegate Capito filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2934.

Delegate Eldridge filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2953.

Delegate White filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 3014.

Delegate Lovejoy filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 3018.

At 1:38 p.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, March 22, 2017.





