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February 15, 2017  
EIGHTH DAY



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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 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; 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, C. 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 Riepertsweiler, 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.

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





**HOUSE CALENDAR**

**Thursday, February 16, 2017**

**9<sup>th</sup> Day**

**11:00 A. M.**

**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 (SHOTT) (REGULAR)

**FIRST READING**

Com. Sub. for H. B. 2303 - Increasing criminal penalties for littering (SHOTT) (REGULAR)

Com. Sub. for H. B. 2319 - Relating to candidates or candidate committees for legislative office disclosing contributions (SHOTT) (REGULAR)

**WEST VIRGINIA  
HOUSE OF DELEGATES**

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**THURSDAY, FEBRUARY 16, 2017**

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

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**COMMITTEE ON SMALL BUSINESS, ENTREPRENEURSHIP  
& ECONOMIC DEVELOPMENT  
9:00 A.M. – ROOM 434M**

**COMMITTEE ON BANKING & INSURANCE  
10:00 A.M. – ROOM 215E**

**COMMITTEE ON SENIOR CITIZEN ISSUES  
1:00 P.M. – ROOM 215E**

**COMMITTEE ON ENERGY  
2:00 P.M. – ROOM 418M**

**COMMITTEE ON HEALTH & HUMAN RESOURCES  
2:00 P.M. – ROOM 215E**

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