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SEVENTEENTH DAY

Friday, February 24, 2017

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

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

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

The Clerk proceeded to read the Journal of Thursday, February 23, 2017, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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

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

H. B. 2563, Relating to complimentary samples of nonintoxicating beer or nonintoxicating craft beer,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2563) was referred to the Committee on the Judiciary.

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

Your Committee on Education has had under consideration:

H. B. 2524, Improving the focus on school-level continuous improvement processes,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2524) was referred to the Committee on Finance.

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

Your Committee on Banking and Insurance has had under consideration:

H. B. 2460, Requiring insurance coverages to ensure telehealth parity,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2460) was referred to the Committee on Health and Human Resources.

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

Your Committee on Banking and Insurance has had under consideration:

H. B. 2619, Risk Management and Own Risk and Solvency Assessment Act,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2619) was referred to the Committee on the Judiciary.

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

Your Committee on Banking and Insurance has had under consideration:

H. B. 2471, Relating to insurance coverage for breast cancer screening,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2471) was referred to the Committee on Finance.

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

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

H. B. 2420, Providing that the State Board of Education may delegate its Medicaid provider status and subsequent reimbursement to regional educational service agencies or county boards,

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

Com. Sub. for H. B. 2420 – “A Bill to amend and reenact §18-2-5b of the Code of West Virginia, 1931, as amended, relating to the State Board of Education and Medicaid eligible children; and providing that the state board may delegate its provider status and subsequent reimbursement to regional educational service agencies or county boards subject to the county board determining that there is a net benefit and no detracting from the educational program of the county,”

With the recommendation that the committee substitute do pass.

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

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

H. B. 2509, Relating to the practice of telemedicine,

And,

H. B. 2526, Classifying additional drugs to Schedules I, II, IV and V of controlled substances,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2509 and H. B. 2526) were each referred to the Committee on the Judiciary.

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

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

H. B. 2518, Creating a legislative rule to permit a pharmacist or pharmacy intern to administer certain immunizations,

H. B. 2519, Medicaid program compact,

And,

H. B. 2538, Relating to the licensure of physician assistants,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2518, H. B. 2519 and H. B. 2538) were each referred to the Committee on Government Organization.

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

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

H. B. 2628, Relating generally to the powers and duties of the Board of Medicine and the Board of Osteopathic Medicine,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2628) was referred to the Committee on Government Organization.

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

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

H. B. 2459, Relating to regulation of health care and the certificate of need process,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2459) was referred to the Committee on the Judiciary.

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

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

S. B. 169, Repealing article providing assistance to Korea and Vietnam veterans exposed to certain chemical defoliants,

S. B. 170, Repealing state hemophilia program,

And,

S. B. 171, Repealing Programs of All-Inclusive Care for Elderly,

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

In accordance with the former direction of the Speaker, the bills (S. B. 169, S. B. 170 and S. B. 171) were each referred to the Committee on Finance.

Delegate Ellington, Chair of the Committee on Prevention and Treatment of Substance Abuse, submitted the following report, which was received:

Your Committee on Prevention and Treatment of Substance Abuse has had under consideration:

H. B. 2620, West Virginia Drug Overdose Monitoring Act,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2620) was referred to the Committee on the Judiciary.

Delegate Ellington, Chair of the Committee on Prevention and Treatment of Substance Abuse, submitted the following report, which was received:

Your Committee on Prevention and Treatment of Substance Abuse has had under consideration:

H. B. 2648, Increasing penalties for manufacturing or transportation of a controlled substance in the presence of a minor,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2648) was referred to the Committee on the Judiciary.

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

Your Committee on the Judiciary has had under consideration:

H. B. 2506, Relating to the implementation of water quality standards for the protection of drinking water,

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

Com. Sub. for H. B. 2506 – “A Bill to amend and reenact §22-11-7b of the Code of West Virginia, 1931, as amended, all relating to adoption of the Fair Standards Act, the implementation of water quality standards for the protection of drinking water; requiring permit limits to be calculated using the design flows recommended by the United States Environmental Protection Agency for the protection of human health; and allowing overlapping mixing zones for calculating permit limits for drinking water criteria,”

With the recommendation that the committee substitute do pass.

Messages from the Senate

A message from the Senate, by

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

Com. Sub. for S. B. 182 - “A Bill to amend and reenact §5-22-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §21-1D-5 of said code; and to amend and reenact §21-11-11 of said code, all relating to the submission of bids for government construction contracts; information and documents required for the awarding of certain contracts; providing procedures for the required submission of a list of subcontractors who will perform more than \$25,000 of work on certain projects; providing procedures for the required submission of a drug-free workplace affidavit for any solicitation for a public improvement contract; and providing procedures for the required submission of a contractor’s license number with certain bid documents”; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

Com. Sub. for S. B. 240 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8-28a, relating to creating the offenses of nonconsensual disclosure of privately taken images of a sexual nature causing or threatening the nonconsensual disclosure of such an image; defining terms; setting forth elements of the crime; and providing for criminal penalties”; which was referred to the Committee on the Judiciary.

Resolutions Introduced

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

H. C. R. 24 – “Requesting the Division of Highways to name Bridge Number: 49-9-11.77 (49A133) (38.85693, -80.13636), locally known as Queens Spread Box Beam Bridge, carrying County Route 9 over Right Fork of Middle Fork River in Upshur County the ‘SGT. Eugene E. Arbogast Memorial Bridge’.”

Whereas, Eugene E. Arbogast was born June 11, 1931, in Hemlock, West Virginia, one of five children, including his sisters, Virginia Lee, Bonnie May, Frances Kay and Mary Ann; and

Whereas, Eugene answered the call to serve his country, attending basic training in Fort Knox, Kentucky, with the U.S. Army’s 32nd Infantry Division; and

Whereas, Eugene departed for Japan in May 1950 and for Korea later in the same year; and

Whereas, Eugene assisted in training South Korean troops; and

Whereas, Eugene was killed in combat in Korea on July 2, 1951; and

Whereas, SGT. Eugene E. Arbogast’s service to his country honors his family, his community and the entire State of West Virginia; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name Bridge Number: 49-9-11.77 (49A133) (38.85693, -80.13636), locally known as Queens Spread Box Beam Bridge, carrying County Route 9 over Right Fork of Middle Fork River in Upshur County, the “SGT. Eugene E. Arbogast Memorial Bridge”; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge the “SGT. Eugene E. Arbogast Memorial Bridge”; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation and to the family of SGT. Eugene Arbogast, including Mary Tenney of Buckhannon, West Virginia and Virginia Gilmore of Southington, Ohio.

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

H. C. R. 25 – “Requesting the Division of Highways to name bridge number 50-052-21.27 (50A001), carrying United States Route 52 over Hurricane Creek in Wayne County, beginning at latitude 38.192421, longitude -82.599808 and ending at latitude 38.191797, longitude -82.600180, the ‘U.S. Army PVT Charles E. Ellis and U.S. Army PVT Ira V. Ellis Memorial Bridge’.”

Whereas, Charles Edward Ellis, born January 15, 1922, and Ira Virgil Ellis, born June 29, 1925, were natives of Wayne County, West Virginia, and two of the three sons of Curtis and Esther Ellis, that fought in World War II; and

Whereas, Charles E. Ellis and Ira V. Ellis were both killed in action while serving in the United States Army during World War II. Charles Ellis was killed in Italy on December 30, 1943; and Ira Ellis was killed while making the final push in the war effort in Germany on March 23, 1945; and

Whereas, These young men served their country and their state with honor, valor, and courage and died to ensure a safer world for future generations; and

Whereas, The sacrifice that the Ellis family made in honor of the United States of America and the State of West Virginia should be commemorated in an enduring memorial; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 50-052-21.27 (50A001), carrying United States Route 52 over Hurricane Creek in Wayne County, beginning at latitude 38.192421, longitude -82.599808 and ending at latitude 38.191797, longitude -82.600180, the "U.S. Army PVT Charles E. Ellis and U.S. Army PVT Ira V. Ellis Memorial Bridge"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge the "U.S. Army PVT Charles E. Ellis and U.S. Army PVT Ira V. Ellis Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation.

Delegates Pyles, Caputo, Pethtel, Longstreth, Upson, Fleischauer, Lynch, Williams, Summers, Statler and Frich offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 26 – "Urging Congress and NASA to name the NASA IV & V Facility at Fairmont for West Virginia mathematician Katherine Coleman Johnson."

Whereas, The NASA Independent Verification and Validation Facility was established at Fairmont, West Virginia in 1993 as part of an agency-wide strategy to provide the highest achievable levels of safety and cost effectiveness for mission critical software; and

Whereas, The NASA IV & V Facility was founded under the NASA Office of Safety and Mission Assurance (OSMA) as a direct result of recommendations made by the National Research Council (NRC) and the Report of the Presidential Commission on the Space Shuttle Challenger Accident; and

Whereas, NASA IV & V Facility has 270 permanent employees and high school and college interns during the summer months and makes an important contribution to the Fairmont, Marion County and West Virginia economies; and

Whereas, NASA mathematician Katherine Coleman Goble Johnson was born at White Sulphur Springs, West Virginia in 1918 and graduated from West Virginia State College summa cum laude in 1937 and was the first African American Woman to attend the graduate school at West Virginia University in 1938; and

Whereas, Katherine Johnson worked as a mathematician at the Langley Flight Research Division from 1953 to 1958 where she was an analyst for such topics as gust alleviation for aircraft; and

Whereas, Katherine Johnson worked as an aerospace technologist at the Spacecraft Controls Branch from 1958 to 1986 and was involved in performing calculations for all the important space missions during this period, including the sub-orbital flight of Alan Shepard, the first orbital flight by John Glenn and the 1969 Apollo 11 moon mission; and

Whereas, Katherine Johnson is the subject of a recently released motion picture “Hidden Figures” that highlights her life and career; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature urges Congress and NASA to name the NASA IV & V Facility at Fairmont for West Virginia mathematician Katherine Coleman Johnson; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to the President and Secretary of the United States Senate, the Speaker and Clerk of the House of Representatives and to the members of West Virginia’s congressional delegation.

Delegate Rodighiero offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 27 – “Requesting the Division of Highways to name the bridge on West Virginia Route 10 over Buffalo Creek in Logan County, Bridge Number 23-10-25.88 (23A041), latitude 37.89636, longitude -81.99435, locally known as the Chief Logan Box Culvert, the ‘U.S. Army 1LT Patricia Simon Bridge’.”

Whereas, First Lieutenant Patricia Simon, known to her family and friends as Pat, served in the United States Army Nurse Corps during World War II, in the African and European Theatres of War; and

Whereas, First Lieutenant Patricia Simon, a great community leader in Logan County, passed away on January 14, 2013, at the age of ninety-five; and

Whereas, It is fitting that an appropriate memorial recognizing First Lieutenant Patricia Simon’s service to this country and her community be established near Chief Logan Park, where she walked every day for years; therefore, be it

Resolved by the West Virginia Legislature:

That the Division of Highways is hereby requested to name the bridge on West Virginia Route 10 over Buffalo Creek in Logan County, bridge number 23-10-25.88 (23A041), latitude 37.89636, longitude -81.99435, locally known as the Chief Logan Box Culvert, the “U.S. Army 1LT Patricia Simon Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U.S. Army 1LT Patricia Simon Bridge”; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation.

Delegates Pyles, Lynch, Iaquina, Hartman, Love, Caputo, Ferro, C. Romine, Rowe, Fleischauer and Pethel offered the following resolution, which was read by its title and referred to the Committee on Senior Citizen Issues then Rules:

H. R. 8 – “Asking Congress to support legislation increasing the Social Security Cost of Living Adjustment.”

Whereas, Social Security payments have failed to keep up with rising retirement costs as a result of an inaccurate Cost of Living Adjustment (COLA); and

Whereas, For the past several years in a row, seniors have received record-low or zero Social Security COLAs and have been denied yet another adequate COLA for 2017; and

Whereas, Even before beneficiaries received a zero COLA in 2016, retirees were already struggling to afford basic needs, including the soaring cost of Medicare out-of-pocket expenses; and

Whereas, More than two-thirds of beneficiaries rely on Social Security for over half of their income and the average retiree receives benefits of only \$16,000 per year, the annual COLA is critically important to millions of Americans who need it to maintain their standard of living and stay above the poverty line; and

Whereas, There is legislation pending in Congress to increase benefits by \$70 per month (\$840 per year) and providing a fair annual COLA reflecting rising costs more accurately; and

Whereas, This pending legislation strengthens Social Security so it can pay benefits for up to 45 years until the year 2062 by closing the loophole in the law that caps contributions at the \$118,500 income level; therefore, be it

Resolved by the House of Delegates:

That Congress should take immediate action to increase the COLA for Social Security and make appropriate changes in the Social Security Law to protect it for future generations of wage earners; and, be it

Further Resolved, That copies of this resolution be sent to the West Virginia Delegation in the U.S. House of Representatives and the U.S. Senate.

Bills Introduced

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

By Delegates Espinosa, Statler, Wilson, Higginbotham, Blair and Upson:

H. B. 2689 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-31-1, §18-31-2, §18-31-3, §18-31-4, §18-31-5, §18-31-6, §18-31-7 and §18-31-8, all relating to enacting an Educational Savings Account Program; providing a short title and definitions; qualifying for an educational savings account; amount of the account; responsibilities of the Treasurer; eligibility requirements for participating entities; responsibilities of resident school districts; and legal proceedings"; to the Committee on Education then Finance.

By Delegates Howell, Arvon, Hill, Hamrick, Queen, Criss, Ward, C. Romine, Atkinson, Lewis and A. Evans:

H. B. 2690 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-1A-6; and to amend said code by adding thereto a new section, designated §30-19-18, all relating generally to registration, certification and supervision of the commercial practice of forestry; terminating the West Virginia Board of Registration of Foresters and setting a schedule for disposition of assets, property and records; providing for state registration of professional foresters by the Division of Forestry; authorizing the collection of registration fees; prohibiting the use of certain titles relating to the practice of forestry without appropriate registration; providing criminal penalties for violations; and authorizing the Director of the Division of Forestry to investigate alleged violations and to seek injunctions to prevent continued violations"; to the Committee on Government Organization then the Judiciary.

By Delegates Hamrick, Martin, Ward, Howell, Boggs, Arvon, Storch, Westfall, Dean, McGeehan and Frich:

H. B. 2691 - "A Bill to amend and reenact §30-27-8 and §30-27-10 of the Code of West Virginia, 1931, as amended, all relating to allowing a person who is qualified by training to be a barber and a cosmetologist to elect to practice solely as a barber and maintain licensure through continuing education subjects related to barbering"; to the Committee on Government Organization.

By Delegates O'Neal, Ellington, Summers, Sobonya, Howell, Arvon, Householder, Upson, Cowles, Rohrbach and Fast:

H. B. 2692 - "A Bill to amend and reenact §30-3-10a of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section designated §30-3E-4a of said code; to amend and reenact §30-4-15 of said code; to amend and reenact §30-5-17 of said code; to amend and reenact §30-7-6a of said code; to amend said code by adding thereto a new section, designated §30-7A-6a; to amend and reenact §30-8-16 of said code; to amend and reenact §30-14-12b of said code; to amend said code by adding thereto a new section designated §30-16-7a; to amend and reenact §30-20-13 of said code; to amend and reenact §30-21-17 of said code; and to amend and reenact §30-28-8a of said code, all relating to allowing licensed professionals to donate time to the care of indigent and needy in a clinical setting"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Hamilton, A. Evans, Paynter, Ambler, Butler, R. Romine, Lewis, Rodighiero, Eldridge, Baldwin and Hornbuckle:

H. B. 2693 - "A Bill to amend and reenact §20-2-3 of the Code of West Virginia, 1931, as amended, relating to state ownership of wildlife"; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates Hamrick, Gearheart, Zatezalo, Howell, Atkinson, Ward, Williams, Statler, Moyer, Sobonya and Butler:

H. B. 2694 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-4-55, relating to the development and implementation of a program to facilitate commercial sponsorship of rest areas, welcome centers and roads; providing for sponsorship agreements; providing for agreement requirements; providing for disposition of funds received from agreements; providing for the promulgation of emergency or legislative rules; and providing for a report of the status of the program"; to the Committee on Roads and Transportation then Finance.

By Delegates Hornbuckle, Thompson, Moyer, Hamilton, Hicks, Eldridge, Rohrbach, Ellington, C. Miller, Lovejoy and C. Romine:

H. B. 2695 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-A 5-9, relating to creating a pilot program for expansion of school-based mental health and school-based diversion; defining terms; detailing eligibility for schools to take part in the pilot program; setting requirements for schools that participate in the pilot program; authorizing mental health providers to provide certain services; requiring notice to parents and students of the pilot project; authorizing parents to opt-out in certain circumstances; requiring the collection of certain data in relation to the pilot project; explicitly stating that the pilot project does not require additional expenditures; authorizing rule making; and requiring that the pilot project may not begin until the Legislature approves the relevant rules"; to the Committee on Education.

By Delegates Hamilton, Ambler, R. Romine, A. Evans, Eldridge, Wagner, Rowan, Wilson and Love:

H. B. 2696 - "A Bill to amend and reenact §20-2-42a, §20-2-42q, §20-2-42s and §20-2-42v of the Code of West Virginia, 1931, as amended, all relating to crossbow hunting; clarifying that use of

crossbows with Class A hunting and trapping license during big game seasons requires additional licenses, stamps or permits; permitting crossbow hunting with Class RB, Class RRV or Class UU licenses; and permitting crossbow hunting with Class BG stamp”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Boggs:

H. B. 2697 - “A Bill to amend and reenact §20-7-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §20-14A-1, §20-14A-2, §20-14A-3, §20-14A-4, §20-14A-5, §20-14A-6, §20-14A-7, §20-14A-8, §20-14A-9, §20-14A-10 and §20-14A-11; and to amend and reenact §20-15-1, §20-15-2, §20-15-3, §20-15-4 and §20-15-5 of said code, all relating to establishing regional recreation authorities and areas; establishing trails for off-highway recreational vehicle use; providing for reimbursement by authority for natural resources police officers or county sheriffs; authorizing creation of regional recreation authority as joint development entity formed by three or more contiguous counties; setting forth findings and definitions; establishing powers and composition of governing board; providing for financial review and oversight of public funds; prohibiting certain conduct in regional recreation area; establishing requirements for bidding and purchasing; prohibiting conflicts of interest; limiting liability; clarifying duties and responsibilities of participants to landowners and lessors in the regional recreation area; and establishing criminal penalties and civil remedies”; to the Committee on Political Subdivisions then Government Organization.

By Delegate Deem:

H. B. 2698 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-11B-1, relating to providing certain notice to civil service exempt employees dismissed from employment due to change in administration”; to the Committee on Government Organization then the Judiciary.

By Delegates Hamilton, A. Evans, Paynter, Ambler, Butler, Lynch, Iaquinta, R. Romine, Lewis, Rodighiero and McGeehan:

H. B. 2699 - “A Bill to amend and reenact §20-2-27 of the Code of West Virginia, 1931, as amended, relating to making information about Division of Natural Resources licensees exempt from the provisions of the Freedom of Information Act; exceptions”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates Eldridge, McGeehan, Folk, Fleischauer, Isner, Baldwin, Marcum, Hornbuckle, Paynter, Iaquinta and Maynard:

H. B. 2700 - “A Bill to amend and reenact §60A-2-204 of the Code of West Virginia, 1931, as amended, relating to specifically exempting industrial hemp from being a Schedule I drug”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Sobonya, C. Romine, Summers, C. Miller, Westfall, Butler, Atkinson, Hollen, White, Ellington and Householder:

H. B. 2701 - “A Bill to amend and reenact §9-3-3 of the Code of West Virginia, 1931, as amended, relating to prohibiting recipients of public assistance to return items for cash that were purchased with electronic benefit transfer cards; and establishing a penalty”; to the Committee on the Judiciary.

By Delegates Westfall, Cooper, Ambler, Wagner, Moye, Atkinson, Marcum and Higginbotham:

H. B. 2702 - “A Bill to amend and reenact §18-8-4 of the Code of West Virginia, 1931, as amended, relating to truancy intervention; restricting excused absences for personal illness, when involving ‘family members’ of a student, as is currently prescribed in current code, to parents’ or guardians’ illnesses; providing that the parent or guardian must provide a statement from a medical,

osteopathic or chiropractic physician, or physician's assistant, confirming the existence of the illness or injury that is the purported basis for a student's excused absence; requiring submission of documentation of absences within five days after the occurrence; providing an application for home schooling may be denied by the county superintendent of schools if the student for whom the request is made has ten or more unexcused absences during the school year at the time the application is made; and providing parents denied an application for home schooling may reapply during the next grading period following the denial"; to the Committee on Education.

By Delegates Upson, Sypolt, Wilson, Householder, Lewis and Dean:

H. B. 2703 - "A Bill to amend and reenact §48-9-206 of the Code of West Virginia, 1936, as amended, relating to court ordered allocation of custodial responsibility of children; and providing that the court to allocate time equally between parents, unless equal custody is not consistent with the best interest of the child"; to the Committee on the Judiciary.

By Delegates Espinosa, Statler, Dean, Rohrbach, Wilson, Rowan, Harshbarger, R. Romine, Wagner, Cooper and Higginbotham:

H. B. 2704 - "A Bill to amend and reenact §61-8D-5 of the Code of West Virginia, 1931, as amended, relating to prohibiting persons convicted of sexual offenses against children with whom they hold positions of trust from holding certification or license valid in public schools; prohibiting persons convicted of sexual offenses against children with whom they hold positions of trust from being employed by any educational, vocational, training, day care, group home, foster care program, or rehabilitation facility in the state; and increasing penalties for persons who are school employees and convicted of sexual offenses against children with whom they hold positions of trust"; to the Committee on Education then the Judiciary.

By Delegates Espinosa, Moye, Statler, Upson, Dean, Rohrbach, Wilson, R. Romine, Wagner, Cooper and Higginbotham:

H. B. 2705 - "A Bill to repeal §18B-1-5a, §18B-1-8b and §18B-1-10 of the Code of West Virginia, 1931, as amended; to repeal §18B-1A-3 of said code; to repeal §18B-1B-10 and §18B-1B-13 of said code; to repeal §18B-1D-1, §18B-1D-2, §18B-1D-3 and §18B-1D-4 of said code; to repeal §18B-2-5 and §18B-2-7 of said code; to repeal §18B-3C-3, §18B-3C-5, §18B-3C-7, §18B-3C-7a, §18B-3C-8, §18B-3C-10 and §18B-3C-12 of said code; to repeal §18B-3E-1 and §18B-3E-2 of said code; to repeal §18B-3F-1, §18B-3F-2, §18B-3F-4, §18B-3F-5, §18B-3F-6, §18B-3F-7, §18B-3F-8, §18B-3F-9 and §18B-3F-10 of said code; to repeal §18B-5-2a of said code; to repeal §18B-7-9 and §18B-7-16 of said code; to repeal §18B-10-4B of said code; to repeal §18B-11-1, §18B-11-2, §18B-11-3 and §18B-11-4 of said code; to repeal §18B-12A-1, §18B-12A-2, §18B-12A-3, §18B-12A-4, §18B-12A-5, §18B-12A-6, §18B-12A-7, §18B-12A-8, §18B-12A-9 and §18B-12A-10 of said code; to repeal §18B-13-1, §18B-13-3, §18B-13-4 and §18B-13-5 of said code; to repeal §18B-14-1 and §18B-14-9 of said code; to repeal §18B-18-1, §18B-18-2, §18B-18-3, §18B-18-4, §18B-18-5, §18B-18-6, §18B-18-7, §18B-18-8, §18B-18-9 and §18B-18-10 of said code; to repeal §18C-2-1, §18C-2-2, §18C-2-3, §18C-2-4, §18C-2-5, §18C-2-6, §18C-2-7, §18C-2-8 and §18C-2-9 of said code, all relating to eliminating obsolete, duplicate or unnecessary code language as it relates to higher education; repealing sections relating to pilot program of delivering educational services via distance learning, Marshall University Graduate College, and Potomac Branch of West Virginia University; repealing section relating to peer institutions; repealing sections relating to goals of efficiency and effectiveness; findings; reports to commission and legislative oversight commission on education accountability, and study of issues affecting employees in public higher education; repealing sections relating to higher education accountability; legislative intent and purpose; short title; rules required, definitions, state vision for public higher education; findings; establishment of objectives, and responsibilities of Higher Education Policy Commission and Council for Community and Technical College Education; development of public policy agendas; reports; institutional responsibilities; repealing sections relating to establishment and operation of state school of osteopathic medicine; authority and duty to

purchase property; expand appropriations and conduct programs of the West Virginia School of Osteopathic Medicine, and Authorization to sell all or part of Potomac State College of West Virginia University parcels of land located in New Creek and Keyser commonly known as the Potomac State College Farm listed on the public lands inventory as 1PSC6. PSC Parcel No.6, 1PSC14. PSC Parcel No. 14 and 1PSC16. PSC Parcel No. 16; repealing sections relating to essential conditions for community and technical college programs and services, appointment of community and technical college presidents, Blue Ridge Community and Technical College, Bridgemont Community and Technical College; Kanawha Valley Community and Technical College; Mountwest Community and Technical College, freestanding community and technical colleges; tuition and fees, and relationship between independent community and technical colleges and former sponsoring institutions; repealing article relating to Eastern West Virginia Community and Technical College; repealing article relating to reorganization of community and technical colleges; repealing section relating to authorizing certain transfers within and among general and special revenue accounts of state institutions of higher education; repealing sections relating to higher education human resources reviews and study of employment practices; repealing section relating to additional fee waivers for health sciences and technology academy programs; repealing sections relating to center for regional progress created; director powers; mission and purpose, institute for public affairs; creation and purposes, institute for international trade development; creation and purpose, depositories for assistive devices and services; repealing article relating to centers for economic development and technology advancement; repealing article relating to higher education-industry partnerships; repealing sections relating to sections relating to select committee on outcomes-based funding models in higher education and legislative findings; establishment of study committee; membership; recommendations on higher education facilities; repealing article relating to eminent scholars endowment trust fund act; and repealing article relating to guaranteed student loan program”; to the Committee on Education.

By Delegates Espinosa, Statler, Upson, Dean, Rohrbach, Wilson, Rowan, Harshbarger, R. Romine, Higginbotham and Kelly:

H. B. 2706 - “A Bill to amend and reenact §18B-17-2 and §18B-17-3 of the Code of West Virginia, 1931, as amended, all relating to authorizing legislative rules regarding higher education; authorizing legislative rules for the Higher Education Policy Commission regarding the West Virginia Higher Education Grant Program, Providing Real Opportunities for Maximizing In-state Student Excellence (PROMISE), Research Trust Fund Program, and Annual Reauthorization of Degree-Granting Institutions; and authorizing legislative rules for the Council for Community and Technical College Education regarding the Annual Reauthorization of Degree-Granting Institutions, and Business, Occupational and Trade Schools”; to the Committee on Education.

By Delegates Hamilton, A. Evans, Paynter, Ambler, Butler, Lynch, Brewer, Iaquina, R. Romine, Lewis and Rodighiero:

H. B. 2707 - “A Bill to amend and reenact §20-2-4 and §20-2-11 of the Code of West Virginia, as amended, all relating to the collection, possession and sale of naturally shed deer antlers; and clarifying the trade or barter of wildlife or parts thereof”; to the Committee on Agriculture and Natural Resource then the Judiciary.

By Delegates Hamilton, A. Evans, Paynter, Ambler, Butler, Brewer, Iaquina, R. Romine, Lewis, Rowan and Eldridge:

H. B. 2708 - “A Bill to amend and reenact §20-2-30a of the Code of West Virginia, 1931, as amended, relating to a lawful method for a developmentally disabled person to purchase a base hunting license when that person attends an on-site hunter training course and successfully completes all nonwritten aspects of the course to receive a certificate but is unable to successfully complete the required course for the certificate of training; providing that the developmentally disabled person possessing the base hunting license may hunt when accompanied and directly

supervised by a person over the age of eighteen years; and providing criminal penalties for violations”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates E. Nelson, Lane, Byrd, Walters, N. Foster, Rowe, Robinson, White, Pushkin, Capito and Mr. Speaker (Mr. Armstead):

H. B. 2709 - “A Bill to amend and reenact §8-38-9 of the Code of West Virginia, 1931, as amended, relating to the Legislature’s authorizing the City of South Charleston to levy a special district excise tax for the benefit of the South Charleston Park Place Economic Opportunity Development District”; to the Committee on Political Subdivisions then Finance.

House Calendar

Second Reading

The following bills on second reading, coming up in regular order, were each read a second time and ordered to engrossment and third reading:

Com. Sub. for H. B. 2001, Relating to ethics and transparency in government,

Com. Sub. for H. B. 2028, Relating to the venue for suits and other actions against the state,

Com. Sub. for H. B. 2359, Relating to offenses and penalties for practicing osteopathic medicine without a license,

And,

Com. Sub. for H. B. 2479, Uniform Deployed Parents Custody and Visitation Act.

First Reading

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Com. Sub. for H. B. 2083, Increasing the felony criminal penalties for exposing children to methamphetamine manufacturing,

H. B. 2123, Making the West Virginia Schools for the Deaf and Blind eligible to participate in any and all funding administered or distributed by the West Virginia School Building Authority,

Com. Sub. for H. B. 2486, Providing that when a party’s health condition is at issue in a civil action, medical records and releases for medical information may be requested and required without court order,

Com. Sub. for H. B. 2542, Relating to public higher education personnel,

And,

Com. Sub. for H. B. 2585, Creating felony crime of conducting financial transactions involving proceeds of criminal activity.

Miscellaneous Business

Delegate Canestraro filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2329.

Delegate Maynard filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2420.

Delegate Frich filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2648.

Delegate Lewis filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2688.

At 11:40 a.m., the House of Delegates adjourned until 11:00 a.m., Monday, February 27, 2017.

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

HOUSE CALENDAR

Monday, February 27, 2017

20th Day

11:00 A. M.

THIRD READING

- Com. Sub. for H. B. 2001 - Relating to ethics and transparency in government (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2028 - Relating to the venue for suits and other actions against the state (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2359 - Relating to offenses and penalties for practicing osteopathic medicine without a license (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2479 - Uniform Deployed Parents Custody and Visitation Act (SHOTT) (REGULAR)

SECOND READING

- Com. Sub. for H. B. 2083 - Increasing the felony criminal penalties for exposing children to methamphetamine manufacturing (SHOTT) (REGULAR)
- 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 (E. NELSON) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2486 - Providing that when a party's health condition is at issue in a civil action, medical records and releases for medical information may be requested and required without court order (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2542 - Relating to public higher education personnel (ESPINOSA) (REGULAR)
- Com. Sub. for H. B. 2585 - Creating felony crime of conducting financial transactions involving proceeds of criminal activity (SHOTT) (REGULAR)

FIRST READING

- Com. Sub. for H. B. 2420 - Providing that the State Board of Education may delegate its Medicaid provider status and subsequent reimbursement to regional educational service agencies or county boards (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 2506 - Relating to the permit limit calculations and allowing overlapping mixing zones for calculating permit limits for drinking water criteria (SHOTT) (REGULAR)

**WEST VIRGINIA
HOUSE OF DELEGATES**

MONDAY, FEBRUARY 27, 2017

HOUSE CONVENES AT 11:00 A.M.

**PUBLIC HEARING
COMMITTEE ON JUDICIARY
8:30 A.M. – HOUSE CHAMBER**

H. B. 2506, Relating to the implementation of water quality standards for the protection of drinking water.

**COMMITTEE ON ROADS & TRANSPORTATION
1:00 & 6:00 P.M. – ROOM 215E**

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

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

**COMMITTEE ON EDUCATION
2:30 P.M. – ROOM 434M**

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