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February 16, 2017  
NINTH DAY



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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, Morgan, 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, E. 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.

~~(c) (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.

~~(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'."

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 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, Pethtel, Ambler, Robinson and Cooper filed a form 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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**HOUSE OF DELEGATES**  
**STEPHEN J. HARRISON, Clerk**  
**Building 1, Room M-212**  
**1900 Kanawha Blvd., East**  
**Charleston, WV 25305-0470**

**HOUSE CALENDAR**

**Friday, February 17, 2017**

**10<sup>th</sup> Day**

**11:00 A. M.**

**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 (SHOTT) (REGULAR)

**SECOND 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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**FRIDAY, FEBRUARY 17, 2017**

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

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**COMMITTEE ON FINANCE  
9:00 A.M. – ROOM 464M**

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

HOUSE OF DELEGATES  
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