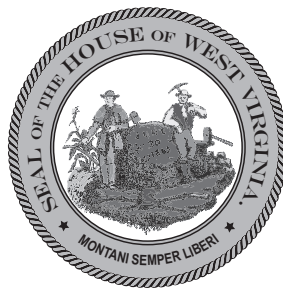


West Virginia Legislature

JOURNAL  
of the  
HOUSE of DELEGATES

Eighty-Third Legislature  
First Regular Session

Held at Charleston  
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February 22, 2017  
FIFTEENTH DAY



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Wednesday, February 22, 2017

**FIFTEENTH DAY**

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

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

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

The Clerk proceeded to read the Journal of Tuesday, February 21, 2017, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2037**, Relating to juvenile proceedings,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2037) was referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration:

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

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

**Com. Sub. for H. B. 2359** – “A Bill to amend and reenact §30-14-12 of the Code of West Virginia, 1931, as amended, relating to offenses and penalties for practicing osteopathic medicine without a license,”

With the recommendation that the committee substitute do pass.

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

Your Committee on the Judiciary has had under consideration:

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

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

**Com. Sub. for H. B. 2028** – “A Bill to amend and reenact §14-2-2 of the Code of West Virginia, 1931, as amended, relating to the venue for suits and other actions against the state; allowing a plaintiff or petitioner to file a claim or petition against the state, a state officer, or state agency in the circuit court of a county in which the plaintiff or petitioner resides or in which a claim arose or, alternatively, in the circuit court of Kanawha County,”

**H. B. 2001**, Relating to ethics and transparency in government,

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

**Com. Sub. for H. B. 2001** - “A Bill to amend and reenact §6B-2-1, §6B-2-2, §6B-2-2a, §6B-2-3a, §6B-2-4, §6B-2-5, §6B-2-6 and §6B-2-10 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new chapter, designated §6D-1-1, §6D-1-2 and §6D-1-3, all relating to ethics and transparency in government generally; providing for the disclosure of interested parties to a government contract; defining terms; prohibiting contracting with a state agency unless business entity submits disclosure of interested parties; requiring submission of supplemental disclosure within thirty days of completion or termination of the contract; providing exceptions to the disclosure requirement for certain contracts; requiring the Ethics Commission create disclosure form; specifying contents to be included in the disclosure form; requiring state agencies to submit completed forms to the Ethics Commission; requiring the Ethics Commission to make disclosures publicly available; requiring the Ethics Commission to post disclosures on the commission website when technologically able; authorizing members of the Ethics Commission and members of the Probable Cause Review Board to participate and vote via video conferencing; clarifying and expanding the violations in which a complaint may be referred to the Probable Cause Review Board; clarifying that the Probable Cause Review Board conducts investigations and not hearings to determine probable cause; clarifying and expanding the violations in which a complaint may be initiated by the Ethics Commission; clarifying that the Probable Cause Review Board is the entity to receive evidence bearing on the issue of probable cause; clarifying that the commission and review board may ask a respondent to disclose specific amounts received from a source and request other detailed information; clarifying that both the Ethics Commission and the Probable Cause Review Board have subpoena power; clarifying that confidentiality provisions apply to both the commission and the review board; specifying that at least five members of the commission approve of a decision on the truth or falsity of the charges against a respondent and a decision to impose sanctions; clarifying and expanding the violations in which sanctions may be imposed by the Ethics Commission; prohibiting a public official or public employee from knowingly and intentionally influencing, attempting to influence, showing favoritism or granting patronage in the employment or working conditions of his or her relative or a person with whom he or she resides; eliminating the voting prohibition on personnel matters involving a public official’s spouse or relative; prohibiting public officials, except certain members of the Legislature, from voting on the employment or working conditions of the public official’s relative or person with whom the public official resides; prohibiting public officials, except certain members of the Legislature, from voting on the appropriation of moneys or award of contract to a nonprofit corporation if the public official or an immediate family member is employed by or an officer or board member of the nonprofit, whether compensated or not; clarifying the timeframe in which a candidate for public office must file a financial disclosure statement and providing an exception to filing such a financial disclosure statement if the candidate has previously filed a statement for the previous calendar year; and amending statutory cross-references to reflect proper reference to other statutes,”

And,

**H. B. 2479**, Uniform Deployed Parents Custody and Visitation Act,

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

**Com. Sub. for H. B. 2479** – “A Bill to repeal §48-1-233.3, §48-1-233.4 and §48-9-404 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §48-31-101, §48-31-102, §48-31-103, §48-31-104, §48-31-105, §48-31-106, §48-31-107, §48-31-201, §48-31-202, §48-31-203, §48-31-204, §48-31-205, §48-31-301, §48-31-302, §48-31-303, §48-31-304, §48-31-305, §48-31-306, §48-31-307, §48-31-308, §48-31-309, §48-31-310, §48-31-311, §48-31-401, §48-31-402, §48-31-403, §48-31-404, §48-31-501, §48-31-502 and §48-31-503, all relating to adoption of the ‘Uniform Deployed Parents Custody and Visitation Act’; defining terms; providing for enforcement through assessment of attorney fees and costs; establishing procedures to determine matters of child custody and visitation when parents are deployed in military or other national service; requiring notices from deployed parent; providing for out-of-court agreements and establishing minimum requirements therefor; prohibiting consideration of past or future deployments in determining the best interest of the child; authorizing orders for payment of child support during deployment; providing for modification and termination of orders and agreements; and giving guidance for interpretation and construction in conjunction with other laws and orders,”

With the recommendation that the committee substitutes each do pass.

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

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

**H. B. 2234**, Agriculture, Department of, Captive Cervid,

And,

**H. B. 2296**, Veterinary Medicine, W.Va. Board of Standards of Practice,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2234 and H. B. 2296) were each referred to the Committee on the Judiciary.

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

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

**H. B. 2231**, Natural Resources, Division of, Point System for the Revocation of Hunting – Repeal,

**H. B. 2248**, Dangerous Wild Animals, W.Va. Board of Dangerous Wild Animals,

**H. B. 2268**, Natural Resources, WV Division of Revocation of Hunting and Fishing Licenses,

**H. B. 2269**, Natural Resources, WV Division of Special Waterfowl Hunting,

**H. B. 2270**, Natural Resources, WV Division of Commercial Sale of Wild Life,

And,

**H. B. 2271**, Natural Resources, WV Division of Miscellaneous Permits and Licenses,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2231, H. B. 2248, H. B. 2268, H. B. 2269, H. B. 2270 and H. B. 2271) were each referred to the Committee on the Judiciary.

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

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

**H. B. 2218**, Agriculture, Department of, Dangerous Wild Animals,

**H. B. 2219**, Agriculture, Department of, Livestock Care Standards,

And,

**H. B. 2233**, Agriculture, Department of, Animal Disease Control,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2218, H. B. 2219 and H. B. 2233) were each referred to the Committee on the Judiciary.

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

Your Committee on Roads and Transportation has had under consideration:

**H. B. 2027**, Providing for the transfer of ownership, operation and maintenance of certain assets of the West Virginia Parkways Authority to the Division of Highways,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2027) was referred to the Committee on Finance.

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

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

**H. B. 2579**, Increasing the penalties for transporting controlled substances,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2579) was referred to the Committee on the Judiciary.

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

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

**H. B. 2257**, Health and Human Resources, WV Department of Medication - Assisted Treatment - Opioid Treatment Programs,

And,

**H. B. 2258**, Health and Human Resources, WV Department of Medication - Assisted Treatment - Office - Based Medication Assisted Treatment,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2257 and H. B. 2258) were each referred to the Committee on the Judiciary.

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

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

**H. B. 2259**, Health Care Authority, W.Va. State Exemption from Certificate of Need,

**H. B. 2260**, Health Care Authority, W.Va. State Rural Health Systems Grant Program,

**H. B. 2261**, Health Care Authority, W.Va. State Hospital Assistance Grant Program,

**H. B. 2262**, Health Care Authority, W.Va. State Certificate of Need Rule,

**H. B. 2275**, Pharmacy, WV Board of Licensure and Practice of Pharmacy,

And,

**H. B. 2276**, Pharmacy, WV Board of Mail-Order and Non-Resident Pharmacies,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2259, H. B. 2260, H. B. 2261, H. B. 2262, H. B. 2275 and H. B. 2276) were each referred to the Committee on the Judiciary.

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

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

**H. B. 2376**, Relating to the organizational structure of state government,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2376) was referred to the Committee on Government Organization.

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

**H. B. 2004**, Creating and maintaining a centralized state vehicle inventory system,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2004) was referred to the Committee on Finance.

### **Messages from the Senate**

A message from the Senate, by

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

**Com. Sub. for S. B. 134** - "A Bill to amend and reenact §64-10-1 and §64-10-2 of the Code of West Virginia, 1931, as amended, all relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to the point system for the revocation of hunting – repeal; authorizing the Division of Natural Resources to promulgate a legislative rule relating to revocation of hunting and fishing licenses; authorizing the Division of Natural Resources to promulgate a legislative rule relating to special waterfowl hunting; authorizing the Division of Natural Resources to promulgate a legislative rule relating to the commercial sale of wildlife; authorizing the Division of Natural Resources to promulgate a legislative rule relating to miscellaneous permits and licenses; and authorizing the Office of Miners' Health, Safety and Training to promulgate a legislative rule relating to certification, recertification and training of EMT-Miners and the certification of EMT-M instructors"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

**Com. Sub. for S. B. 202** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §47-26-2a, relating generally to pawnbrokers; prohibiting pawnbrokers from purchasing, accepting in pawn, receiving in trade, accepting in exchange for goods any general-use prepaid card, gift certificate or store gift card; creating misdemeanor offense of pawnbrokers purchasing, accepting in pawn, receiving in trade or exchanging for goods a general-use prepaid card, gift certificate or store gift card; defining terms; creating exceptions; and establishing penalties"; which was referred to the Committee on the Judiciary.



A message from the Senate, by

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

**Com. Sub. for S. B. 249** - "A Bill to amend and reenact §38-3-4 of the Code of West Virginia, 1931, as amended, relating generally to the information required in an abstract of judgment; including, to the extent possible, the present address and date of birth of the judgment debtor in abstract of judgment; and clarifying that compliance with this section does not constitute a violation of state law or create a civil cause of action"; which was referred to the Committee on the Judiciary.

### Resolutions Introduced

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

**H. C. R. 19** – "Requesting the Division of Highways to name the portion of West Virginia Route 36 in Lincoln County, from the intersection of Sheridan Road, continuing 1.4 miles southeast, to the Greystone Branch sign, the 'U.S. Army PFC Freeman Ray Meade Memorial Road'."

Whereas, Private First Class Freeman Ray Meade of Branchland, West Virginia, was born on November 15, 1929, to Ruth A. Hatfield and Raymond D. Meade; and

Whereas, Private First Class Freeman Ray Meade was killed in action in Korea on November 14, 1950; and

Whereas, It is fitting that an appropriate memorial recognizing this soldier's service and sacrifice be established in the area where he lived; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name the portion of West Virginia Route 36 in Lincoln County, from the intersection of Sheridan Road, continuing 1.4 miles southeast, to the Greystone Branch sign, the "U.S. Army PFC Freeman Ray Meade Memorial Road"; and, be it

*Further Resolved*, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the designated roadway containing bold and prominent letters proclaiming the designated roadway the "U.S. Army PFC Freeman Ray Meade Memorial Road"; and, be it

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

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

**H. C. R. 20** – "Requesting the Division of Highways to name bridge number 23-10/19-0.01 (23A221) (37.82788, -81.94412), locally known as the Logan Vo-Tech Bridge, carrying County Route 10/19 over the Guyandotte River in Logan County, West Virginia the 'US Army PVT James Earl Pelfrey Memorial Bridge'."

Whereas, James Earl Pelfrey of Cyclone, West Virginia, was born February 2, 1949, at Man, West Virginia, the son of Nell (Jerry) Taddes of Toms River, New Jersey and the late James Edward Pelfrey; and

Whereas, James Earl Pelfrey is survived by a widow, Gladys M. Pelfrey and son Jason Tye, and sisters Barbara Carratozzole of Barnegat, New Jersey and Denise Taddes of Florham Park, New Jersey; and

Whereas, James Earl Pelfrey was a member of the Davin Baptist Church in Logan County, West Virginia; and

Whereas, James Earl Pelfrey spent his youth with his grandparents, Lon and Emma Gibson of Bruno, West Virginia; and

Whereas, James Earl Pelfrey was inducted into the United States Army March 19, 1969, and served in Vietnam; and

Whereas, PVT James Earl Pelfrey was awarded the National Defense Service Medal, Vietnam Campaign Medal, Vietnam Service Medal, Army Commendation Medal and the Combat Infantryman's Badge; and

Whereas, PVT James Earl Pelfrey died July 5, 2014; and

Whereas, The bridge leading to the Ralph R. Willis Career and Technical Center in Logan County would be a fitting memorial to PVT James Earl Pelfrey; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 23-10/19-0.01 (23A221) (37.82788, -81.94412), locally known as the Logan Vo-Tech Bridge, carrying County Route 10/19 over the Guyandotte River in Logan County, West Virginia, the "US Army PVT James Earl Pelfrey Memorial Bridge"; and, be it

*Further Resolved*, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge the "US Army PVT James Earl Pelfrey Memorial Bridge"; and, be it

*Further Resolved*, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Commissioner of the Division of Highways.

Delegates Phillips, Eldridge, Maynard and Rodighiero offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 21** – "Requesting the Division of Highways to name the Rossmore By-Pass starting at Rossmore and running to Monaville on Route 119/42, in Logan County, the '1SG Carl J. Crabtree Memorial Road'."

Whereas, Carl J. Crabtree was born on November 8, 1917, in Branchland, Lincoln County, West Virginia. He was raised and educated in Logan County and worked there until he enlisted in the military on August 27, 1940. He served in WW II in the 325 Glider Infantry Regiment, 82nd Airborne Division as a 1st Sergeant. He was wounded on June 8, 1944, in France and was a prisoner of war. His decorations and citations included the American Defense, American Theater, Good Conduct, Purple Heart, European African Middle Eastern Theater Ribbon with 1 Bronze Star, Distinguished Unit Badge, Croix De Guerre, Belgium Fourragere and Victory Medal. Carl J. Crabtree served honorably in the United States Army, ending his active service on May 24, 1946. Returning to Logan County and Rossmore, he raised a family and was employed among other occupations in the coal mines. Carl J. Crabtree died on December 6, 2004, survived by three daughters, Connie Herndon of

Switzer, West Virginia, Janet Cook and Carolyn Greene of Rossmore, West Virginia. He was preceded in death by his wife and a daughter, Patricia Molnar; and

Whereas, Naming the Rossmore By-Pass starting at Rossmore and running to Monaville on Route 119/42, in Logan County, the "1SG. Carl J. Crabtree Memorial Road" is an appropriate recognition of his contributions to his country, state, community and Logan County; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name the Rossmore By-Pass starting at Rossmore and running to Monaville on Route 119/42, in Logan County, the "1SG Carl J. Crabtree Memorial Road"; and, be it

*Further Resolved*, That the Division of Highways is requested to have made and be placed signs identifying the road as the Rossmore By-Pass starting at Rossmore and running to Monaville on Route 119/42, in Logan County, the "1SG Carl J. Crabtree Memorial Road"; and, be it

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

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

**H. C. R. 22** – "Requesting the Division of Highways to name bridge number 23-44-4.86 (23A105), (37.70670, -81.98848), (locally known as Crystal Block Concrete Bridge, carrying WV44 over Island Creek in Logan County, the 'U.S. Air Force MSgt Johnny Baxter Clark and U.S. Air Force MSgt Carl Richard (Dick) Clark Memorial Bridge'."

Whereas, Johnny Baxter Clark and Carl Richard (Dick) Clark, were sons of Carl Aubrey Clark and Garnette Louise Rice Clark, of Logan County; and

Whereas, Both brothers attended Pine Creek, Switzer, Omar and Logan High School; and

Whereas, The brothers had a sister, Rheba Jayne Clarke Browning; and

Whereas, Both brothers have been recognized for distinguished service with the United States Air Force, each having reached the rank of Master Sergeant; and

Whereas, Johnny Baxter Clark was born August 5, 1934, in Naugatuck, West Virginia, and died April 2, 2004, in Colorado; and

Whereas, Master Sergeant Johnny Baxter Clark served one tour of duty in Vietnam and two tours in Thailand; and

Whereas, Johnny Baxter Clark was awarded the Air Force Commendation Medal, Armed Forces Expeditionary Medal, National Defense Service Medal, Vietnam Service Medal with one Oakleaf Cluster, Air Force Outstanding Unit Award with One Oakleaf Cluster, Republic of Vietnam Campaign Medal, Republic of Vietnam Gallantry Cross, Air Force Good Conduct Medal with one Silverleaf and One Oakleaf Cluster, Air Force Longevity Service Award Ribbon with One Silverleaf Cluster, and NCOAG Ribbon; and

Whereas, Master Sergeant Johnny Baxter Clark, at the time of retirement from the Air Force, was cited for loyal and dedicated performance with the 37<sup>th</sup> Equipment Maintenance Squadron; and

Whereas, Carl Richard (Dick) Clark was born July 21, 1938, in Delbarton, West Virginia, and died May 22, 2013, in Florida; and

Whereas, Carl Richard (Dick) Clark served as an aircraft maintenance technician in Vietnam and was retired from the Air Force November 30, 1978, after serving more than twenty-one years; and

Whereas, It is fitting and proper that the military service of these brothers be recognized by a memorial in their home community; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 23-44-4.86 (23A105) (37.70670, -81.98848), locally known as Crystal Block Concrete Bridge, carrying WV44 over Island Creek in Logan County, the "U.S. Air Force MSgt Johnny Baxter Clark and U.S. Air Force MSgt Carl Richard (Dick) Clark Memorial Bridge"; and, be it

*Further Resolved,* That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge the "U.S. Air Force MSgt Johnny Baxter Clark and U.S. Air Force MSgt Carl Richard (Dick) Clark Memorial Bridge"; and, be it

*Further Resolved,* That the Clerk of the House of Delegates forward a certified copy of this resolution to the Commissioner of the Division of Highways.

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

**H. C. R. 23** – "Requesting the Division of Highways to name the portion of Route 119/19, beginning at a point where it intersects with Route 17 and ending at a point where it intersects with Route 28/2, in Logan County, as the 'U.S. Army SSG Styish R. Morris Memorial Road'."

Whereas, Staff Sergeant Morris was born September 17, 1923, to John Morris and Rosie Morris of Clothier, West Virginia, the fifth of ten children; and

Whereas, Staff Sergeant Morris began work as an underground coal miner in Logan County, West Virginia. When World War II erupted, he enlisted, rather than being drafted, in the U.S. Army on January 23, 1942, and served in the 145<sup>th</sup> Infantry Regiment, 37<sup>th</sup> Infantry Division; and

Whereas, Staff Sergeant Morris was a very proud, patriotic first-generation American of Polish descent. His career was one of great honor and valor as shown by his numerous decorations which he earned while serving in the Pacific Theater; and

Whereas, Staff Sergeant Morris was decorated for his actions with the following awards: the Combat Infantry Badge, the Philippine Liberation Ribbon with one Bronze Star, the Asiatic-Pacific Theater Ribbon with two Bronze Stars, the Distinguished Unit Citation, two Purple Heart Awards, and the Good Conduct Ribbon; and

Whereas, Most notably, on September 22, 1945, Staff Sergeant Morris was awarded the Silver Star by President Truman. The Citation reads: "The President of the United States, authorized by Act of Congress, July 9, 1918, takes pleasure in presenting the Silver Star to Staff Sergeant (then Sergeant) Styish R. Morris United States Army, for conspicuous gallantry and intrepidity in action against the enemy while serving with the 145<sup>th</sup> Infantry Regiment, 37<sup>th</sup> Infantry Division in the Philippine Islands. Staff Sergeant Morris' squad was preparing for an attack at Mount Pacawagan on

April 30, 1945, when an enemy soldier ran out of one of the many caves infesting the area. Catching the squad completely by surprise, the enemy knocked a soldier to the ground, tore a Browning Automatic Rifle from his hands and swung the weapon into position to fire on the squad. Staff Sergeant Morris, although unarmed, rushed the enemy so quickly that he was unable to fire the weapon. After a bitter struggle for possession of the gun, Staff Sergeant Morris with superior strength and weight overpowered the Japanese and forced him back into a deep foxhole, causing him to lose his grip on the rifle. Staff Sergeant Morris then managed to kill the enemy. Sergeant Morris' alertness, quick thinking and courageous action eliminated a dangerous menace to his squad and earned the complete confidence of his men. Staff Sergeant Morris' actions, without regard for his own safety, were in keeping with the highest traditions of military service, reflecting great credit on himself, the 37<sup>th</sup> Infantry Division, and the United States Army"; and

Whereas, Following his Honorable Discharge on October 3, 1945, Staff Sergeant Morris returned home to Clothier, where he went back to work in the underground coal mines of Boone and Logan counties and supported his aging parents. He never married and chose to take care of his parents until their deaths. He continued to work in the mining industry until he became disabled in the early 1970s from wounds he received during the war. He remained active by raising a garden and farm animals and he shared his plentiful harvests with his neighbors; and

Whereas, On April 3, 1987, Staff Sergeant Morris was called for his final and glorious award in the arms of his Lord; and

Whereas, Staff Sergeant Morris is survived by his sister-in-law JoAnn Morris, his nephews Edward S. Morris, Mark A. Morris, Thomas Morris, Joe A. Morris, Randy Bently, John F. Morris, John Trammell, Paul Trammell and Joe L. Morris, and his nieces, Teresa Way, Katrina Mosman, Mary Collins, Kathy Weathersby, Rose Ann Reed and Mary Morris Cobbs; and

Whereas, It is fitting that an enduring memorial be established to commemorate Staff Sergeant Styish R. Morris, a native son who served his state and his country with great honor, by naming the portion of Route 119/19 beginning at a point where it intersects with Route 17 and ending at a point where it intersects with Route 28/2, in Logan County, as the "U.S. Army SSG Styish R. Morris Memorial Road"; therefore, be it

*Resolved by the West Virginia Legislature:*

That the Legislature hereby requests the Division of Highways to name the portion of Route 119/19, beginning at a point where it intersects with Route 17 and ending at a point where it intersects with Route 28/2, in Logan County, as the "U.S. Army SSG Styish R. Morris Memorial Road"; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the portion of road as the "U.S. Army SSG Styish R. Morris Memorial Road"; and, be it

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

On motion for leave, a Joint Resolution was introduced, read by its title and referred as follows:

**By Delegates Espinosa, Howell, Deem, Butler, Ward, Sobonya, Dean, Hamrick, Blair, Wilson and Mr. Speaker, (Mr. Armstead):**

**H. J. R. 20** – "Proposing an amendment to the Constitution of the State of West Virginia amending section one, article twelve, relating to the responsibilities of the Legislature as to education generally;

and section five, article twelve, relating to the responsibility of the Legislature to provide for a system of free schools and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Education then Judiciary.

### Motions

The Clerk read a written motion pursuant to House Rule 65, heretofore filed with him by Delegates Sponaugle and Caputo, as follows:

Delegates Sponaugle and Caputo move, pursuant to House Rule 82, and to combat against the war on workers, that H. B. 2355, a bill to repeal Right to Work, be discharged from the Committee on Industry and Labor.

Delegate Cowles moved that the motion be tabled.

Delegate Caputo arose to inquire of the Chair regarding whether the motion to table was not debatable and whether Members would need to defeat the motion to continue to debate the issue on the floor today. The Speaker replied that the Delegate was correct.

On the motion to table the motion, Delegate Caputo demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 5**), and there were—yeas 61, nays 39, absent and not voting none, with the nays being as follows:

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

So, a majority of the members present and voting having voted in the affirmative, the motion to table the discharge motion prevailed.

The Clerk read a written motion pursuant to House Rule 65, heretofore filed with him by Delegates Sponaugle and Caputo, as follows:

Delegates Sponaugle and Caputo move, pursuant to House Rule 82, to restore fair wages to workers of this state, that H. B. 2372, by reestablishing prevailing wages, be discharged from the Committee on Industry and Labor.

Delegate Cowles moved that the motion be tabled.

Delegate Caputo arose to inquire of the Chair regarding whether the motion to table was not debatable and whether Members would need to defeat the motion to continue to debate the issue on the floor today. The Speaker replied that the Delegate was correct.

On the motion to table the motion, Delegate Caputo demanded the yeas and nays, which demand was sustained.

Delegate Folk arose to inquire of the Chair regarding whether Members would need to defeat the motion to continue to debate the issue on the floor today. The Speaker replied that the Delegate was correct.

The yeas and nays having been ordered, they were taken (**Roll No. 6**), and there were—yeas 59, nays 41, absent and not voting none, with the nays being as follows:

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

So, a majority of the members present and voting having voted in the affirmative, the motion to table the discharge motion prevailed.

### **Bills Introduced**

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

**By Delegates Kessinger, N. Foster, Sypolt, Summers, Blair, Arvon, Rowan and C. Miller:**

**H. B. 2646** - "A Bill to repeal §29-20-2, §29-20-3, §29-20-4, §29-20-5 and §29-20-6 of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-20-1 of said code, all relating to termination of the Women's Commission"; to the Committee on Government Organization.

**By Delegates Westfall, Frich, Arvon, Butler, Espinosa, Hill, Kessinger, Higginbotham, Paynter, Overington and Anderson:**

**H. B. 2647** - "A Bill to amend and reenact §57-5-4j of the Code of West Virginia, 1931, as amended, relating to preventing compensatory damage awards for medical expenses from including sums that the claimant has not and will not pay for medical care or treatment"; to the Committee on the Judiciary.

**By Delegates Sypolt, Rowan, Westfall, A. Evans, Upson, C. Miller, Sobonya, Storch, Rohrbach and Hollen:**

**H. B. 2648** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-4-406a, relating to increased penalties for manufacturing or transportation of a controlled substance in the presence of a minor; providing for increased penalty for adult persons convicted of manufacturing, delivering, or possessing with the intent to manufacture or deliver a controlled substance in the presence of a minor; and providing for increased penalty for adult persons convicted of transporting a controlled substance into this state with the intent to deliver or manufacture a controlled substance while being in the presence of a minor at the time of the offense"; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegates Hamilton, Walters, Cooper, Maynard, Wilson, Moore, Hamrick, Frich, Hill, Shott and Sypolt:**

**H. B. 2649** - "A Bill to amend and reenact §5-10A-2 of the Code of West Virginia, 1931, as amended, relating to adding violations of law upon which a public servant's retirement plan may be forfeited; changing the definition of less than honorable service; removing the exception of a misdemeanor from the definition of less than honorable service relating to impeachment and conviction of a participant or former participant under the Constitution; removing the exception for certain lesser included crimes to constitute less than honorable service; and adding additional violations of law which constitute less than honorable service"; to the Committee on Pensions and Retirement then the Judiciary.

**By Delegates Shott, Fluharty, Hamilton, Walters, Maynard, Hill, Lane, Moore, Higginbotham, Westfall and Blair:**

**H. B. 2650** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-12-1, §47-12-2, §47-12-3, §47-12-4, §47-12-5, §47-12-6 and §47-12-7,

all relating to the Youth Mental Health Protection Act; legislative findings; purpose; definitions; prohibition on conversion therapy; referral services; and discipline”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Espinosa, R. Romine, Westfall, Dean, Upson, Higginbotham, Kelly, Harshbarger, Cooper, Wagner and Rohrbach:**

**H. B. 2651** - “A Bill to amend and reenact §18-28-3 of the Code of West Virginia, 1931, as amended, relating generally to standardized testing requirements for nonpublic schools; removing outdated language; requiring standardized test to be administered to nonpublic students between the ages of seven and seventeen; requiring the test administered to be a nationally normed standardized achievement test; requiring that the test administered by published or normed within ten years from the date of administration; and providing testing alternatives to nonpublic students between the ages of seven and seventeen with learning disabilities”; to the Committee on Education.

**By Delegates Espinosa, Westfall, R. Romine, Dean, Blair, Upson, Higginbotham, Wilson, Rohrbach and Statler:**

**H. B. 2652** - “A Bill to amend and reenact §18-5-13a of the Code of West Virginia, 1931, as amended, relating generally to school closing or consolidation requirements”; to the Committee on Education.

**By Delegates Ellington, Sobonya and Cooper:**

**H. B. 2653** – “A Bill to amend and reenact §60A-10-16 of the Code of West Virginia, 1931, as amended, relating to extending the Multi State Real-Time Tracking System”; to the Committee on Health and Human Resources then Finance.

**By Delegates Statler, Miley, Lewis, E. Evans, Pethel, Williams and Upson:**

**H. B. 2654** - “A Bill to amend and reenact §7-3-3 of the Code of West Virginia, 1931, as amended, relating to expanding county commissions’ ability to dispose of county or district property; and eliminating requirement that property conveyed to volunteer fire department or volunteer ambulance service reverts back to county commission following termination of use”; to the Committee on Political Subdivisions then the Judiciary.

**By Delegates Upson, Blair, Espinosa, Householder, Longstreth, Robinson, Sobonya, Phillips, Hill, Ellington and Higginbotham:**

**H. B. 2655** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-3C-14c, relating to defining and establishing the crime of cyberbullying; imposing penalties; defining terms; establishing a criminal penalty; and authorizing the section to be known as ‘Grace’s Law’”; to the Committee on the Judiciary.

**By Delegates Westfall, Lane, N. Foster, Frich and White:**

**H. B. 2656** - “A Bill to amend and reenact §57-5-4j of the Code of West Virginia, 1931, as amended, relating to compensatory damage awards arising out of charges for medical, hospital and doctor services or treatment”; to the Committee on the Judiciary.

**By Delegate Miley**

**[By Request of the Executive]:**

**H. B. 2657** - “A Bill to amend and reenact §61-11-26 of the Code of West Virginia, 1931, as amended, relating to the creation of the West Virginia Second Chance Act; defining terms; expanding eligibility for expungement to persons convicted of nonviolent felonies; defining ‘nonviolent felony’; providing exceptions to eligibility and timing of filing a petition for expungement; creating petition requirements and court procedure for evaluating preliminary and final orders of expungement for nonviolent felonies; providing limitations on preliminary orders of expungement; clarifying disclosure



requirements with respect to the information sealed pursuant to an order of expungement, including exemptions; providing standard for inspection of sealed records; and making technical changes”; to the Committee on the Judiciary.

**By Delegates Marcum, Phillips, Hicks, Dean, Criss, McGeehan, A. Evans, Rowan, Lewis, Folk and Hamilton:**

**H. B. 2658** - “A Bill to repeal §48-1-210 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto four new sections, designated §48-1-239a, §48-1-239b, §48-1-239c, and §48-1-239d; to amend and reenact §48-9-102, §48-9-203, §48-9-204, §48-9-206, §48-9-207, §48-9-209, §48-9-403 and §48-9-601 of said code; to amend said code by adding thereto a new section designated §48-9-204a; and to amend said code by adding thereto a new section, designated §48-13-502a, all relating to establishing that shared legal and physical custody of a child in cases of divorce is presumed to be in the best interests of the child”; to the Committee on the Judiciary.

**By Delegates Brewer, Diserio, Pethtel, Ferro, Iaquina, R. Miller, Boggs, Rodighiero, Caputo, Miley and Moye:**

**H. B. 2659** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5A-1, §21-5A-2, §21-5A-3, §21-5A-4, §21-5A-5, §21-5A-6, §21-5A-7 §21-5A-8, §21-5A-9 and §21-5A-10, all relating to reestablishing prevailing wages for certain state government contracts; declaring policy; defining terms; requiring regular determinations of prevailing wage rates; providing for objection, hearing and judicial review of determinations of prevailing wages; requiring prevailing wage rates as an element of bid requests and public contracts; providing for posting of rates and record-keeping; establishing criminal penalties; and providing for prospective application of this article”; to the Committee on Industry and Labor then the Judiciary.

**By Delegates Marcum, Hicks, Thompson, Frich, Baldwin, Deem, Cooper and Eldridge:**

**H. B. 2660** - “A Bill to amend and reenact §60A-4-409 of the Code of West Virginia, 1931, as amended, relating to increasing criminal incarceration penalties for the transportation of controlled substances into the state”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegates Eldridge, Maynard, Diserio, Ambler, Rodighiero, Westfall, Dean, Storch, Marcum, R. Miller and Phillips:**

**H. B. 2661** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-8-5, relating to permitting recreational gold mining”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Ambler, Cooper, Paynter, Westfall, Maynard, Householder, A. Evans, Hamilton, Hicks, Eldridge and Rodighiero:**

**H. B. 2662** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-5i, relating to prohibiting the waste of game animals, game birds or game fish; and providing criminal penalties”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Ambler, Paynter, Cooper, Westfall, Maynard, Householder, A. Evans, Hamilton, Eldridge, Rodighiero and Hicks:**

**H. B. 2663** - “A Bill to amend and reenact §20-7-1a and §20-7-1c of the Code of West Virginia, 1931, as amended, all relating to increasing the compensation for natural resources police officers”; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegates Kessinger, Paynter, Overington, N. Foster, Martin and Isner:**

**H. B. 2664** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8-32, relating to the criminal offense of bestiality; prohibiting activities connected with bestiality; establishing criminal penalties; providing for forfeiture of animals, payment of associated costs, and restrictions on owning animals upon conviction; and requiring psychiatric evaluation and counseling"; to the Committee on the Judiciary.

**By Delegates A. Evans and R. Romine:**

**H. B. 2665** - "A Bill to amend and reenact §27-2-3 of the Code of West Virginia, 1931, as amended, relating to requiring a person restraining a mentally ill or mentally challenged person in a 'four-point restraint' to administer sedation by injection at the time the patient is secured in the 'four-point restraint'; providing guidelines for handling the patient after initial restraint and sedation; and establishing a criminal penalty for failure to sedate by injection upon use of the 'four-point restraint'; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Hicks, Rohrbach, R. Miller, Eldridge, Thompson, Marcum, Lovejoy and Hornbuckle:**

**H. B. 2666** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-5-14b, relating to providing for security of private, employer-sponsored insurance and/or retirement plans"; to the Committee on Banking and Insurance then Finance.

**By Delegates Hamrick, Dean, Walters, Wilson, McGeehan and Folk:**

**H. B. 2666** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-5-14b, relating to providing for security of private, employer-sponsored insurance and/or retirement plans"; to the Committee on Health and Human Resources then Government Organization.

**By Mr. Speaker, (Mr. Armstead) and Delegate Miley****[By Request of the Executive]:**

**H. B. 2668** - "A Bill to amend and reenact §60A-4-409 of the Code of West Virginia, 1931, as amended, relating to increasing the minimum criminal penalty for transportation of a Schedule I or II narcotic drug into the state from one year to three years"; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegates O'Neal, Overington, Moore, Cowles, Hanshaw, Zatezalo, Kessinger, Fast, Sobonya, Wilson and G. Foster:**

**H. B. 2669** - "A Bill to amend and reenact §3-2-2 of the Code of West Virginia, 1931, as amended, relating to eligibility to register to vote; and altering the terms for registration for voters from legal residence to legal domicile"; to the Committee on the Judiciary.

**By Delegates Lane, Fluharty, R. Miller, Canestraro, Diserio, E. Evans, Love, Barrett, Sponaugle, Baldwin and Caputo:**

**H. B. 2670** - "A Bill to amend and reenact §5-11-2, §5-11-3, §5-11-4, §5-11-8, §5-11-9 and §5-11-13 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5-11A-3, §5-11A-5, §5-11A-6 and §5-11A-7 of said code, all relating to unlawful discriminatory practices; prohibiting discrimination based upon age or sexual orientation; and defining sexual orientation"; to the Committee on Industry and Labor then the Judiciary.

**By Delegates R. Miller, Lovejoy, Sobonya and Maynard:**

**H. B. 2671** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-4-414, relating to providing that the manufacture, possession, or distribution of a controlled substance that is subsequently delivered is deemed delivery pursuant to

the Controlled Substances Act”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegates Frich, Westfall, Upson and White:**

**H. B. 2672** - “A Bill to amend and reenact §46A-2-115 of the Code of West Virginia, 1931, as amended; and to amend and reenact §46A-3-111, §46A-3-112 and §46A-3-113, all relating to application of payments and partial payments on a consumer credit sale and consumer loans and the assessment of delinquency charges on such loans”; to the Committee on Banking and Insurance then Finance.

**By Delegates Howell, Walters, Fast, Sobonya, E. Nelson and Storch:**

**H. B. 2673** - “A Bill to amend and reenact §5A-1-2 of the Code of West Virginia, 1931, as amended, relating to granting Department of Administration authority and responsibility of all personnel and human resources matters that are currently provided by personnel sections or divisions within other state departments and agencies; and eliminating those other personnel sections or divisions”; to the Committee on Government Organization then Finance.

**By Delegates Shott, Hanshaw, Arvon, Zatezalo, Sobonya, O’Neal, Fleischauer and Kessinger:**

**H. B. 2674** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §44A-3-17 and §44A-3-18, all relating to access to and receipt of certain information regarding a protected person by certain relatives of the protected person; authorizing relatives of a protected person to petition the circuit court for access and information about a protected person; defining ‘relative’; providing a relative may petition the court for an order granting access to a protected person; setting forth time standards in which to conduct a hearing after a petition is filed; providing for an emergency hearing under particular circumstances; providing for service of a petition upon a guardian and setting time standards for service thereof; providing for the entry of an order by the court following notice and hearing conducted thereon; providing standards for a court to observe and implement in issuing a ruling on a petition; providing the court may award attorney’s fees and costs be paid to a prevailing party; setting forth particular duties for a guardian to provide relatives notice about a protected person’s condition and circumstances; authorizing court to retain jurisdiction; regarding dissemination of information about a protected person to relatives; and providing a guardian method whereby may be relieved of responsibility for providing information regarding a protected person to a relative”; to the Committee on the Judiciary.

**By Delegates O’Neal, Hanshaw, Shott, Cowles, Sobonya, Phillips, N. Foster, Zatezalo, Kessinger, Hill and Fast:**

**H. B. 2675** - “A Bill to amend and reenact §3-5-13 and §3-5-13a of the Code of West Virginia, 1931, as amended, all relating to primary elections and nominating procedures; and designating the placement of nonpartisan judicial offices on the primary election ballot”; to the Committee on the Judiciary.

**By Delegates White, Dean, Westfall, Blair, Paynter, Maynard, G. Foster, Hill, Harshbarger, Phillips and Higginbotham:**

**H. B. 2676** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-1-15, relating to authorizing the Director of Security and security officers who are employed by the Division of Culture and History to carry a firearm or concealed weapon upon the West Virginia State Capitol Complex and State Property”; to the Committee on the Judiciary.

**By Delegate Pushkin:**

**H. B. 2677** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-8A-1, §16-8A-2, §16-8A-3, §16-8A-4, §16-8A-5, §16-8A-6, §16-8A-7,

§16-8A-8, §16-8A-9, §16-8A-10, §16-8A-11, §16-8A-12, §16-8A-13, §16-8A-14, §16-8A-15, §16-8A-16, §16-8A-17, §16-8A-18, §16-8A-19, §16-8A-20, §16-8A-21, §16-8A-22 and §16-8A-23, all relating to creating the 'Patient Freedom Act'; providing a regulatory scheme for the production, distribution and use of medical cannabis; providing protections for the medical use of cannabis; providing legislative findings; prohibiting discrimination for medical use of cannabis; providing medical conditions eligible for medical cannabis and process for addition of medical conditions; requiring registration of qualifying patients and designated caregivers; providing selection processes for permitting registered cannabis distribution centers and registered safety compliance facilities and its agents; providing for application and permit fees issuance of registry identification cards; providing protections for licensed and permitted persons; creates affirmative defense and for dismissal for medical cannabis activities; providing misdemeanor offense and criminal penalties for disclosing certain information; imposing sales tax on sales of medical cannabis, and otherwise providing for the enforcement of this article"; to the Committee on Prevention and Treatment of Substance Abuse then Health and Human Resources then the Judiciary.

### House Calendar

#### Third Reading

**Com. Sub. for H. B. 2167**, Creating a Silver Alert program for senior citizens; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 7**), and there were—yeas 99, nays 1, absent and not voting none, with the nays being as follows:

Nays: McGeehan.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2167) passed.

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

**H. B. 2300**, Regulating step therapy protocols; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 8**), and there were—yeas 99, nays 1, absent and not voting none, with the nays being as follows:

Nays: McGeehan.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2300) passed.

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

**Com. Sub. for H. B. 2301**, Relating to direct primary care; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 9**), and there were—yeas 100, nays none, absent and not voting none.

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

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2301) passed.

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

**Com. Sub. for H. B. 2318**, Relating generally to human trafficking; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 10**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: A. Evans.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2318) passed.

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

**Com. Sub. for H. B. 2347**, Allowing schools licensed to provide barber, cosmetology and related training to hold theory classes and clinical classes at different locations; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 11**), and there were—yeas 98, nays 2, absent and not voting none, with the nays being as follows:

Nays: Fluharty and Hornbuckle.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2347) passed.

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

**H. B. 2348**, Eliminating any requirement that class hours of students be consecutive; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 12**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2348) passed.

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

**H. B. 2431**, Allowing influenza immunizations to be offered to patients and residents of specified facilities; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 13**), and there were—yeas 89, nays 11, absent and not voting none, with the nays being as follows:

Nays: E. Evans, Folk, Marcum, Maynard, McGeehan, Moore, Paynter, Summers, Wagner, Walters and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2431) passed.

An amendment to the title of the bill, recommended by the Committee on Health and Human Resources, was reported by the Clerk and adopted, amending the title to read as follows:

**H. B. 2431** — “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-3-4a, relating to allowing influenza immunizations to be offered to patients and residents of specified facilities on a voluntary basis.”

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

### **Second Reading**

**Com. Sub. for H. B. 2404**, Barring persons who are convicted of certain criminal offenses from acquiring property from their victims; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 2447**, Renaming the Court of Claims the state Claims Commission; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Shott, the bill was amended on page six, section eleven, line one, before the word “The”, by inserting “Unless expressly exempted in the Code” and a comma.

On page six, section eleven, line one, by striking out the word “The” and inserting in lieu thereof “the”.

On page nine, section seventeen, line five, by striking out “\$3,000” and inserting in lieu thereof “\$1,000”.

And,

On page ten, section seventeen-a, line nine, by striking out “\$1,000” and inserting in lieu thereof “\$3,000”.

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 2465**, Modifying the requirements that allow a child witness to testify by closed circuit television; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

### **Miscellaneous Business**

Delegate Sponaugle asked and obtained unanimous consent that all remarks made during Remarks by Members today be printed in the Appendix to the Journal.

Delegate A. Evans announced that he was absent on today when the vote was taken on Roll No. 10, and that had he been present, he would have voted "Yea" thereon.

Delegate Ellington filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2387.

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

Delegate Hollen filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2459.

Delegate Ward filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2532.

Delegate Frich filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2568.

Delegate Martin filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2568.

Delegate Caputo filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2670.

Delegate Armstead filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2434.

Delegate Lovejoy filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2551.

Delegate Thompson filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2621.

Delegate Maynard filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2650.

At 12:56 p.m., the House of Delegates adjourned until 11:00 a.m., Thursday, February 23, 2017.

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

## **HOUSE CALENDAR**

**Thursday, February 23, 2017**

**16<sup>th</sup> Day**

**11:00 A. M.**

### **THIRD READING**

- Com. Sub. for H. B. 2404 - Barring persons who are convicted of certain criminal offenses from acquiring property from their victims (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2447 - Renaming the Court of Claims the state Claims Commission (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2465 - Modifying the requirements that allow a child witness to testify by closed circuit television (SHOTT) (REGULAR)

### **FIRST 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)









