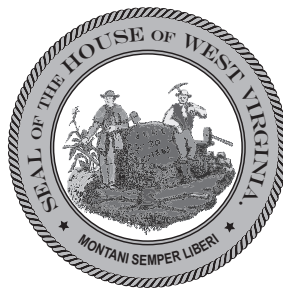


West Virginia Legislature

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March 1, 2017
TWENTY-SECOND DAY

Wednesday, March 1, 2017

TWENTY-SECOND DAY

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

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

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

The Clerk proceeded to read the Journal of Tuesday, February 28, 2017, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

Delegate Hamilton, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

H. B. 2641, Relating to pension benefits exempt from state income taxation,

And,

H. B. 2663, Increasing the compensation for natural resources police officers,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2641 and H. B. 2663) were each referred to the Committee on Finance.

Delegate Evans, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

H. B. 2662, Prohibiting the waste of game animals, game birds or game fish,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2662) was referred to the Committee on the Judiciary.

Delegate Gearheart, Chair of the Committee on Roads and Transportation, submitted the following report, which was received:

Your Committee on Roads and Transportation has had under consideration:

H. B. 2346, Relating to motor vehicle license plates,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2346) was referred to the Committee on Government Organization.

Delegate Gearheart, Chair of the Committee on Roads and Transportation, submitted the following report, which was received:

Your Committee on Roads and Transportation has had under consideration:

H. B. 2363, Requiring that a state employee with a commercial driver's license have a current medical evaluation certification,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2363) was referred to the Committee on the Judiciary.

Delegate Gearheart, Chair of the Committee on Roads and Transportation, submitted the following report, which was received:

Your Committee on Roads and Transportation has had under consideration:

H. B. 2402, Relating to abandoned antique vehicles,

And,

H. B. 2415, Relating to construction of industrial access roads with state funds,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2402 and H. B. 2415) were each referred to the Committee on Finance.

Delegate Fast, Chair of the Committee on Industry and Labor, submitted the following report, which was received:

Your Committee on Industry and Labor has had under consideration:

H. B. 2555, Relating to tax credits for apprenticeship training in construction trades,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2555) was referred to the Committee on Finance.

Delegate Evans, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

H. B. 2453, Expanding the list of persons the Commissioner of Agriculture may license to grow or cultivate industrial hemp,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2453) was referred to the Committee on the Judiciary.

Delegate Storch, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

H. B. 2356, Relating to the approval of the Historic Landmarks Commission,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2356) was referred to the Committee on Government Organization.

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

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

H. B. 2428, Establishing additional substance abuse treatment facilities,

And,

H. B. 2457, Creating the West Virginia Addictions Treatment and Recovery Fund,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2428 and H. B. 2457) were each referred to the Committee on Finance.

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

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

H. B. 2520, Prohibiting the use of a tanning device by a person under the age of eighteen,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2520) was referred to the Committee on the Judiciary.

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

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

H. B. 2195, Relating to requiring comprehensive drug awareness and prevention program in all public schools,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2195) was referred to the Committee on Education.

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

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

H. B. 2653, Extending the Multi State Real-Time Tracking System,

And reports the same back with the recommendation that it do pass, and with the recommendation that second reference of the bill to the Committee on Finance be dispensed with.

In the absence of objection, reference of the bill (H. B. 2653) to the Committee on Finance was abrogated.

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

Your Committee on Pensions and Retirement has had under consideration:

H. B. 2586, Relating to required minimum distribution of retirement benefits of plans administered by the Consolidated Public Retirement Board,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2586) was referred to the Committee on Finance.

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

Your Committee on Pensions and Retirement has had under consideration:

H. B. 2600, Relating to the Municipal Police and Fire Retirement System,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2600) was referred to the Committee on Finance.

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

Your Committee on Pensions and Retirement has had under consideration:

H. B. 2601, Relating to municipal policemen's or municipal firemen's pension and relief funds,

H. B. 2603, Relating to municipal policemen's or firemen's pension and relief funds that are funded at one hundred and twenty-five percent or more,

And,

H. B. 2604, Relating to employee information reported to the Consolidated Public Retirement Board,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2601, H. B. 2603 and H. B. 2604) were each referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration:

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

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

Com. Sub. for H. B. 2509 – “A Bill to amend and reenact §30-3-13a of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-14-12d of said code, all relating to the practice of telemedicine; certain prescription limitations lifted,”

With the recommendation that the committee substitute do pass.

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

Your Committee on the Judiciary has had under consideration:

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

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

Com. Sub. for H. B. 2459 – “A Bill to repeal §16-2D-5f of the Code of West Virginia, 1931, as amended; and to amend and reenact §16-2D-2, §16-2D-3, §16-2D-4, §16-2D-9, §16-2D-10, §16-2D-11, §16-2D-13 and §16-2D-16 of said code, all relating to regulation of health care and the certificate of need process,”

With the recommendation that the committee substitute do pass.

Your Committee on Finance has had under consideration:

H. B. 2590, Updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act,

And,

H. B. 2594, Updating the meaning of federal adjusted gross income and certain other terms used in the West Virginia Personal Income Tax Act,

And reports the same back, with the recommendation that they each do pass.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 125 - "A Bill to amend and reenact §64-5-1 and §64-5-2 of the Code of West Virginia, 1931, as amended, all relating to authorizing the Health Care Authority to promulgate a legislative rule relating to the Hospital Assistance Grant Program; authorizing the Health Care Authority to promulgate a legislative rule relating to certificate of need; authorizing the Health Care Authority to promulgate a legislative rule relating to exemption from certificate of need; authorizing the Health Care Authority to promulgate a legislative rule relating to Rural Health Systems Grant Program; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to expedited partner therapy; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to clinical laboratory technician and technologist licensure and certification; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to clandestine drug laboratory remediation; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medication-assisted treatment–opioid treatment programs; and authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medication-assisted treatment-office-based, medication-assisted treatment"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 214 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §39-6-1, §39-6-2, §39-6-3, §39-6-4, §39-6-5, §39-6-6, §39-6-7, §39-6-8, §39-6-9, §39-6-10 and §39-6-11, all relating to adopting the Uniform Electronic Legal Material Act; providing a short title; providing applicability to legal materials designated official; designating legal material in official records; providing for authentication of electronic records; addressing effects of authentication, providing for preservation and security of legal material in official electronic record; providing for public access to legal materials in electronic records; creating standards for preservation and authentication; providing uniformity of application and construction; and addressing its effect on the Electronic Signatures in Global and National Commerce Act"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 321 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10D-12, relating to employee information reported to the Consolidated Public Retirement Board; requiring employers to report all individuals employed; and specifying required minimum reporting requirements”; which was referred to the Committee on Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 426 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §64-12-1, relating to repealing a Division of Natural Resources’ legislative rule relating to the Litter Control Grant Program”; which was referred to the Committee on the Judiciary.

Resolutions Introduced

Delegates Marcum, Phillips, Hicks, Thompson, Hamrick, Dean, Westfall, Frich and Deem offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 28 – “Requesting the Division of Highways to name Bridge No. 30-52 2.73 (30A110) (37.82180, -82.39737) between Kermit and East Kermit, locally known as the Upper Burning Creek Bridge, carrying U. S. 52 over Upper Burning Creek & NS Railroad in Mingo County, the ‘Johnny O’Dell Linville Memorial Bridge’.”

Whereas, Johnny O’Dell Linville was born April 29, 1947, to Lenhart and Hazel Lovejoy Linville in their home at Palermo, Lincoln County, West Virginia. The family moved to Kermit, West Virginia when Johnny was three years of age. He had four brothers and two sisters. He was educated in Kermit. He married Dorothy Spaulding Linville on September 3, 1966. They had one daughter, Rhonda Linville Muncy. Johnny served as the mayor in the Town of Kermit for over seventeen years, while also serving as a councilman for three years. He played a pivotal role in a multitude of projects, including the Kermit Community Park that serves to this day as a popular gathering place for social events and town’s new sewer system. He also planted trees and flowers throughout the town. His love for the town was shown in his efforts to make Kermit the Cleanest Little Town in West Virginia. One of his slogans was: “If you litter in Kermit, you have had a bad day!” This resulted in the perpetrator receiving a hefty fine. He played a huge part in the creation of the baseball field at East Kermit and he would work the PA system for hours each day, and announce the names of the baseball players from the press box. He would be there from opening day to the season finale, from the top to the bottom of the schedule each day, always with a smile on his face, knowing the benefits that the field provided for the community and its children. Johnny died on March 1, 2016, following a two year struggle with kidney disease. He is survived by his loving wife of 49 years Dorothy Spaulding Linville of Kermit, his daughter Rhonda Linville Muncy, son-in-law Gabe Muncy and grandson, John Alex Muncy, who is a student at Marshall University; and

Whereas, Naming this bridge in his hometown is an appropriate recognition of Mayor Johnny O’Dell Linville’s contributions to his community; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name Bridge No. 30-52 2.73 (30A110) (37.82180, -82.39737) between Kermit and East Kermit, locally known as the Upper Burning Creek Bridge, carrying U. S. 52 over Upper Burning Creek & NS Railroad in Mingo County, the “Johnny O’Dell Linville Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is requested to have made and be placed signs identifying the bridge as the “Johnny O’Dell Linville Memorial Bridge”; and, be it

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

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

H. C. R. 29 – “Requesting the Division of Highways to name Bridge Number 23-10-19.39 (23A365) (37.84226, -81.97681), locally known as Guyandotte River Bridge, carrying WV 10 over Guyandotte River in Logan County, the ‘U.S. Army SGT Denver E. Short Memorial Bridge’.”

Whereas, Denver E. Short was born May 6, 1921, in Logan County at Davin on Huff Creek; he attended Man High School and later married Margaret Parsons from West Logan and they had two daughters, Katy Short Ojeda and Brenda Short Thomas; and

Whereas, Denver E. Short enlisted in the U. S. Army in August, 1941, and was honorably discharged on September 27, 1945; he participated in historic battles in central Europe and received medals for his service and for wounds received in action; and

Whereas, As a platoon Sergeant in Headquarters Battery of the 155th Airborne Anti-aircraft Battalion, Sergeant Denver E. Short served in four European wartime campaigns in Normandy, the Rhineland, the Ardennes and central Europe; and

Whereas, Sergeant Denver E. Short suffered his first combat wound from small arms fire on D-Day, June 6, 1944; he was subsequently wounded in Belgium in 1944 and again in France in 1945; as a result of his wounds, he was hospitalized on numerous occasions, first in a hospital in England, and two different extended stays in hospitals in France, and was awarded three separate Purple Heart Medals for his wounds; and

Whereas, Sergeant Denver E. Short also received the first Oak Leaf Cluster to his first Purple Heart Medal, a second Oak Leaf Cluster to his second Purple Heart Medal and two Distinguished Unit Badges; and

Whereas, SGT Denver E. Short passed away on August 26, 2001, and was a proud veteran, great father and husband and also was a quiet, humble man, a devout Christian and a true American hero; and

Whereas, Naming Bridge Number 23-10-19.39 (23A365) (37.84226, -81.97681), locally known as Guyandotte River Bridge, carrying WV 10 over Guyandotte River in Logan county, the “U.S. Army SGT Denver E. Short Memorial Bridge” is an appropriate recognition of his service and sacrifices for his country as a part of “The Greatest Generation” and service to his state, community and Logan County; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name Bridge Number 23-10-19.39 (23A365) (37.84226, -81.97681), locally known as Guyandotte River Bridge, carrying WV 10 over Guyandotte River in Logan county, the “U.S. Army SGT Denver E. Short Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is requested to have made and be placed signs identifying the bridge as the “U.S. Army SGT Denver E. Short Memorial Bridge”; and, be it

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

Delegates Eldridge, Maynard, R. Miller, Rodighiero, Marcum, Phillips, C. Miller, C. Romine and Hornbuckle offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 30 – “Requesting the Division of Highways to name, Bridge Number 22-37-4.35 (22A059), latitude 38.10346, longitude -82.17775, on Route 37 in Lincoln County, locally known as East Fork Bridge, as the ‘U.S. Army PFC Cornelious Wiley Memorial Bridge’.”

Whereas, Cornelious Wiley was born May 24, 1921, in Ranger, Lincoln County, West Virginia; and

Whereas, Cornelious Wiley served in the U.S. Army 80th Division, 905th Field Artillery Battalion; and

Whereas, Cornelious Wiley died serving his country on September 1, 1944; and

Whereas, It is fitting to honor Cornelious Wiley’s life and service by naming the bridge at the mouth of Barberry Road after him; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name Bridge Number 22-37-4.35 (22A059), latitude 38.10346, longitude -82.17775, on Route 73 in Lincoln County, locally known as East Fork Bridge, as the “U.S. Army PFC Cornelious Wiley Memorial Bridge”; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge, proclaiming the bridge the “U.S. Army PFC Cornelious Wiley Memorial Bridge”, and, be it

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

Delegates Sponaugle, Barrett, Miley, Caputo, Pushkin and Hanshaw offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. R. 10 – “Relating to empowering the House Committee on the Judiciary to investigate allegations of impeachable offenses against Steven O. Callaghan, Circuit Judge-Elect of the Twenty-Eighth Judicial Circuit.”

Whereas, On February 9, 2017, the West Virginia Supreme Court, in an unprecedented action, suspended Judge-Elect Callaghan two years without pay and assessed him \$15,000 in fines for multiple violations of West Virginia Lawyer Rules for Professional Conduct and the Code of Judicial Conduct; and

Whereas, The Court found that Judge-Elect Callaghan knowingly published false allegations against his opponent for the Judgeship, Gary Johnson, and that his acts were done with the purpose of deceiving voters, and were intentional fraudulent acts that subverted the integrity of the judicial system; and

Whereas, The Court found that Judge-Elect Callaghan's conduct "relates directly to the administration of justice and negatively impacts the public's perception of the administration of justice;... [his] behavior certainly relates directly to his public persona, through his efforts to achieve professional gain by dissemination of false materials to the voting public,... his actions demonstrate profound disrespect and disregard for our system of justice; his intentional utilization of falsehoods subverts the very essence of the integrity of the judicial system and cast serious doubts upon his fitness for a judicial position established upon unbiased veracity and incorruptibility"; and

Whereas, The Court was further offended by the lack of Judge-Elect Callaghan's "extremely limited remorse" and acted in such a fashion as to demonstrate a "dismissive and cavalier attitude towards his behavior" and that the charges brought against Judge-Elect Callaghan were proven "by clear and convincing evidence"; and

Whereas, Judge Martish, in a concurring opinion from the Court, raised additional professional violations and criminal acts that deserve further consideration and investigation by this body; and

Whereas, The West Virginia Supreme Court found Judge-Elect Callaghan guilty of violating three professional rules of conduct that potentially result in him being guilty of: Maladministration, corruption, incompetency, gross immorality, a high crime or misdemeanor, and unfit to serve as Circuit Judge for the Twenty-Eighth Judicial Circuit; therefore, be it

Resolved by the House of Delegates:

That the House Committee on the Judiciary be, and is by this resolution, empowered (1) To investigate or cause to be investigated, any allegations or charges raised by the West Virginia Supreme Court: *In the Matter of: The Honorable Steven O. Callaghan, Judge-Elect of the Twenty-Eighth Judicial Circuit*; and (2) to hold a hearing or hearings thereon; (3) to make findings of fact based upon such investigations and hearings; (4) to report to the House of Delegates its findings of facts and any recommendations which the Committee on the Judiciary may deem proper; and (5) if the recommendation of the committee be to impeach the Circuit-Judge Elect, to present to the House of Delegates a proposed resolution of impeachment and proposed articles of impeachment; and, be it

Further Resolved, That in carrying out its duties pursuant to this resolution, the House Committee on the Judiciary is authorized:

(1) To examine witnesses, to send for persons and papers, documents and other physical evidence, to order the attendance of any witness, or the production of any paper, document and other physical evidence, and to exercise all other powers described under the provisions of section five, article one, chapter four of the Code of West Virginia;

(2) To issue summonses, subpoenas and subpoenas duces tecum and to enforce obedience to its summonses and subpoenas in accordance with the provisions of section five, article one, chapter four of the Code of West Virginia or by invoking the aid of the courts of this state; and

(3) To determine whether all or any portion of a meeting or hearing should be held in an executive session, pursuant to the provisions of House Rule eighty-three; and, be it

Further Resolved, That in carrying out his duties pursuant to this resolution, the Chairman of the Committee on the Judiciary is authorized:

(1) To establish or define rules of procedure for the conduct of meetings or hearings held pursuant to this resolution;

(2) To employ, with the prior approval of the Speaker of the House, a court reporter or stenographer and such other professional or clerical employees as may be reasonably required;

(3) To designate a subcommittee or subcommittees of the Committee on the Judiciary to assist the Chairman or the Committee in performing his or its duties pursuant to this resolution; and

(4) To determine the time and place of all meetings or hearings of the Committee and its designated subcommittees; and, be it

Further Resolved, That the Committee on the Judiciary during its inquiry, may entertain such procedural and dispositive motions as may be made in the case of any other bill or resolution referred to that Committee, or, in making its recommendations, if any, pursuant to this resolution, may include:

(1) A recommendation that the Honorable Steven O. Callaghan, Judge-Elect of the Twenty-Eighth Judicial Circuit, not be impeached; or

(2) A recommendation that the Honorable Steven O. Callaghan be impeached for maladministration, corruption, incompetence, gross immorality, neglect of duty, or any high crime or misdemeanor, as provided forth in section nine, article four of the West Virginia Constitution, and that the Honorable Steven O. Callaghan be removed and disqualified from office, and that the House of Delegates adopt a resolution of impeachment and formal articles of impeachment as prepared by the Committee on the Judiciary, and deliver the same to the Senate in accordance with the procedures of the House of Delegates, for consideration by the Senate according to rules of procedure and state law.

Petitions

Delegate Pushkin presented a petition signed by residents of the State expressing concern regarding drinking water; which was referred to the Committee on the Judiciary.

Bills Introduced

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

By Delegates Sobonya, Householder, Blair, Frich, Hollen, Storch, Kessinger, Summers, N. Foster, Rohrbach and C. Miller:

H. B. 2741 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9-8-1, §9-8-2, §9-8-3, §9-8-4, §9-8-5, §9-8-6, §9-8-7, §9-8-8, §9-8-9, §9-8-10, §9-8-11, §9-8-12, §9-8-13 and §9-8-14, all relating to eligibility and fraud requirements for public assistance; defining terms; requiring the Department of Health and Human Resources to implement work requirements for applicants for the Supplemental Nutrition Assistance Program (SNAP); requiring discontinuance of a federal waiver; setting forth what meets work requirements; setting out exceptions to work requirements; providing for a good cause exception; allowing for a federal waiver to meet the requirements of this section; providing for rulemaking for suspension of benefits for noncompliance; providing for an asset test for SNAP benefits; requiring accessing information of various federal, state and miscellaneous sources; prohibiting payment of SNAP benefits in specified instances; requiring cooperation with the Bureau of Child Support Enforcement; requiring a design or establishment of a computerized income, asset and identity verification system for Temporary Assistance to Needy Families (TANF); allowing for contracting with a third party vendor; setting out required contract terms; requiring accessing information of various federal, state and miscellaneous sources for TANF; requiring identity authentication as a condition to receive public assistance; requiring a semi-annual case review of all public assistance cases; setting forth notice requirements and the right to a hearing; requiring referrals for fraud, misrepresentation and inadequate

documentation; requiring report to the Governor and Legislature; setting forth prohibitions on the use of an electronic benefit transfer card; tracking out of state spending of SNAP and TANF benefits and providing for rulemaking”; to the Committee on Government Organization then Finance.

By Delegates Fleischauer, Lynch, Boggs, Sponaugle, Hornbuckle, Bates, Marcum, Rodighiero, Hicks, Moye and Folk:

H. B. 2742 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-2L-1, §18-2L-2 and §18-2L-3, and to amend and reenact §18-5-13a of said code, all relating to the creation of a School Consolidation Task Force; designating membership of Task Force; establishing Task Force purpose to study effects of school closures in the last thirty years; and to place a moratorium on school closure and consolidation for five years, unless special referendum in county passed by voters”; to the Committee on Education.

By Delegates Rohrbach, Sobonya, C. Romine, C. Miller, Butler, Queen, Hill, Kessinger, Dean, Fast and Rowan:

H. B. 2743 - “A Bill to amend and reenact §16-29-1 of the Code of West Virginia, 1931, as amended, relating to health care records; and requiring the release of an unemancipated minor’s medical records for drug testing to his or her parent or legal guardian without written consent from that minor”; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Hanshaw, Fleischauer, Lovejoy, Cooper, Ambler, Walters, Isner, Fluharty, R. Miller, Pushkin and Canestraro:

H. B. 2744 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2I-1, §5B-2I-2, §5B-2I-3, §5B-2I-4, §5B-2I-5, §5B-2I-6 and §5B-2I-7, all relating to authorizing local units of government to adopt local energy efficiency partnership programs and to create districts to promote the use of energy efficiency improvements by owners of certain real property; providing for the financing of the programs through voluntary property assessments, commercial lending, and other means; to authorize a local unit of government to issue bonds, notes, and other evidences of indebtedness and to pay the cost of energy efficiency improvements from the proceeds thereof; providing for the repayment of bonds, notes, and other evidences of indebtedness; to authorize certain fees; prescribing the powers and duties of certain governmental officers and entities; and providing remedies”; to the Committee on Political Subdivisions then Finance.

By Delegates R. Miller, Robinson, Lane and Rowe:

H. B. 2745 - “A Bill to amend and reenact §8-15-20A of the Code of West Virginia, 1931, as amended, relating to special examination for firefighter paramedic by adding the examination of Advanced Care Technician”; to the Committee on Political Subdivisions then Health and Human Resources.

By Delegate Howell:

H. B. 2746 - “A Bill to amend and reenact §7-1-3rr of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §8-39-1, all relating to requiring county commissions to maintain websites with specific information; requiring county commissions to provide website information to the Secretary of State; requiring Class I and Class II municipalities to maintain websites with specific information; and to allow Class III and IV municipalities to maintain websites provided they contain specific information”; to the Committee on Political Subdivisions then Government Organization.

By Delegates Shott, R. Miller, Kessinger, Lane, Byrd and Isner:

H. B. 2747 - “A Bill to amend and reenact §62-7-10 of the Code of West Virginia, 1931, as amended, relating generally to removing archaic language; updating the commitment order form sentencing courts are required to complete; requiring that the commitment order must contain certain

information; and clarifying that the sentencing court is required to transmit the certified commitment order to the Commissioner of the Division of Corrections upon issuance”; to the Committee on the Judiciary.

By Delegates Walters, Lane, Storch, Westfall, Higginbotham, Blair, Hornbuckle, Fluharty, Barrett, Pushkin and Hill:

H. B. 2748 - “A Bill to amend and reenact §61-6-21 of the Code of West Virginia, 1931, as amended, relating to prohibiting civil rights violations based on gender identity, or sexual orientation; criminal penalties; when evidence of constitutionally protected speech or associations is not admissible in criminal prosecutions; exceptions; providing for sentencing alternatives for persons convicted of violations; and designating amendments to this section as the ‘Justice Through Grace in Communities Act’”; to the Committee on the Judiciary.

By Delegate Ellington:

H. B. 2749 - “A Bill to amend and reenact §24A-1-3 of the Code of West Virginia, 1931, as amended, relating generally to the jurisdiction of the Public Service Commission over motor carriers; and exempting vehicles engaged in nonemergency transportation of Medicaid members from permit requirements”; to the Committee on Government Organization.

By Delegates Howell, Martin, Hamrick, Hill, Maynard, Paynter, Lewis, Arvon, Criss, McGeehan and Atkinson:

H. B. 2750 - “A Bill to amend and reenact §24-6-12 of the Code of West Virginia, 1931, as amended, relating to establishing a system at the county level for the dispatching of emergency towing services; and permitting a fee to be collected”; to the Committee on Political Subdivisions then Government Organization.

By Delegates Fluharty, Hornbuckle, McGeehan, Storch, Barrett, Sponaugle, White, Bates, Canestraro, Wilson and Pushkin:

H. B. 2751 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-25A-1, §29-25A-2 and §29-25A-3, all relating to legalizing sport pool betting; authorizing the State Lottery Commission to promulgate legislative rules establishing sports betting; finding that federal law prohibiting sports betting in West Virginia is unconstitutional; authorizing assessment of fees and other necessary requirements; authorizing a tax on bets; establishing a special revenue account; and allowing incorporation of current laws and the promulgation of further requirements for sports betting by legislative rule”; to the Committee on the Judiciary then Finance.

By Delegates A. Evans, Wagner, Summers, Ambler, Eldridge, R. Romine, Hamilton, Rowan and Lewis:

H. B. 2752 - “A Bill to amend and reenact §7-10-4 of the Code of West Virginia, 1931, as amended, relating to abuse and neglect of livestock”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates Rodighiero, Rohrbach, Ellington, Summers, Longstreth, Fleischauer, Pushkin, Westfall, Hicks, Frich and Ward:

H. B. 2753 - “A Bill to repeal §30-3E-8 of the Code of West Virginia, 1931, as amended; to amend and reenact §30-3-5 of said code; to amend and reenact §30-3E-1, §30-3E-2, §30-3E-3, §30-3E-4, §30-3E-6, §30-3E-7, §30-3E-9, §30-3E-10, §30-3E-11, §30-3E-12, §30-3E-15, §30-3E-16 and §30-3E-17; and to amend said code by adding thereto a new section, designated §30-3E-12a, all relating to modernization of the Physician Assistant Practice Act; modifying the Board of Medicine to add an additional physician assistant to the board; substituting collaborating physician for supervising physician; defining terms; allowing a physician assistant to prescribe Schedule III drugs with specified

limitations; eliminating the requirement that physician assistants be required to take a recertification exam after passing the initial exam; allowing for reimbursement rates from insurance plans and public payers at the same rate physicians and advance practice registered nurses in specified circumstances; adding requirements to the practice agreement; granting physician assistants signatory authority on certain forms and making conforming amendments”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Ambler, Westfall, Butler, Harshbarger, Cooper and Walters:

H. B. 2754 - “A Bill to amend and reenact §8-15-3 of the Code of West Virginia, 1931, as amended, relating to fire fees on nonresidents of a municipality who are users of that municipality’s fire service; capping the amount of the fees which can be imposed; and excluding charges for certain buildings”; to the Committee on Political Subdivisions then Finance.

By Delegates Walters and Howell:

H. B. 2755 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §37-16-1, §37-16-2, §37-16-3 and §37-16-4, all relating to requiring a seller of real property satisfy upon closing any unpaid charges owed to the county and municipality in which property is located”; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Cooper, Maynard, Paynter, Harshbarger, Moore, Ambler and C. Miller:

H. B. 2756 - “A Bill to amend and reenact §18C-7-6 of the Code of West Virginia, 1931, as amended, relating to making Promise scholarships available for students pursuing certificates or degrees through an accredited community and technical college education program”; to the Committee on Education then Finance.

By Delegates Lane, Cowles, Criss, G. Foster, Hollen, Kessinger, Moore and Sobonya:

H. B. 2757 - “A Bill to amend and reenact §55-7B-2, §55-7B-4, §55-7B-10 and §55-7B-11 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §55-7B-9e, all relating to Medical Professional Liability; defining the term ‘occurrence’; reducing the time period in which a cause of action can be brought against nursing homes or assisted living facilities; providing venue preference; establishing an attorney’s fee schedule based upon amount recovered; establishing the effective date; and providing for severability”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Shott, R. Miller, Kessinger, Lane, Byrd and Isner:

H. B. 2758 - “A Bill to amend and reenact §49-1-201 of the Code of West Virginia, 1931, as amended, relating to amending the definition of ‘abused child’ to include a child conceived as a result of an act of sexual assault”; to the Committee on the Judiciary.

By Delegate Ellington:

H. B. 2759 - “A Bill to amend and reenact §5A-3-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §5A-6-8 of said code; and to amend said code by adding thereto a new article, designed §15-14-1, §15-14-2, §15-14-3, §15-14-4, §15-14-5, §15-14-6, §15-14-7, §15-14-8, §15-14-9 and §15-14-10, all relating to creating Statewide Interoperable Radio Network; establishing short title; defining terms; establishing objectives and purpose; creating position of Statewide Interoperable Coordinator; prescribing duties for Statewide Interoperability Coordinator; creating Statewide Interoperability Executive Committee; prescribing duties for Statewide Interoperability Executive committee; creating the Regional Interoperability Committee; providing for disposition of assets and staffing of Statewide Interoperable Radio Network; establishing special revenue account for Statewide Interoperable Radio Network; exempting Statewide Interoperable Radio Network from certain Purchasing Division requirements; and authorizing emergency and legislative rulemaking”; to the Committee on Government Organization then Finance.

By Delegates Walters, E. Nelson, Phillips, Marcum, Gearheart, Criss, Householder, Anderson, Westfall, Hartman and Hanshaw:

H. B. 2760 - "A Bill to amend §33-2-21a of the Code of West Virginia, 1931, as amended, relating to allowing state agencies to self-insure their own programs in lieu of purchasing Workers Compensation insurance"; to the Committee on Banking and Insurance then Finance.

By Delegates Thompson, Caputo, R. Miller, Moye, Hornbuckle, Rohrbach and Marcum:

H. B. 2761 - "A Bill to amend and reenact §18A-4-8b of the Code of West Virginia, 1931, as amended, relating to qualifications of paraprofessionals, autism mentors and braille or sign support specialists to be early childhood classroom assistant teachers"; to the Committee on Education then Finance.

By Delegates Marcum, Phillips, Eldridge, Hicks, Isner, Sponaugle, Williams, Iaquina, Ferro, Brewer and Canestraro:

H. B. 2762 - "A Bill to amend and reenact §15-2-7 of the Code of West Virginia, 1931, as amended, relating to authorizing the Superintendent of the West Virginia State Police to increase the number of employees of the State Police Forensic Laboratory by twenty-five percent"; to the Committee on the Judiciary then Finance.

By Delegates Espinosa, Moore, Wilson, Cooper and Harshbarger:

H. B. 2763 - "A Bill to amend and reenact §18B-19-13 of the Code of West Virginia, 1931, as amended, relating to the approval by the Council for Community and Technical College Education of acquisitions, bequests, donations, construction of new buildings, repairs, renovations or lease payments over the lifetime of the lease which exceed \$1 million, if made or accepted by the institution's research corporation or an affiliated foundation"; to the Committee on Education then Finance.

By Delegates Espinosa, Statler, Harshbarger, Dean, Blair, Higginbotham, Westfall, Wilson, Moore, Cooper and Upson:

H. B. 2764 - "A Bill to amend and reenact §12-6-19 of the Code of West Virginia, 1931, as amended, relating to allowing the State Building Commission or the Higher Education Policy Commission to request and receive money from the Investment Management Board for projects authorized by this code and approved by the Joint Committee on Government and Finance and the Governor"; to the Committee on Education then Finance.

By Delegates Shott, R. Miller, Kessinger, Lane, Byrd and Isner:

H. B. 2765 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §51-1-22, relating to establishing a new special revenue fund, designated the Court Advanced Technology Subscription Fund, for the purpose of collecting and remitting moneys to the State Treasury for the use of certain advanced technology systems provided by the Supreme Court of Appeals"; to the Committee on the Judiciary then Finance.

By Delegates Shott, R. Miller, Kessinger, Lane, Byrd and Isner:

H. B. 2766 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §62-15-9a, relating to establishing a new special revenue fund, designated the Adult Drug Court Participation Fund, for the purpose of collecting and remitting moneys to the State Treasury for participation in an adult drug court program administered by the Supreme Court of Appeals"; to the Committee on Prevention and Treatment of Substance Abuse then Finance.

By Delegates O'Neal, Hanshaw, Sobonya, Hollen, Moore, Kessinger, Summers, Fast, Overington and G. Foster:

H. B. 2767 - "A Bill to amend and reenact §31D-5-504 of the Code of West Virginia, 1931, as amended; and to amend and reenact §56-3-31, §56-3-33, §56-3-33a and §56-3-34 of said code, all relating to authorizing the Secretary of State to transmit electronic versions of undeliverable mail to

the circuit clerks of the state to minimize agency costs and streamline processes for the state”; to the Committee on Government Organization then the Judiciary.

By Delegates A. Evans and Storch:

H. B. 2768 - “A Bill to amend and reenact §46A-5-101 of the Code of West Virginia, 1931, as amended, relating to modifying the penalties imposed on debt collectors who violate the provisions of the West Virginia Consumer Credit and Protection Act; limiting the amount consumers may be awarded; and reducing the period in which an action may be brought from four years to two years”; to the Committee on the Judiciary.

By Delegates C. Miller, Sobonya, Wilson, Folk, Cooper, Zatezalo, McGeehan, A. Evans, C. Romine, Maynard and Butler:

H. B. 2769 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §2-1-3, relating to the preservation of rights guaranteed by the West Virginia Constitution and the United States Constitution when deciding the comity of a legal decision in a foreign country, the choice of law used for contractual interpretations and choice of forum; exempting businesses; making legislative findings; stating public policy; defining a term; and providing a severability provision”; to the Committee on the Judiciary.

By Delegate Rowe:

H. B. 2770 - “A Bill to amend and reenact §18B-1B-4 of the Code of West Virginia, 1931, as amended; to amend and reenact §18B-1D-7 of said code; and to amend and reenact §18B-2A-4 of said code, all relating to reducing regulatory control over academic programs of state institutions; providing that the powers of the Higher Education Policy Commission and the powers and duties of governing boards generally apply to state institutions of higher education under their jurisdiction only in so far as it is necessary to prevent expensive duplication and competition of academic programs in a region or for support of specified performance higher education goals”; to the Committee on Education.

By Delegates Upson, Espinosa, Statler, Blair, Cooper, Ambler, Householder, Moore, Butler, Kessinger and Lewis:

H. B. 2771 - “A Bill to amend and reenact §18A-3-2a of the Code of West Virginia, 1931, as amended, relating to teaching certificates for teachers whose spouses are married to a member of the Armed Forces who is on active duty stationed in this state”; to the Committee on Veterans’ Affairs and Homeland Security then Education.

By Delegates Brewer, Storch, Diserio, Ferro, R. Miller, Lovejoy, Moye, Caputo, Eldridge, Maynard and Robinson:

H. B. 2772 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-41-1 and §30-41-2, all relating to requiring welders working in the State of West Virginia to meet certain certification requirements and to conform to national welding standards”; to the Committee on Industry and Labor then Government Organization.

House Calendar

Third Reading

Com. Sub. for H. B. 2420, Providing that the State Board of Education may delegate its Medicaid provider status and subsequent reimbursement to regional educational service agencies or county boards; on third reading, coming up in regular order, was, on motion of Delegate Cowles, tabled.

Com. Sub. for H. B. 2506, Relating to the permit limit calculations and allowing overlapping mixing zones for calculating permit limits for drinking water criteria; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 34**), and there were—yeas 63, nays 37, absent and not voting none, with the nays being as follows:

Nays: Ambler, Baldwin, Barrett, Bates, Boggs, Brewer, Byrd, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hartman, Hornbuckle, Iaquina, Isner, Lewis, Longstreth, Love, Lovejoy, Lynch, R. Miller, Moore, Moye, Pushkin, Pyles, Robinson, Rodighiero, Rohrbach, Rowe, Sponaugle, Upton, White and Williams.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2506) passed.

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

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

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

Second Reading

S. B. 231, Relating to State Board of Education and Medicaid-eligible children; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Westfall, the bill was amended on page one, following the enacting section by striking out everything after the enacting section and inserting in lieu thereof the following:

“ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-5B. Medicaid eligible children; school health services advisory committee.

(a) The state board shall become a Medicaid provider and seek out Medicaid eligible students for the purpose of providing Medicaid and related services to students eligible under the Medicaid program and to maximize federal reimbursement for all services available under the Omnibus Budget Reconciliation Act of 1989, as it relates to Medicaid expansion and any future expansions in the Medicaid program for Medicaid and related services for which state dollars are or will be expended.
Provided, That

(b) The state board may delegate this provider status and subsequent reimbursement to regional educational service agencies (RESA) and/or county boards. A county board may decline this designation if it determines there is not a net benefit after consideration of costs and time involved with seeking Medicaid reimbursements for eligible services and that the billing process does not detract from the educational program.

(c) Annually, no later than January 1, the state board shall report on a county by county basis to the Legislature:

- (1) The number and age of children eligible for Medicaid;
- (2) The number and age of children with Medicaid coverage;
- (3) The types of Medicaid eligible services provided;
- (4) The frequency of services provided;
- (5) The Medicaid dollars reimbursed; and

(6) The problems encountered in the implementation of this system. ~~and that this report shall be on a county by county basis and made available no later than January 1, 1992, and annually thereafter.~~

~~(b)~~ (d) The state board shall appoint and convene a school health services advisory committee to advise the Secretary of Health and Human Resources and the state superintendent on ways to improve the ability of regional education service agencies, local school boards, and Department of Health and Human Resources employees to provide Medicaid eligible children with all the school-based Medicaid services for which they are eligible and to ensure that the school-based Medicaid service providers bill for and receive all the Medicaid reimbursement to which they are entitled.

(e) The committee shall consist of at least the following individuals:

(1) The person within the Department of Education responsible for coordinating the provision of and billing for school-based Medicaid services in schools throughout the state, who shall provide secretarial, administrative and technical support to the advisory committee;

(2) The person within the Department of Health and Human Resources responsible for coordinating the enrollment of Medicaid eligible school children throughout the state;

(3) Two representatives of regional education services agencies who are experienced with the process of billing Medicaid for school-based health services;

(4) Two Department of Health and Human Resources employees responsible for supervising employees;

(5) Two persons jointly appointed by the secretary of Health and Human Resources and the state superintendent; and

(6) One representative of the Governor's task force on school health.

(f) The school health services advisory committee shall meet in the first instance at the direction of the state superintendent, select a chairperson from among its members, and meet thereafter at the direction of the chairperson. The committee shall report its findings and recommendations to the state board and Department of Health and Human Resources, which findings shall then be included in the report to the Legislature by the state board and Department of Health and Human Resources provided for in subsection ~~(a)~~ (c) of this section.

(g) All actual and necessary travel expenses of the members of the committee shall be reimbursed by the member's employing agency, for those members not employed by a state agency, the member's actual and necessary travel expenses shall be paid by the state board. All such expenses shall be reimbursed in the same manner as the expenses of state employees are reimbursed."

The bill was ordered to third reading.

Com. Sub. for H. B. 2329, Prohibiting the production, manufacture or possession of fentanyl; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2620, West Virginia Drug Overdose Monitoring Act; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Shott, the bill was amended on page three, section two, line five, following the word “compile”, by inserting the words “and report”.

The bill was ordered to engrossment and third reading.

Com. Sub. for H. B. 2646, Terminating the Women’s Commission and discontinue its functions; on second reading, coming up in regular order, was read a second time.

An amendment to the bill, offered by Delegate Pyles, was reported by the Clerk on page two, section one, lines twenty-four and twenty-five, by striking out the words “and shall not exist after June 20, 2018” and inserting in lieu thereof the words “at such time as the Governor may decide that the state can no longer afford to fund it.”

Delegate Pyles then asked and obtained unanimous consent to offer a reformed amendment on page two, section one, lines twenty-four and twenty-five, by striking out the words “and shall not exist after June 20, 2018” and inserting in lieu thereof the words “at such time as the Governor may decide that the state can no longer afford to fund it.”

And,

One page two, section one, line twenty-six following the word “code”, by striking out the comma, inserting a period, and striking out the remainder of the sentence.

Delegate Fleischauer was addressing the House when Delegate C. Miller arose to a point of order, stating that the remarks being delivered by the Gentlelady from the 51st were to the bill and not to the amendment pending before the House.

The Speaker reminded the Gentlelady to confine her remarks to the amendment before the House.

On the adoption of the amendment, Delegate Ferro demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 35**), and there were—yeas 37, nays 63, absent and not voting none, with the yeas being as follows:

Yeas: Baldwin, Barrett, Bates, Boggs, Brewer, Byrd, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hartman, Hicks, Hornbuckle, Iaquina, Isner, Longstreth, Love, Lovejoy, Lynch, Marcum, Miley, R. Miller, Moye, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaugle, Thompson, Wagner and Williams.

So, a majority of the members present and voting not having voted in the affirmative, the amendment was rejected.

The bill was ordered to engrossment and third reading.

Com. Sub. for H. B. 2648, Increasing penalties for manufacturing or transportation of a controlled substance in the presence of a minor; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Shott, the bill was amended on page two, section four hundred six-a, line one, following the word "person", by inserting a comma and the following "who is eighteen years old or older".

On page two, section four hundred six-a, line six, following the word "person", by inserting a comma and the following "who is eighteen years old or older".

On page two, section four hundred six-a, line eleven, following the word "person", by inserting a comma and the following "who is eighteen years old or older".

And,

On page two, section four hundred six-a, line sixteen, following the word "person", by inserting a comma and the following "who is eighteen years old or older".

On motion of Delegates Shott and Folk, the bill was on page seven, section four, line forty-four, subsection (g), by striking out subsection (g) in its entirety, and inserting a new subsection (g) in lieu thereof, to read as follows:

"(g) Any person convicted of a misdemeanor offense under this section:

(1) The Court may require, as part of an imposed sentence, or as an alternative sentence to that specified in this section, that the person ~~May be required to~~ complete parenting classes, substance abuse counseling, drug addiction treatment program, anger management counseling, or other appropriate services, or any combination thereof, as determined by Department of Health and Human Resources, Bureau for Children and Families through its services assessment evaluation, which shall be submitted to the court of conviction upon written request;

(2) Shall not be required to register pursuant to the requirements of article thirteen, chapter fifteen of this code; and

(3) Shall not, solely by virtue of the conviction, have their custody, visitation or parental rights automatically restricted."

Delegate Marcum asked unanimous consent to amend the bill.

Whereupon, the Delegate asked and obtained unanimous consent to withdraw his request.

The bill was ordered to engrossment and third reading.

First Reading

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

Com. Sub. for H. B. 2364, Prohibiting electioneering within or near early voting locations during early voting periods,

Com. Sub. for H. B. 2502, Relating to reciprocity of occupational licenses with other states,

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

H. B. 2630, Authorizing the West Virginia Board of Medicine and the West Virginia Board of Osteopathic Medicine to share staff,

Com. Sub. for H. B. 2651, Relating generally to standardized testing requirements for nonpublic schools,

And,

H. B. 2684, Imposing penalties for repeat violations of the prohibition against driving under the influence on a suspended license.

Miscellaneous Business

Delegate Hamilton noted to the Clerk that he was absent on yesterday when the vote was taken on Roll No. 33, and that had he been present, he would have voted "Yea" thereon.

Delegate O'Neal asked and obtained unanimous consent that the remarks of Delegate Kessinger regarding the amendment offered to Com. Sub. for H. B. 2646 be printed in the Appendix to the Journal.

Delegate Frich asked and obtained unanimous consent that the remarks of Delegate Zatezalo today and on February 27th regarding Com. Sub. for H. B. 2506 be printed in the Appendix to the Journal.

Delegate Ferro asked and obtained unanimous consent that the remarks of Delegate Iaquinta during Remarks by Members today be printed in the Appendix to the Journal.

Delegate Wilson asked and obtained unanimous consent that the remarks of Delegate Cooper during Remarks by Members today be printed in the Appendix to the Journal.

Delegate Caputo asked and obtained unanimous consent that the remarks of Delegates Fluharty, Ferro, Love, Pushkin and Fleischauer regarding Com. Sub. for H. B. 2506 be printed in the Appendix to the Journal.

Delegate McGeehan asked and obtained unanimous consent that remarks of Delegate Folk during Remarks by Members today be printed in the Appendix to the Journal.

Delegate Frich filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2195.

Delegate Isner filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2674.

Delegate Westfall filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2729.

Delegate Nelson filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2736.

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

Delegate A. Evans filed forms with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2690 and H. B. 2729.

Delegate Hill filed forms with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2680 and H. B. 2690.

Delegate Storch filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2768.

At 1:40 p.m., the House of Delegates adjourned until 11:00 a.m., Thursday, March 2, 2017.

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

HOUSE CALENDAR

Thursday, March 2, 2017

23rd Day

11:00 A. M.

THIRD READING

- S. B. 231 - Relating to State Board of Education and Medicaid-eligible children
- Com. Sub. for H. B. 2329 - Prohibiting the production, manufacture or possession of fentanyl (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2620 - West Virginia Drug Overdose Monitoring Act (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2646 - Terminating the Women's Commission and discontinue its functions (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2648 - Increasing penalties for manufacturing or transportation of a controlled substance in the presence of a minor (SHOTT) (REGULAR)

SECOND READING

- Com. Sub. for H. B. 2364 - Prohibiting electioneering within or near early voting locations during early voting periods (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2502 - Relating to reciprocity of occupational licenses with other states (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2619 - Risk Management and Own Risk and Solvency Assessment Act (SHOTT) (REGULAR)
- H. B. 2630 - Authorizing the West Virginia Board of Medicine and the West Virginia Board of Osteopathic Medicine to share staff (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2651 - Relating generally to standardized testing requirements for nonpublic schools (ESPINOSA) (REGULAR)
- H. B. 2684 - Imposing penalties for repeat violations of the prohibition against driving under the influence on a suspended license (SHOTT) (REGULAR)

FIRST READING

- Com. Sub. for H. B. 2459 - Relating to regulation of health care and the certificate of need process (SHOTT) (EFFECTIVE FROM PASSAGE)

- Com. Sub. for H. B. 2509 - Relating to the practice of telemedicine (SHOTT) (EFFECTIVE FROM PASSAGE)
- H. B. 2590 - Updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act (E. NELSON) (EFFECTIVE FROM PASSAGE)
- H. B. 2594 - Updating the meaning of federal adjusted gross income and certain other terms used in the West Virginia Personal Income Tax Act (E. NELSON) (EFFECTIVE FROM PASSAGE)
- H. B. 2653 - Extending the Multi State Real-Time Tracking System (ELLINGTON) (REGULAR)

**WEST VIRGINIA
HOUSE OF DELEGATES**

THURSDAY, MARCH 2, 2017

HOUSE CONVENES AT 11:00 A.M.

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

**COMMITTEE ON BANKING & INSURANCE
10:00 A.M. – ROOM 464M**

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

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

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

**COMMITTEE ON PREVENTION & TREATMENT OF SUBSTANCE ABUSE
3:30 P.M. – ROOM 215E**

HOUSE OF DELEGATES
STEPHEN J. HARRISON, Clerk
Building 1, Room M-212
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