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FORTY-FIRST DAY

Monday, March 20, 2017

FORTY-FIRST 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 Friday, March 17, 2017, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Delegate Cowles announced that the Committee on Rules had transferred Com. Sub. for H. B. 2702, on First Reading, Special Calendar, to the House Calendar.

Committee Reports

Delegate Rowan, Chair of the Committee on Senior Citizens Issues, submitted the following report, which was received:

Your Committee on Senior Citizens Issues has had under consideration:

H. B. 2848, Livable Home Tax Credit,

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. 2848) was referred to the Committee on Finance.

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

Your Committee on Political Subdivisions has had under consideration:

H. B. 2914, Relating to powers and duties of the Commissioner of Public Health,

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 Health and Human Resources.

In accordance with the former direction of the Speaker, the bill (H. B. 2914) was referred to the Committee on Health and Human Resources.

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. 2109, Relating to the West Virginia Land Reuse Agency Authorization Act,

And,

H. B. 2755, Requiring a seller of real property satisfy upon closing any unpaid charges owed,

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. 2109 and H. B. 2755) were each 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. 2745, Adding the examination of Advanced Care Technician,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2745) was referred to the Committee on Health and Human Resources.

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. 2843, Permitting Class III and Class IV municipalities to be included in the West Virginia Tax Increment Act,

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. 2843) was referred to the Committee on Finance.

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:

Com. Sub. for S. B. 173, Relating generally to autocycles,

And reports the same back, with 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 (Com. Sub. for S. B. 173) 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. 2721, Removing the cost limitation on projects completed by the Division of Highways,

And,

H. B. 2722, Eliminating the financial limitations on utilizing the design-build program for highway construction,

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. 2721 and H. B. 2722) were each referred to the Committee on Finance.

Delegate Hanshaw, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 17th day of March, 2017, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

Com. Sub. for H. B. 2167, Creating a Silver Alert program for senior citizens,

Com. Sub. for H. B. 2301, Relating to direct primary care,

H. B. 2431, Allowing influenza immunizations to be offered to patients and residents of specified facilities,

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

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.

On motion for leave, a bill was introduced (Originating in the Committee on Government Organization and reported with the recommendation that it do pass, but that it first be referred to the Committee on Finance), which was read by its title, as follows:

By Delegates Arvon, Howell, Brewer and Iaquina:

H. B. 3104 - "A Bill to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9-10-1, §9-10-2, §9-10-3, §9-10-4, §9-10-5 and §9-10-6; to amend and reenact §18-10K-1 of said code; and to repeal §18-10K-2, §18-10K-3, §18-10K-4, §18-10K-5 and §18-10K-6 of said code, all relating to transferring administration of the West Virginia Traumatic Brain and Spinal Cord Injury Rehabilitation Fund to the Department of Health and Human Resources; abolishing the West Virginia Traumatic Brain and Spinal Cord Injury Rehabilitation Fund

Board; transferring the powers, duties and records of the West Virginia Traumatic Brain and Spinal Cord Injury Rehabilitation Fund Board to the Department of Health and Human Resources; and transferring the powers and duties of the Division of Rehabilitation Services related to administering the West Virginia Traumatic Brain and Spinal Cord Injury Rehabilitation Fund to the Department of Health and Human Resources.”

The bill (H. B. 3104) was referred to the Committee on Finance.

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. 3000, Authorizing a State Ombudsman position,

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. 3000) was referred to the Committee on the Judiciary.

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. 3013, Requiring an inspection or inspections of any building prior to purchase or major renovation by the state,

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. 3013) was referred to the Committee on Finance.

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. 2519, Medicaid program compact,

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

Com. Sub. for H. B. 2519 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-25, relating to requiring West Virginia Bureau for Medical Services to enter into a compact with surrounding states to ensure providers receive payment for Medicaid services,”

With the recommendation that the committee substitute do pass.

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

Your Committee on Education has had under consideration:

H. B. 3089, Relating to the adoption of instructional resources for use in the public schools,

And reports the same back with the recommendation that it do pass.

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

Your Committee on Education has had under consideration:

H. B. 3061, Encouraging mastery-based education through the Innovation In Schools program,

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

Com. Sub. for H. B. 3061 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5E-8, relating to encouraging mastery-based education through the Innovation In Schools program; making findings and stating purpose; providing definitions; specifying duties of Department of Education with respect to program; providing for Innovation In Education/Mastery Based designations for award of grants and other financial assistance; requiring participation in incubator process; prohibiting penalties for student who transfers from mastery-based to nonmastery-based schools; and requiring institutions of higher education to recognize and accept high school diplomas on equal footing,"

With the recommendation that the committee substitute do pass.

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

Your Committee on Education has had under consideration:

H. C. R. 66, Sustainability of the state's current system of higher education,

And reports the same back with the recommendation that it be adopted, but that it first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolution (H. C. R. 66) was referred to the Committee on Rules.

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

Your Committee on Education has had under consideration:

H. B. 2846, Including high school students participating in a competency based pharmacy technician education and training program as persons qualifying to be a pharmacy technician trainee,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2846) was referred to the Committee on Health and Human Resources.

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. 2980, Relating to civil lawsuit filing fees for multiple defendant civil action,

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. 2980) 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. 3009, Relating to access by the Office of Health Facility Licensure and Certification to the Controlled Substances Monitoring Program database,

And reports the same back with the recommendation that it 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:

Com. Sub. for S. B. 127, Authorizing Department of Revenue to promulgate legislative rules,

And reports the same back, with amendment, with the recommendation that it do pass, as amended.

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. 2857, West Virginia Safer Workplaces Act,

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

Com. Sub. for H. B. 2857 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-3E-1, §21-3E-2, §21-3E-3, §21-3E-4, §21-3E-5, §21-3E-6, §21-3E-7, §21-3E-8, §21-3E-9, §21-3E-10, §21-3E-11, §21-3E-12, §21-3E-13, §21-3E-14, §21-3E-15 and §21-3E-16, all relating to creating West Virginia Safer Workplaces Act; permitting employers to test employees and prospective employees for drugs and alcohol; providing a short title; defining terms; declaring public policy; clarifying exceptions to the applicability of the West Virginia Safer Workplaces Act for employers covered by other drug and alcohol testing statutes; determining a collection of samples, scheduling of tests and testing procedures; providing for ability to request split sample be tested to challenge a positive test result; establishing responsibility for cost of split sample testing; setting forth testing policy requirements; providing for disciplinary procedures; providing for sensitive employees; providing for preemption; providing protection from liability;

establishing causes of action; providing exceptions; providing for confidentiality; providing for termination of employment; providing for forfeiture of certain benefits; clarifying that the drug and alcohol testing provisions of the West Virginia Safer Workplace Act cannot be used to show intoxication pursuant to section two, article four, chapter twenty-three of this code; and requiring employers to have drug and alcohol testing policies and procedures when implementing drug and alcohol testing.”

And,

H. B. 2808, The West Virginia Assisted Outpatient Treatment Act,

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

Com. Sub. for H. B. 2808 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §27-5A-1, §27-5A-2, §27-5A-3, §27-5A-4, §27-5A-5, §27-5A-6, §27-5A-7, §27-5A-8, §27-5A-9, §27-5A-10, §27-5A-11, §27-5A-12, §27-5A-13, §27-5A-14, §27-5A-15, §27-5A-16 and §27-5A-17, all relating to establishing assisted outpatient treatment of persons suffering from mental illness; defining terms; setting forth policy and goals of the Legislature in establishing assisted outpatient treatment; requiring legal proceedings; and setting forth the procedure by which assisted outpatient treatment be implemented,”

With the recommendation that the committee substitutes each do pass.

Messages from the Executive

Mr. Speaker, Mr. Armstead, presented a communication from His Excellency, the Governor, advising that on March 17, 2017, he approved **Com. Sub. for H. B. 2347**.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced concurrence by the Senate in the amendment of the House of Delegates to the title amendment of the Senate, and the passage, as amended, of

Com. Sub. for H. B. 2318, Relating generally to human trafficking.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect January 1, 2018, a bill of the House of Delegates as follows:

Com. Sub. for H. B. 2678, Changing the amounts of prejudgment and post-judgment interest to reflect today’s economic conditions.

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. 255 - “A Bill to amend and reenact §3-10-3, §3-10-5 and §3-10-7 of the Code of West Virginia, 1931, as amended, all relating generally to vacancies in elected office; requiring vacancies in offices of Secretary of State, Auditor, Treasurer, Attorney General, Commissioner of Agriculture, or other office created or made elective to be filled by voters of entire state, to be filled by Governor from list of three qualified persons submitted by party executive committee of the same political party with which the person holding the office immediately preceding the vacancy was

affiliated at the time the vacancy occurred; requiring Governor to fill vacancies in those offices with person of same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time the vacancy occurred; providing that Governor fill vacancies created in state Legislature from list of three qualified persons submitted by party executive committee of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time the vacancy occurred; requiring vacancies in offices of county commissioner or clerk of the county commission to be filled by county commission with person of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time the vacancy occurred; providing process for vacancy on county commission to be filled if county commission fails to fill the vacancy; providing Governor fill vacancies on county commission when no quorum on county commission from list of three qualified persons submitted by party executive committee of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time the vacancy occurred; making appointments subject to provisions of section one of article; and making technical corrections”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendments of the House of Delegates and the passage, as amended, of

S. B. 330, Relating to WV Workplace Freedom Act.

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. 444 – “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”; 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 and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 522 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-51-1, §33-51-2, §33-51-3, §33-51-4, §33-51-5, §33-51-6, §33-51-7 and §33-51-8, all relating to pharmacy audits; defining terms; setting forth procedures and requirements for pharmacy audits; stating applicable review process for final audit report; setting forth limitations concerning applicability of provisions of the article; requiring registration for certain pharmacy benefits managers and auditing entities; imposing registration fee; imposing application requirements; and providing rule-making authority to the Insurance Commissioner”; which was referred to the Committee on Banking and Insurance then Health and Human Resources.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendments, a bill of the House of Delegates, as follows:

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

On motion of Delegate Cowles, the House of Delegates refused to concur in the following Senate amendments and requested the Senate to recede therefrom.

On page one, by striking out everything after the enacting section and inserting in lieu thereof the following:

“ARTICLE 2. CLAIMS AGAINST THE STATE.

§14-2-2. Venue for certain suits and actions.

(a) The following proceedings shall be brought and prosecuted only in the circuit court of Kanawha County:

(1) Any suit in which the Governor, any other state officer, or a state agency is made a party defendant, except as garnishee or suggestee: Provided, That, any suit for which insurance coverage administered by the state board of risk and insurance management under section twelve, article twenty-nine of this Code exists may be brought and prosecuted in the circuit court of any county where the acts or omissions giving rise to the suit occurred or in the circuit court of Kanawha County;

(2) Any suit attempting to enjoin or otherwise suspend or affect a judgment or decree on behalf of the state obtained in any circuit court.

(b) Any proceeding for injunctive or mandamus relief involving the taking, title, or collection for or prevention of damage to real property may be brought and presented in the circuit court of the county in which the real property affected is situate.

This section shall apply only to such proceedings as are not prohibited by the Constitutional immunity of the state from suit under section thirty-five, article six of the Constitution of the State.”

And,

By amending the title of the bill to read 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; and allowing a plaintiff to file a suit against the state, a state officer or state agency in the circuit court of a county in which a claim arose or, alternatively, in the circuit court of Kanawha County in suits where insurance coverage administered by the State Board of Risk and Insurance Management exists.”

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

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. 16 - “A Bill to repeal §11-6A-5a of the Code of West Virginia, 1931, as amended, relating to classifying wind power projects as pollution control facilities; and providing a reduced valuation assessment for property tax purposes”; which was referred to the Committee on Energy then Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 308 - “A Bill to amend and reenact §20-7-1 of the Code of West Virginia, 1931, as amended, relating to natural resources police officers; finding the administrative and law-enforcement activities of the natural resources police officers are important to the state’s conservation, fish and wildlife; and clarifying that subsistence allowance is pensionable”; which was referred to the Committee on Agriculture and Natural Resources then 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. 500 - “A Bill to amend and reenact §9-7-1, §9-7-3, §9-7-6 and §9-7-6a of the Code of West Virginia, 1931, as amended, all relating to Medicaid fraud and abuse; the Medicaid Fraud Control Unit; transferring the Medicaid Fraud Control Unit, all powers and duties of the unit and employees of the unit from the Department of Health and Human Resources to the Attorney General effective October 1, 2017; requiring, on or before December 31, 2020, that the Legislative Auditor study and report to the Joint Committee on Government and Finance on the performance of the Medicaid Fraud Control Unit within the Office of the Attorney General compared to the performance of the unit while established within the Department of Health and Human Resources; requiring the Department of Health and Human Resources cooperate with and provide information to the Attorney General on Medicaid fraud and abuse investigations, prosecutions or civil actions; providing that a civil action related to Medicaid fraud and abuse may be prosecuted and maintained on behalf of the Department of Health and Human Resources by the Attorney General or by an attorney in contract with or employed by the Attorney General; providing that a civil action related to Medicaid fraud and abuse may be prosecuted and maintained by a prosecuting attorney and the prosecuting attorney’s assistants or by any attorney contracted with or employed by the Department of Health and Human Resources if the Attorney General declines to prosecute and maintain such action; and exempting the Attorney General and employees or agents from civil liability for certain good faith actions”; which was referred to the Committee on the Judiciary then 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. 524 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2E-11, relating to West Virginia academic standards; defining ‘academic standards’; setting forth finding; prohibiting implementation of Common Core academic standards; requiring adoption and implementation of certain other academic standards; requiring academic standards be effective for a minimum of five school years after date of implementation; requiring any proposed changes to academic standards for public schools comply with certain section of code requiring notice, written comments and public hearings in certain instances; and requiring withdrawal from the memorandum of agreement which required that Common Core represent eighty-five percent of the state’s standards in English language arts and mathematics”; which was referred to Education.

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. 554 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §4-1-6a, relating to false swearing in a legislative proceeding; providing criminal penalty; and providing disqualification from holding office or position of honor, trust or profit and serving as a juror”; 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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 559 - “A Bill to amend and reenact §29-22B-501 of the Code of West Virginia, 1931, as amended, relating to video lottery in general; providing that a limited video lottery retailer may sell or transfer ownership of one or more locations, including the limited video lottery retailer’s license associated with that location; providing that a purchaser or transferee shall satisfy the requirements for a limited video lottery retailer’s license; and providing that the State Lottery Commission be given prior written notice of the sale or transfer”; which was referred to the Committee on Small Business, Entrepreneurship and Economic Development then 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. 581 - “A Bill to amend and reenact §38-1-13 of the Code of West Virginia, 1931, as amended; to amend and reenact §44D-1-103 of said code; to amend said code by adding thereto a new section, designated §44D-1-113; to amend and reenact §44D-4-405 and §44D-4-414 of said code; to amend and reenact §44D-5-503b and §44D-5-505 of said code; to amend and reenact §44D-6-604 of said code; and to amend and reenact §44D-8-813 and §44D-8-817 of said code, all relating generally to trusts and their administration; eliminating requirement to give notice to trustee of substitution under certain circumstances; modifying definitions; establishing insurable interest of a trustee; clarifying scope of provisions regarding trust established for charitable purposes; increasing amount of noncharitable trust property to modify or terminate trust without court approval; requiring self-settled spendthrift trust have one independent qualified trustee; adding reference to exceptions for self-settled spendthrift trusts to provision allowing creditor or assignee to reach amount distributed for grantor’s benefit from irrevocable trust; removing reference to exceptions for self-settled spendthrift trusts to provisions allowing creditor or assignee to reach amount distributed for grantor’s benefit from revocable trusts; changing references from beneficiary to interested person in limitation on actions to contest validity of revocable trust; modifying duties of trustee to inform and report to beneficiaries; granting trustee authority and requiring trustee to wind up administration of trust upon its termination; and making technical changes”; 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. 620 - “A Bill to amend and reenact §17C-7-1 and §17C-7-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17C-8-8 of said code, all relating to traffic regulations; increasing fines; permitting visible instead of audible signal when passing to the left of an overtaken vehicle; and clarifying that an appropriate signal is required when moving right or left upon a roadway”; which was referred to the Committee on Roads and Transportation then the Judiciary.

Resolutions Introduced

Delegates Caputo, Baldwin, Barrett, Bates, Boggs, Brewer, Byrd, Canestraro, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Frich, Hamilton, Hartman, Hicks, Hornbuckle, Iaquina, Isner, Lane, Longstreth, Love, Lovejoy, Lynch, Marcum, Maynard, Miley, R. Miller, Moye, Pethel, Phillips, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaugle, Storch, Thompson, Ward and Williams

offered the following resolution, which was read by its title and referred to the Committee on Energy then Rules:

H. R. 14 – “Urging the United States Congress to pass, and the President to sign into law, legislation to extend and expand the current federal tax credit for carbon capture, utilization and storage.”

Whereas, According to the United States Department of Energy, “A diverse portfolio of energy resources is critical to U.S. energy and national security,” and, “A diverse energy system has the inherent benefits of being more robust and resilient in comparison to a system that is heavily dependent on a limited set of energy resources,” and “A system that is diverse helps insulate the economy from certain risks, including price volatility and risks from supply disruptions that can affect the availability of particular energy resources or infrastructure,” and “CCUS brings with it significant economic benefits across a range of economic sectors, including mining and extraction, energy infrastructure, the manufacture of CCUS equipment, supply chains including component parts and raw materials, and the creation of a new CO2 commodity industry for use in enhanced oil recovery, bio-refining, and other products”, and “A combination of tax incentives, research and development, demonstration, and deployment will be critical in developing transformational carbon capture technologies and to drive down the cost of capture”; and

Whereas, The United States has abundance supplies of coal that provide important economic and energy security benefits to our nation; and

Whereas, West Virginia has long been committed to and is a leader in the research and development of technologies that provide clean and safe power generation; and

Whereas, Reliable and affordable electricity is vital to the economic growth of West Virginia, the creation and preservation of jobs, and the overall welfare of its citizens; and

Whereas, West Virginia is the second largest coal producing state and seventh largest natural gas producing state in the nation; and

Whereas, West Virginia is the fourth largest net exporter of electricity to other states in the nation; and

Whereas, West Virginia has the nation’s third largest recoverable reserves of coal and the nation’s fourth largest proved reserves of natural gas; and

Whereas, In West Virginia, ninety-nine percent of the generated electricity comes from coal; and

Whereas, Coal is responsible for more than \$3.5 billion annually in the gross state product; and

Whereas, In 2015, according to the West Virginia Office of Miners’ Health, Safety and Training, the West Virginia mining industry employs 48,327 people, and preservation of the coal industry is vital to our state economy; and

Whereas, A central element of a sustainable energy strategy for West Virginia is continued research and development of carbon reduction strategies, such as CO2 capture, utilization, and storage through emerging technologies such as geological sequestration, mineral carbonation, and the beneficial use of captured CO2, in order to maximize economic opportunities; and

Whereas, West Virginia institutions such as West Virginia National Research Center for Coal and Energy, West Virginia State University Energy and Environmental Science Institute, and others strive

to develop technologies that will allow efficient carbon capture through collaboration or applied CO2 research, practical applications, workforce development and public education; and

Whereas, Legislation is needed to enhance current federal tax incentives so as to sustain and promote such collaborations and encourage private industry in manufacturing, energy generation, and food production, to implement and support new technologies that increase CO2 capture, utilization, and storage; therefore, be it

Resolved by the Legislature of West Virginia:

That we call upon the United States Congress to pass, and the President to sign into law, legislation to extend and expand the current federal tax credit for carbon capture, utilization and storage under Section 45Q of the Internal Revenue Code; and, be it

Further Resolved, That suitable copies of this resolution be delivered to the President of the United States, the Speaker of the United States House of Representatives, the United States Senate Majority Leader, and all members of the West Virginia Congressional Delegation.

Special Calendar

Third Reading

Com. Sub. for S. B. 302, Supplemental appropriation of federal funds from Treasury to Division of Human Services; 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. 122**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Boggs and Higginbotham.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 302) passed.

Delegate Cowles moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 123**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Boggs and Higginbotham.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 302) takes effect from its passage.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

H. B. 2833, Specifying the contents and categories of information for inclusion in annual reports; 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. 124**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Fluharty.

Absent and Not Voting: Boggs and Higginbotham.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2833) 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. 2898, Authorizing the Joint Committee on Government and Finance to request and obtain criminal background checks of employees of the Legislature; 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. 125**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Pushkin.

Absent and Not Voting: Boggs and Higginbotham.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2898) 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. 2916, Authorizing certain first responders to carry firearms; 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. 126**), and there were—yeas 96, nays 2, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Ambler and Cooper.

Absent and Not Voting: Boggs and Higginbotham.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2916) passed.

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

Second Reading

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

Com. Sub. for H. B. 2402, Relating to abandoned antique vehicles,

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

Com. Sub. for H. B. 2637, Relating to employment of retired teachers and prospective employable professional personnel in areas of critical need and shortage,

Com. Sub. for H. B. 2738, Providing flexibility in the transfer process of school personnel,

Com. Sub. for H. B. 2767, Authorizing the Secretary of State to transmit electronic versions of undeliverable mail to the circuit clerks,

Com. Sub. for H. B. 2797, Codifying statutory immunity for government agencies and officials from actions of third-parties using documents or records,

H. B. 2798, Clarifying provisions relating to candidates unaffiliated with a political party,

Com. Sub. for H. B. 2828, Changing the number of strikes in jury selection in felony cases,

And,

Com. Sub. for H. B. 3030, Relating to appeals as a matter of right in the West Virginia Supreme Court of Appeals.

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. 2827, Updating the all payor claims database,

Com. Sub. for H. B. 2840, Reorganizing the departments, agencies and commissions within the executive branch of state government,

And,

H. B. 2856, Declaring public policy and legislative intent for improving the marketing, quality and frequency of passenger rail service of the Cardinal Passenger Train.

Leaves of Absence

At the request of Delegate Cowles, and by unanimous consent, leaves of absence for the day were granted Delegates Boggs and Higginbotham.

Miscellaneous Business

Delegate Lovejoy filed forms with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2109 and H. B. 2755.

Delegate Sobonya asked and obtained unanimous consent that the remarks of Delegate Summers regarding Com. Sub. for H. B. 2916 be printed in the Appendix to the Journal.

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

Delegate Hicks asked and obtained unanimous consent that the remarks of Delegate Marcum 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 Pethel and Iaquina during Remarks by Members today be printed in the Appendix to the Journal.

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

Delegate Baldwin filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2194.

At 12:14 p.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, March 21, 2017.

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

SPECIAL CALENDAR

Tuesday, March 21, 2017

42nd Day

11:00 A. M.

THIRD READING

- Com. Sub. for H. B. 2402 - Relating to abandoned antique vehicles (NELSON) (REGULAR)
- Com. Sub. for H. B. 2471 - Relating to insurance coverage for breast cancer screening (NELSON) (REGULAR)
- Com. Sub. for H. B. 2637 - Relating to employment of retired teachers and prospective employable professional personnel in areas of critical need and shortage (NELSON) (REGULAR)
- Com. Sub. for H. B. 2738 - Providing flexibility in the transfer process of school personnel (ESPINOSA) (REGULAR)
- Com. Sub. for H. B. 2767 - Authorizing the Secretary of State to transmit electronic versions of undeliverable mail to the circuit clerks (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2797 - Codifying statutory immunity for government agencies and officials from actions of third-parties using documents or records (SHOTT) (REGULAR)
- H. B. 2798 - Clarifying provisions relating to candidates unaffiliated with a political party (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2828 - Changing the number of strikes in jury selection in felony cases (SHOTT) (REGULAR)
- Com. Sub. for H. B. 3030 - Relating to appeals as a matter of right in the West Virginia Supreme Court of Appeals (SHOTT) (REGULAR)

SECOND READING

- Com. Sub. for H. B. 2827 - Updating the all payor claims database (ELLINGTON) (REGULAR)

Com. Sub. for H. B. 2840 - Reorganizing the departments, agencies and commissions within the executive branch of state government (HOWELL) (REGULAR)

H. B. 2856 - Declaring public policy and legislative intent for improving the marketing, quality and frequency of passenger rail service of the Cardinal Passenger Train (NELSON) (REGULAR)

FIRST READING

Com. Sub. for S. B. 127 - Authorizing Department of Revenue to promulgate legislative rules (SHOTT) (EFFECTIVE FROM PASSAGE) (JUDICIARY COMMITTEE AMENDMENT PENDING)

Com. Sub. for H. B. 2519 - Medicaid program compact (HOWELL) (REGULAR)

Com. Sub. for H. B. 2808 - The West Virginia Assisted Outpatient Treatment Act (SHOTT) (REGULAR)

Com. Sub. for H. B. 2857 - West Virginia Safer Workplaces Act (SHOTT) (REGULAR)

H. B. 3009 - Relating to access by the Office of Health Facility Licensure and Certification to the Controlled Substances Monitoring Program database (SHOTT) (REGULAR)

Com. Sub. for H. B. 3061 - Encouraging mastery-based education through the Innovation In Schools program (ESPINOSA) (REGULAR)

H. B. 3089 - Relating to the adoption of instructional resources for use in the public schools (ESPINOSA) (REGULAR)

HOUSE CALENDAR

Tuesday, March 21, 2017

42nd Day

11:00 A. M.

SECOND READING

Com. Sub. for H. B. 2538 - Relating to the licensure of physician assistants (HOWELL)
(REGULAR)

FIRST READING

H. B. 2500 - Supplementary appropriation to the Department of Health and
Human Resources, Division of Human Services (NELSON)
(EFFECTIVE FROM PASSAGE)

H. B. 2501 - Supplementary appropriation to the Department of Education,
State Board of Education – School Lunch Program (NELSON)
(EFFECTIVE FROM PASSAGE)

Com. Sub. for H. B. 2702 - Relating to excused absences for personal illness from school
(ESPINOSA) (REGULAR)

**WEST VIRGINIA
HOUSE OF DELEGATES**

TUESDAY, MARCH 21, 2017

HOUSE CONVENES AT 11:00 A.M.

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

**COMMITTEE ON FINANCE
9:00 A.M. & 2:00 P.M. – ROOM 460M**

**COMMITTEE ON RULES
10:45 A.M. – BEHIND CHAMBER**

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

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