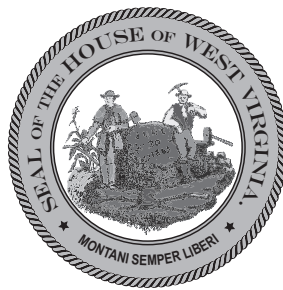


West Virginia Legislature

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January 25, 2016
THIRTEENTH DAY

Monday, January 25, 2016

THIRTEENTH DAY

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

The House of Delegates met at 1:00 p.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, January 22, 2016, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

Delegate Ireland, Chair of the Committee on Energy, submitted the following report, which was received:

Your Committee on Energy has had under consideration:

H. B. 4102, Department of Environmental Protection, Oil and Gas, rule relating to horizontal well development,

And,

H. B. 4104, Department of Environmental Protection, Water and Waste Management, rule relating to above ground storage tanks,

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. 4102 and H. B. 4104) were each referred to the Committee on the Judiciary.

Delegate Ireland, Chair of the Committee on Energy, submitted the following report, which was received:

Your Committee on Energy has had under consideration:

H. B. 4058, Department of Environmental Protection, Water and Waste Management, rule relating to above ground storage tank fee assessments,

H. B. 4059, Department of Environmental Protection, Water and Waste Management, rule relating to above ground storage tank administrative proceedings and civil penalty assessment,

H. B. 4068, Office of Miners' Health, Safety and Training, rule relating to substance abuse screening standards and procedures,

And,

H. B. 4103, Department of Environmental Protection, Water and Waste Management, rule relating to requirements governing water quality standards,

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. 4058, H. B. 4059, H. B. 4068 and H. B. 4103) were each referred to the Committee on the Judiciary.

Messages from the Senate

A message from the Senate, by

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

S. B. 1, Establishing WV Workplace Freedom Act; which was referred to the Committee on the Judiciary.

Resolutions Introduced

Delegates B. White, Miller, Lane, Cowles, A. Evans, Kessinger, Shott, McCuskey, Sobonya, Stansbury, Byrd, Mr. Speaker (Mr. Armstead), Atkinson, Azinger, Blackwell, Blair, Deem, Ellington, Faircloth, Fleischauer, Folk, Hamrick, Householder, Ireland, Kelly, Kurcaba, McGeehan, E. Nelson, Overington, Pushkin, Rohrbach, Rowan, Rowe, Shaffer, P. Smith, R. Smith, Statler, Storch, Upson, Waxman, Weld, Westfall and Zatezalo offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 22 – “Requesting the Division of Highways to name the intersection of Alum Creek on SR 214 and Childress Road in Kanawha County, West Virginia, the ‘U. S. Army SGT Gary Lee DeBoard Memorial Intersection’.”

Whereas, Gary Lee DeBoard was the son of Gene and Yvonne Deboard. He was a veteran of the Iraqi War having served on active duty in 2004 and 2005. He served in the Army Reserve for a total of twenty-nine years. He suffered from PTSD and died on December 4, 2012, from cardiovascular disease at age forty-nine. Gary Lee DeBoard was born on Alum Creek near the intersection of SR 214 and Childress Road; and

Whereas, It is only fitting and proper that U. S. Army SGT Gary Lee DeBoard be remembered and acknowledged for his dedicated service on behalf of his country, state and community; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the intersection of Alum Creek on SR 214 and Childress Road in Kanawha County, West Virginia, the “U. S. Army SGT Gary Lee DeBoard Memorial Intersection”; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect a sign at the intersection proclaiming the intersection the “U. S. Army SGT Gary Lee DeBoard Memorial Intersection”; 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 and to the surviving family of Gary Lee DeBoard.

Delegates Marcum, Rodighiero, Phillips, P. White, Moffatt, Eldridge, Westfall and McGeehan offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 23 – “Requesting the Division of Highways to name a stretch of road beginning at 20 Whitman Church and up Whitman Creek one mile in Logan County, ‘Ingram’s Way’.”

Whereas, James and John Ingram of Logan County have the following accomplishments in the world of competitive archery: James Ingram – 2004 World Champion; 2004 World Record Holder of Highest Archery Score in competition; Placed in the top ten of the greatest archery competitors in the World Championships on three separate occasions; 10 State Championships–Louisiana (3 times), Arkansas (3 times), Missouri (2 times) and Texas and Tennessee. John Ingram – Air Force veteran; 2012 ASA 8th Place in World Championships; 2012 central Arkansas Bowhunter Shooter of the year 2012 Hoys State Champion; 2012 IAS Shooter of the Year; 2010 Hoyt State Champion; 2010 IAS Shooter of the Year; 2010 Arkansas 2nd Place ASA State Championship; 2005 T.H.E. 2nd Place World Championship; 1999 Missouri Red Head Indoor Pop Up State Champion 1999 ASAA State Champion; and

Whereas, Their archery accomplishments and contributions to their county and state should not go unnoticed; and

Whereas, Naming that stretch of road in Logan County, “Ingram’s Way” is an appropriate recognition of their contributions and accomplishments; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name that one mile stretch of road beginning at 20 Whitman Church and up Whitman Creek one mile in Logan County, “Ingram’s Way”; and, be it

Further Resolved, That the Division of Highways is requested to have made and be placed signs identifying the one mile stretch of road up Whitman Creek as the “Ingram’s Way”; 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, James and John Ingram and the family of James and John Ingram.

Delegates Howell, Arvon, Atkinson, Cadle, Canterbury, Fast, Folk, Foster, Gearheart, Hamrick, Ihle, Ireland, Kessinger, Flanigan, Overington, Phillips, Wagner, Waxman and Zatezalo offered the following resolution, which was read by its title and referred to the Committee on Rules.

H. R. 5 – “Expressing concern of the House of Delegates to the growth of the federal government’s power over the individual states of the United States.”

Whereas, The State of West Virginia was a part of the Commonwealth of Virginia on December 24, 1798, when the Virginia Resolution of 1798 was adopted by the Virginia Senate; and

Whereas, West Virginia continues to believe in and support the Virginia Resolution of 1798 that was written by one of our founding fathers, James Madison; and

Whereas, West Virginia desires to reaffirm the Virginia Resolution of 1798; and

Whereas, The Virginia Resolution of 1798 reads in full:

“RESOLVED, That the General Assembly of Virginia, doth unequivocally express a firm resolution to maintain and defend the Constitution of the United States, and the Constitution of this State,

against every aggression either foreign or domestic, and that they will support the government of the United States in all measures warranted by the former.

That this assembly most solemnly declares a warm attachment to the Union of the States, to maintain which it pledges all its powers; and that for this end, it is their duty to watch over and oppose every infraction of those principles which constitute the only basis of that Union, because a faithful observance of them, can alone secure it's existence and the public happiness.

That this Assembly doth explicitly and peremptorily declare, that it views the powers of the federal government, as resulting from the compact, to which the states are parties; as limited by the plain sense and intention of the instrument constituting the compact; as no further valid that they are authorized by the grants enumerated in that compact; and that in case of a deliberate, palpable, and dangerous exercise of other powers, not granted by the said compact, the states who are parties thereto, have the right, and are in duty bound, to interpose for arresting the progress of the evil, and for maintaining within their respective limits, the authorities, rights and liberties appertaining to them.

That the General Assembly doth also express its deep regret, that a spirit has in sundry instances, been manifested by the federal government, to enlarge its powers by forced constructions of the constitutional charter which defines them; and that implications have appeared of a design to expound certain general phrases (which having been copied from the very limited grant of power, in the former articles of confederation were the less liable to be misconstrued) so as to destroy the meaning and effect, of the particular enumeration which necessarily explains and limits the general phrases; and so as to consolidate the states by degrees, into one sovereignty, the obvious tendency and inevitable consequence of which would be, to transform the present republican system of the United States, into an absolute, or at best a mixed monarchy.

That the General Assembly doth particularly protest against the palpable and alarming infractions of the Constitution, in the two late cases of the "Alien and Sedition Acts" passed at the last session of Congress; the first of which exercises a power nowhere delegated to the federal government, and which by uniting legislative and judicial powers to those of executive, subverts the general principles of free government; as well as the particular organization, and positive provisions of the federal constitution; and the other of which acts, exercises in like manner, a power not delegated by the constitution, but on the contrary, expressly and positively forbidden by one of the amendments thereto; a power, which more than any other, ought to produce universal alarm, because it is levelled against that right of freely examining public characters and measures, and of free communication among the people thereon, which has ever been justly deemed, the only effectual guardian of every other right.

That this state having by its Convention, which ratified the federal Constitution, expressly declared, that among other essential rights, "the Liberty of Conscience and of the Press cannot be cancelled, abridged, restrained, or modified by any authority of the United States," and from its extreme anxiety to guard these rights from every possible attack of sophistry or ambition, having with other states, recommended an amendment for that purpose, which amendment was, in due time, annexed to the Constitution; it would mark a reproachable inconsistency, and criminal degeneracy, if an indifference were now shewn, to the most palpable violation of one of the Rights, thus declared and secured; and to the establishment of a precedent which may be fatal to the other.

That the good people of this commonwealth, having ever felt, and continuing to feel, the most sincere affection for their brethren of the other states; the truest anxiety for establishing and perpetuating the union of all; and the most scrupulous fidelity to that constitution, which is the pledge of mutual friendship, and the instrument of mutual happiness; the General Assembly doth solemnly appeal to the like dispositions of the other states, in confidence that they will concur with this commonwealth in declaring, as it does hereby declare, that the acts aforesaid, are unconstitutional;

and that the necessary and proper measures will be taken by each, for cooperating with this state, in maintaining the Authorities, Rights, and Liberties, referred to the States respectively, or to the people.

That the Governor be desired, to transmit a copy of the foregoing Resolutions to the executive authority of each of the other states, with a request that the same may be communicated to the Legislature thereof; and that a copy be furnished to each of the Senators and Representatives representing this state in the Congress of the United States.

Agreed to by the Senate, December 24, 1798"; therefore, be it

Resolved by the West Virginia House of Delegates:

That the House of Delegates hereby expresses its concern over the growth of the federal government's power over the individual states of the United States; and, be it

Further Resolved, That the House of Delegates acknowledges that the issue of the growth of the federal government's power over the individual states of the United States is an issue which the citizens of West Virginia are also concerned; and, be it

Further Resolved, That the House of Delegates urges West Virginia's representatives in Congress be cognizant of the Virginia Resolution of 1798 when reviewing proposed federal legislation; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to each member of West Virginia's delegation in Congress.

Bills Introduced

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

By Delegates Walters, Frich, Westfall, McCuskey, Manchin, Skinner, Shott, Flanigan, Waxman, Perry and B. White:

H. B. 4244 — "A Bill to amend and reenact §31C-2-6 of the Code of West Virginia, 1931, as amended, relating to eliminating the need for a public hearing when no objection is filed on an application from an out of state state-chartered credit union to establish a branch in West Virginia"; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Walters, Frich, Westfall, McCuskey, Manchin, Skinner, Rowe, Flanigan, Waxman, Perry and B. White:

H. B. 4245 — "A Bill to amend and reenact §31A-4-20 of the Code of West Virginia, 1931, as amended relating to requiring the cashier or executive officer of a banking institution to provide shareholders with the institution's most recent year-end audited financial statement and requiring that the board of directors of a bank, or its controlling bank holding company, appoint an outside auditing firm in lieu of having the shareholders appoint a bank examining committee and eliminating the requirement that a bank transmit a copy of an audit report of its financial condition to the division of financial institutions and further eliminating the ability to require the presence of the examining committee or executive committee during an examination"; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Overington, Householder, Faircloth, Blair and Folk:

H. B. 4246 — "A Bill to amend and reenact chapter 83, Acts of the Legislature, regular session, 1970, relating to changing the Martinsburg Public Library to the Martinsburg-Berkeley County Public Library; creating a library board with the power to operate the public library; and providing a stable

method of financing the operation of the Martinsburg-Berkeley County Public Library”; to the Committee on Political Subdivisions then Government Organization.

By Delegates Marcum, Rodighiero, Eldridge, Phillips, P. White, Moye, Bates, Westfall, J. Nelson, Wagner and Frich:

H. B. 4247 — “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2B-2a, relating to the Laurel Lake Wildlife Management Fund; providing sufficient funding to maintain the Laurel Lake Wildlife Management Area, including its facilities; providing the Director of the Division of Natural Resources shall provide legislative rules designed to fulfil the purpose of providing sufficient funding; and, providing the Mingo county commission administer funds provided by the Division of Natural Resources to accomplish sufficient renovations and improvements to facilities and explore alternative means of funding while administering”; to the Committee on Agriculture and Natural Resources then Finance.

By Delegates Rohrbach, Sobonya, Bates, Ellington, Householder, Miller, Perdue, Stansbury, Waxman and B. White:

H. B. 4248 — “A Bill to amend and reenact §16-1-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §16-5Y-1, all relating to methadone regulation; requiring the secretary of Health and Human Resources to propose legislative rules for the regulation of opioid treatment programs; requiring the Health Care Authority to develop new certificate of need standards; prohibiting the Health Care Authority from approving applications of certificate of need for opioid treatment programs; imposing a moratorium on licensure of certain new opioid treatment programs; providing the secretary monitor opioid treatment programs; requiring program staff to receive minimum training; setting forth standards for initial assessment to admission to a program; setting forth criteria to be admitted to a treatment program; requiring a program to develop individualized treatment plans; providing for random drug testing for program patients; enunciating consequences for positive drug tests, including mandatory counseling; requiring mandatory statistical reporting to the Department of Health and Human Resources and the Legislative Oversight Commission on Health and Human Resources; prescribing times programs must be open; setting forth certain staff requirements for programs; requiring programs to establish peer review committees that include a physician member; and requiring the secretary to prescribe the procedure for peer review”; to the Select Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

By Delegates Campbell, Wagner, Sobonya, Atkinson, Longstreth, Cooper, Perdue, Perry, Eldridge and Ellington:

H. B. 4249 — “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-2-127, relating to creating the Commission to Accelerate Statewide Coordination of Mental Health Services for Children and Adolescents; providing findings, requirements, reports, recommendations and termination”; to the Committee on Health and Human Resources then Government Organization.

By Delegate Skinner:

H. B. 4250 — “A Bill to amend and reenact §24-2-2 of the Code of West Virginia, 1931, as amended, relating generally to public service districts; prohibiting shifting future development costs onto existing public service district customers”; to the Committee on the Judiciary.

By Delegates Espinosa and Upson:

H. B. 4251 — “A Bill to amend and reenact §61-8-19a of the Code of West Virginia, 1931, as amended, relating to increasing the criminal penalties for participating in an animal fighting venture”; to the Committee on the Judiciary.

By Delegates Campbell, Longstreth, Eldridge, Trecost, Wagner, R. Smith, Zatezalo and Ihle:

H. B. 4252 — “A Bill to amend and reenact §48-9-206 of the Code of West Virginia, 1931, as amended, relating to custodial orders in suits affecting the parent-child relationship; requiring the courts to allocate custodial time equally between parents, unless doing so is inconsistent with the best interests of the child”; to the Committee on the Judiciary.

By Delegates Caputo, Sponaugle, Perdue, Manchin, Ferro, Trecost, Fluharty, Pethtel, Miley, Hamilton and Longstreth:

H. B. 4253 — “A Bill to amend and reenact §33-30-6 of the Code of West Virginia, 1931, as amended, relating to mine subsidence insurance; increasing the maximum amount of the total insured value reinsured by the Board of Risk Management”; to the Committee on Banking and Insurance then Energy.

By Delegates Hamilton, Storch, Butler, Westfall, Guthrie, Pethtel and B. White:

H. B. 4254 — “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §23-2-19; and to amend said code by adding thereto a new section, designated §33-1-23, all relating generally to workers’ compensation; providing that unenforceable waivers may not be offered by employers; providing that policies that offer no coverage are against public policy; and establishing misdemeanor penalties”; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Hamilton, A. Evans, Romine, Wagner, Ambler, Eldridge, Pethtel, Sponaugle and Guthrie:

H. B. 4255 — “A Bill to amend and reenact §20-2-4, §20-2-21 and §20-2-22 of the Code of West Virginia, 1931, as amended, all relating to the taking and registration of wildlife including electronic registration of beaver, otter and big game animals”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates Faircloth, Storch, Ferro and P. Smith:

H. B. 4256 — “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §39A-4-1, §39A-4-2, §39A-4-3, §39A-4-4, §39A-4-5, §39A-4-6 and §39A-4-7, all relating to creating the Uniform Real Property Electronic Recording Act; providing short title; defining terms; clarifying validity of electronic documents and electronic signatures; providing for recording of electronic documents; requiring any county clerk implementing the provisions of the act to comply with established standards; authorizing county clerks to receive, index, store, archive and transmit electronic documents; authorizing county clerks to allow public access, search and retrieval of electronic documents; allowing county clerks to convert paper documents accepted for recording into electronic documents; authorizing county clerks to collect electronically any tax or fee relating to electronic recording of real property documents they are authorized by law to collect; authorizing county clerks to agree with other jurisdictions on procedures or processes necessary for electronic recording of documents; creating the Real Property Electronic Recording Standards Committee to develop the standards necessary to electronically record real property documents; authorizing the Commissioner of Highways to promulgate a legislative rule; providing for a report and recommendations to the Legislature; providing that members of the Real Property Electronic Recording Standards Committee pay their own expenses; setting forth areas for consideration when adopting or changing standards; providing for uniformity of application and construction of the act; and providing that this act modifies, limits and supersedes certain parts of the federal Electronic Signatures in Global and National Commerce Act”; to the Committee on Government Organization then the Judiciary.

By Delegates Fluharty, Hornbuckle, Sponaugle, Guthrie, Bates, Pushkin, Ferro, Miley, Fleischauer, Byrd and Perdue:

H. B. 4257 — “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-11-4c, relating to insurance unfair trade practices; prohibiting use of a person’s credit history in certain insurance transactions”; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Byrd, Guthrie, Rowe, Pushkin, Rohrbach, Fluharty, Reynolds, Marcum, Shaffer, P. Smith and Fleischauer:

H. B. 4258 — “A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new section, designated §15-9-4a; to amend and reenact §16-1-4 of said code; to amend and reenact §18-2-7b of said code; to amend and reenact §60A-4-401; to amend said code by adding thereto a new section, designated §60A-4-414; and to amend said code by adding thereto a new section, designated §61-2-4a, all relating to substance abuse; mandating studies by the governor’s committee on crime, delinquency and correction on reforms to state drug sentencing laws; requiring said committee to coordinate school education program by law enforcement officers; authorizing the state department of health to promulgate rules regulating the exchange of syringes and providing immunity for certain actions relating thereto; directing the state board of education to requiring county boards to provide substance abuse training education; directing state board of education to coordinate its activities with state law enforcement agencies; providing a penalty enhancement for use of a firearm during manufacture or distribution of controlled or imitation controlled substance; providing that an attempt or conspiracy to attempt to distribute controlled substances or imitation controlled substance is the same as the actual act; and establishing new criminal penalty for causing death by distributing a controlled substance”; to the Select Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

By Delegates Rohrbach, Stansbury, Bates, Byrd, Ellington, Householder, Miller, Perdue, Waxman and B. White:

H. B. 4259 — “A Bill to amend and reenact §16-9E-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §16-9E-4a, all relating to the regulation of vapor products; defining terms; prohibiting sales of vapor products that do not meet certain requirements; requiring a warning be placed on the vapor product; requiring sale through vendor assistance; prohibiting sales from self-service displays; establishing criminal penalty”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Shott, Howell, McCuskey, Marcum, Fast, Folk, Foster, Overington, Summers, Kessinger and Azinger:

H. B. 4260 — “A Bill to amend and reenact §61-7-16 of the Code of West Virginia, 1931, as amended, relating to providing private educational facilities authority to determine whether, and under what circumstances, to permit deadly weapons on school premises through written policies”; to the Committee on Education then the Judiciary.

By Delegates Shott, McCuskey, Cowles, O’Neal, Butler, Marcum, Shaffer, Sobonya, Folk, Overington and Azinger:

H. B. 4261 — “A Bill to amend and reenact §18-2-5h of the Code of West Virginia, 1931, as amended, relating to student data; and prohibiting the sale or transfer of student data to vendors and other profit making entities”; to the Committee on Education then the Judiciary.

By Delegates J. Nelson, Arvon, Moffatt, Ihle, McGeehan, Blair, D. Evans, Miley, Phillips, Reynolds and P. White:

H. B. 4262 — “A Bill to amend and reenact §5A-4-5 of the Code of West Virginia, 1931, as amended, relating to regulation of parking at the West Virginia Capitol Complex; requiring that three

parking spaces in the West Virginia Culture Center parking lot be designated for use by Purple Heart Medal recipients”; to the Committee on Veterans’ Affairs and Homeland Security then the Judiciary.

By Delegates Pushkin, Campbell, Moffatt, Eldridge, Sponaugle, Byrd and Guthrie:

H. B. 4263 — “A Bill to amend and reenact §49-2-913 of the Code of West Virginia, 1931, as amended; to amend said article by adding thereto a new section, designated §49-2-914; and to amend and reenact §49-5-106 of said code, all relating to the juvenile justice reform oversight committee and averted costs reinvestment; creating a juvenile justice account and providing its purpose, funding and disbursements; requiring new data to be collected and compiled to allow calculation of juvenile recidivism and the outcome of programs and making this information available to the public”; to the Committee on the Judiciary.

By Delegates Skinner, Householder, Blair, Cowles, Overington, Marcum, Folk and Faircloth:

H. B. 4264 — “A Bill to amend and reenact §47-11A-8 of the Code of West Virginia, 1931, as amended, relating to unfair trade practices; and adding motor fuel to the list of products exempted from unfair trade practices”; to the Committee on Roads and Transportation then the Judiciary.

By Delegates Walters, Frich, Canterbury, McCuskey, Hanshaw, Skinner, Marcum and Perry:

H. B. 4265 — “A Bill to amend and reenact §7-3-9 of the Code of West Virginia, 1931, as amended; to amend and reenact §8-16-17 of said code; to amend and reenact §8-27-16 of said code; to amend and reenact §10-2A-16 of said code; and to amend and reenact §17-17-22 of said code; all relating to payment by the West Virginia Municipal Bond Commission or state sinking fund commission or the governing body issuing the bonds of principal and interest on bonds owned by the United States or any governmental agency or department of the United States”; to the Committee on Banking and Insurance then Finance.

By Delegates Cowles, B. White, Shott, Espinosa, E. Nelson, Howell, Upson, Trecost, Reynolds and Gearheart:

H. B. 4266 — “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article designated §17-29-1, §17-29-2, §17-29-3, §17-29-4, §17-29-5, §17-29-6, §17-29-7, §17-29-8, §17-29-9, §17-29-10, §17-29-11, §17-29-12, §17-29-13, §17-29-14, §17-29-15, §17-29-16, §17-29-17, §17-29-18 and §17-29-19, all relating to transportation network companies; providing definitions; declaring not common carriers; requiring permits; requiring an agent for service of process; providing for fare collection, identification, and electronic receipts; requiring financial responsibility and disclosure thereof; allowing automobile insurers to exclude certain coverages; defining the relationship between drivers and transportation network companies; prohibiting alcohol or drug use; providing requirements for drivers; requiring vehicle inspections; prohibiting street hails cash trips and discrimination; requiring customer records to be kept and prohibiting local entity taxes or licenses”; to the Committee on Roads and Transportation then Finance.

Daily Calendar

Third Reading

Com. Sub. for H. B. 4002, Relating to rule making under the state Administrative Procedures Act; 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. 6**), and there were, including 2 paired—yeas 81, nays 16, absent and not voting 3, with the nays, paired and absent and not voting being as follows:

Nays: Campbell, Caputo, Eldridge, Ferro, Fluharty, Guthrie, Hornbuckle, Lynch, Manchin, Miley, Moore, Morgan, Perdue, Perry and Pushkin.

Pursuant to House Rule 43, the following pairing was filed and announced by the Clerk:

Paired:

Yea: Weld Nay: Shaffer

Absent and Not Voting: Fleischauer, Longstreth and Skinner.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4002) passed.

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

Com. Sub. for H. B. 4002 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29A-3-19; and to amend said code by adding thereto a new section, designated §29A-3A-20, all relating to rule making under the state Administrative Procedures Act; providing for a sunset of rules promulgated after April 1, 2016; requiring a sunset provision for existing rules as they are modified; requiring Higher Education Policy Commission rules promulgated or modified after April 1, 2016 to include a sunset provision; clarifying that statutory sunset provisions take precedence over sunset provisions in a rule; expressly exempting emergency rules from the sunset requirement; requiring the Secretary of State to provide notice to agencies one year prior to an agency’s rule sunset date; specifying contents of the notice to agencies; requiring agencies to respond to the notice; requiring the Secretary of State to publish the agency responses in the state register; requiring agencies to include the responses when the agency files a proposed rule for reauthorization with the Legislative Rule-making Review Committee; authorizing the Legislative Rule-making Review Committee to establish a procedure for timely review of rules prior to the expiration of the sunset provision; requiring the Secretary of State to provide notice to the Higher Education Policy Commission one year prior to a Commission rule sunset date; specifying contents of the notice to the Higher Education Policy Commission; requiring the Commission to respond to the notice; requiring the Secretary of State to publish the Higher Education Policy Commission responses in the state register; requiring the Higher Education Policy Commission to include the responses when the Commission files a proposed rule for reauthorization with the legislative oversight commission on education accountability; authorizing the legislative oversight commission on education accountability to establish a procedure for timely review of rules prior to the expiration of the sunset provision.”

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. 4007, Relating generally to appointment of attorneys to assist the Attorney General; on third reading, coming up in regular order, was read a third time.

Delegate Reynolds requested to be excused from voting on the passage of Com. Sub. for H. B. 4007 under the provisions of House Rule 49.

The Speaker replied that any impact on Delegate Reynolds would be as a member of a class of persons possibly to be affected by the passage of the bill, but that the Delegate exhibited no direct pecuniary interest therein and refused to excuse the Gentleman from voting.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 7**), and there were, including 2 paired—yeas 96, nays 1, absent and not voting 3, with the paired and absent and not voting being as follows:

Pursuant to House Rule 43, the following pairing was filed and announced by the Clerk:

Paired:

Yea: Weld Nay: Shaffer

Absent and Not Voting: Fleischauer, Longstreth and Skinner.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4007) 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. 4031, Requiring agencies to respond to public comments received during the rule-making process; 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, including 2 paired—yeas 96, nays 1, absent and not voting 3, with the paired and absent and not voting being as follows:

Pursuant to House Rule 43, the following pairing was filed and announced by the Clerk:

Paired:

Yea: Weld Nay: Shaffer

Absent and Not Voting: Fleischauer, Longstreth and Skinner.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4031) passed.

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

Com. Sub. for H. B. 4031 — “A Bill to amend and reenact §29A-3-5, §29A-3-6, and §29A-3-11 of the Code of West Virginia, 1931, as amended, all relating to requiring agencies to respond to public comments received during the rule-making process; requiring explanation as to inclusion or non-inclusion of public comments in proposed rule; providing grounds for the rejection of a proposed rule due to inadequate response to public comments; providing for review of agencies’ responses by legislative rule-making review committee; and allowing for legislative rule-making review committee to recommend that legislature not authorize the proposed rule due to inadequate response to public comments.”

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

Second Reading

H. B. 2147, Requiring the circuit court, when appointing counsel for alleged protected persons, to make appointments from a listing of all interested and qualified attorneys in the circuit; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted, amending the bill on page one, section seven, line seven, after the word “basis”, by changing the period to a colon and inserting “*Provided*, That if no interested counsel are available, the court shall appoint any competent counsel it deems proper.”

And,

On page one, section seven, line six, by striking out the words “and qualified”.

The bill was then ordered to engrossment and third reading.

H. B. 2584, Allowing a judge to excuse a potential juror from jury duty until a later date based on seasonal employment; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted, amending the bill on page one, section eleven, line ten, by striking out subsection (c) in its entirety and inserting in lieu thereof a new subsection (c), to read as follows:

“(c) For purposes of this section, a person that is engaged in seasonal employment may be excused from jury service by the court for the duration of the seasonal employment on the basis of undue hardship, extreme inconvenience, or public necessity: *Provided*, That the court may, upon facts known or made known to it, make the determination as to whether a prospective juror is engaged in seasonal employment and the duration of said seasonal employment.”

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 2588, Relating to the filing of financial statements with the Secretary of State; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2796, Providing paid leave for certain state officers and employees during a declared state of emergency; 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. 2800, Adding law-enforcement officers’ contact information and names of family members to the list of exemptions from public records requests; 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. 4038, Relating to insurance requirements for the refilling of topical eye medication; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

First Reading

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

Com. Sub. for H. B. 2130, Including law-enforcement officers among those professionals the assault or battery of which leads to enhanced criminal penalties,

And,

H. B. 4005, Repealing prevailing hourly rate of wages requirements.

Leaves of Absence

At the request of Delegate Cowles, and by unanimous consent, leaves of absence for the day were granted Delegates Fleischauer, Longstreth, Skinner and Weld.

Remarks of Members

Delegate Moye asked and obtained unanimous consent that the remarks of Delegate Marcum regarding H. B. 4239 be printed in the Appendix to the Journal.

Miscellaneous Business

Delegate Eldridge filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 4146.

Delegate McGeehan filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2604.

Delegate Hornbuckle noted to the Clerk that he was absent on January 20 and January 21 when the votes were taken on Roll Nos. 3 and 4, and that had he been present, he would have voted "Yea" thereon.

At 2:11 p.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, January 26, 2016.

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

HOUSE ABSTRACT

2016 Regular Session

CONTAINING

Active House Bills as of January 25, 2016

*Denotes Committee Substitutes

ACTIVE HOUSE BILLS

- *2101. By Del. Morgan, Caputo, Faircloth, Folk, Howell and Smith, R. - **Eliminating obsolete government entities** - Introduced 1/13/2016 - To Government Organization - Passed House 1/21/2016 - To Senate 1/25/2016 - To Government Organization
- *2130. By Del. Westfall, Espinosa, Hamrick, McCuskey, Stansbury, White, B. and Ihle - **Including law-enforcement officers among those professionals the assault or battery of which leads to enhanced criminal penalties** - Introduced 1/13/2016 - To Judiciary - Laid over until 1/25/16 - On 2nd reading, House Calendar 1/26/2016
- 2147. By Del. Folk, Hamilton, Frich, Shott, Householder, Ireland, Weld, Gearheart, Hanshaw and Azinger - **Requiring the circuit court , when appointing counsel for alleged protected persons, to make appointments from a listing of all interested and qualified attorneys in the circuit** - Introduced 1/13/2016 - To Judiciary - Laid over until 1/25/16 - Amended - On 3rd reading, House Calendar 1/26/2016
- 2584. By Del. Rohrbach, Sobonya, Shott, Miller, Hicks, Reynolds and Rowe - **Allowing a judge to excuse a potential juror from jury duty until a later date based on seasonal employment** - Introduced 1/13/2016 - To Judiciary - Laid over until 1/25/16 - Amended - On 3rd reading, House Calendar 1/26/2016
- *2588. By Del. Nelson, E., Lane, Kurcaba, O'Neal, Westfall, McCuskey, Byrd, Gearheart, Storch and Espinosa - **Relating to the filing of financial statements with the Secretary of State** - Introduced 1/13/2016 - To Judiciary - Laid over until 1/25/16 - On 3rd reading, House Calendar 1/26/2016
- 2796. By Mr. Speaker (Mr. Armstead) - **Providing paid leave for certain state officers and employees during a declared state of emergency** - Introduced 1/13/2016 - To Judiciary - Laid over until 1/25/16 - On 3rd reading, House Calendar 1/26/2016
- *2800. By Del. Miller, Ferro, Sobonya, Border, Rohrbach, Folk and Eldridge - **Adding law-enforcement officers' contact information and names of family members to the list of exemptions from public records requests** - Introduced 1/13/2016 - To Judiciary - Laid over until 1/25/16 - On 3rd reading, House Calendar 1/26/2016

- *4002. By Del. Howell, Anderson, Mr. Speaker (Mr. Armstead), Faircloth, Frich, Hanshaw, McCuskey, Rohrbach, Summers, Shott and Walters - **Relating to rule making under the state Administrative Procedures Act** (original similar to SB3) - Introduced 1/13/2016 - To Judiciary - Amended - Laid over until 1/25/16 - Passed House 1/25/2016 - Title amended
4005. By Del. Cowles, Duke, Foster, Gearheart, Miller, Overington, Shott, Walters, Waxman, Westfall and Householder - **Repealing prevailing hourly rate of wages requirements** (original similar to SB2) - Introduced 1/13/2016 - To Government Organization - Laid over until 1/25/16 - On 2nd reading, House Calendar 1/26/2016
- *4007. By Del. Rohrbach, Weld, Espinosa, Cooper, Butler, Waxman, Moffatt, Arvon, Cowles, Hill and Anderson - **Relating generally to appointment of attorneys to assist the Attorney General** (original similar to SB8) - Introduced 1/13/2016 - To Judiciary - Amended - Laid over until 1/25/16 - Passed House 1/25/2016
- *4031. By Del. Frich, Sobonya, Howell, Moffatt, Hanshaw, McCuskey, Shott, Overington, Mr. Speaker (Mr. Armstead), Rowe and Fleischauer - **Requiring agencies to respond to public comments received during the rule-making process** - Introduced 1/15/2016 - To Government Organization - Amended - Laid over until 1/25/16 - Passed House 1/25/2016 - Title amended
- *4038. By Del. Ellington, Summers, Bates, Faircloth, Householder, Rohrbach and Stansbury - **Relating to insurance requirements for the refilling of topical eye medication** - Introduced 1/18/2016 - To Health and Human Resources - Laid over until 1/25/16 - On 3rd reading, House Calendar 1/26/2016
4058. By Del. Sobonya, Frich and Moffatt - **Department of Environmental Protection, Water and Waste Management, rule relating to above ground storage tank fee assessments** (original similar to SB184) - Introduced 1/18/2016 - To Energy then Judiciary - To House Judiciary 1/25/2016
4059. By Del. Sobonya, Frich and Moffatt - **Department of Environmental Protection, Water and Waste Management, rule relating to above ground storage tank administrative proceedings and civil penalty assessment** (original similar to SB185) - Introduced 1/18/2016 - To Energy then Judiciary - To House Judiciary 1/25/2016
4068. By Del. Sobonya, Frich and Moffatt - **Office of Miners' Health, Safety and Training, rule relating to substance abuse screening standards and procedures** (original similar to SB224) - Introduced 1/18/2016 - To Energy then Judiciary - To House Judiciary 1/25/2016
4102. By Del. Sobonya, Frich and Moffatt - **Department of Environmental Protection, Oil and Gas, rule relating to horizontal well development** (original similar to SB179) - Introduced 1/18/2016 - To Energy then Judiciary - To House Judiciary 1/25/2016
4103. By Del. Sobonya, Frich and Moffatt - **Department of Environmental Protection, Water and Waste Management, rule relating to requirements governing water quality standards** (original similar to SB180) - Introduced 1/18/2016 - To Energy then Judiciary - To House Judiciary 1/25/2016

4104. By Del. Sobonya, Frich and Moffatt - **Department of Environmental Protection, Water and Waste Management, rule relating to above ground storage tanks** (original similar to SB181) - Introduced 1/18/2016 - To Energy then Judiciary - To House Judiciary 1/25/2016
4174. By Del. Kurcaba, Statler, Weld, Fast, Kelly, Azinger, Waxman, Blair, Upson, Frich and Phillips - **Exempting activity at indoor shooting ranges from the prohibition of shooting or discharging a firearm within five hundred feet of any church or dwelling house** - Introduced 1/20/2016 - To Agriculture and Natural Resources then Judiciary

BILLS INTRODUCED AND REFERRED

January 25, 2016

4244. By Del. Walters, Frich, Westfall, McCuskey, Manchin, Skinner, Shott, Flanigan, Waxman, Perry and White, B. - **Eliminating the need for a public hearing when no objection is filed on an application from an out of state state-chartered credit union to establish a branch in West Virginia** - Introduced 1/25/2016 - To Banking and Insurance then Judiciary
4245. By Del. Walters, Frich, Westfall, McCuskey, Manchin, Skinner, Rowe, Flanigan, Waxman, Perry and White, B. - **Requiring the cashier or executive officer of a banking institution to provide shareholders with the institution's most recent year-end audited financial statement** - Introduced 1/25/2016 - To Banking and Insurance then Judiciary
4246. By Del. Overington, Householder, Faircloth, Blair and Folk - **Changing the Martinsburg Public Library to the Martinsburg-Berkeley County Public Library** - Introduced 1/25/2016 - To Political Subdivisions then Government Organization
4247. By Del. Marcum, Rodighiero, Eldridge, Phillips, White, P., Moye, Bates, Westfall, Nelson, J., Wagner and Frich - **Relating to the Laurel Lake Wildlife Management Fund** - Introduced 1/25/2016 - To Agriculture and Natural Resources then Finance
4248. By Del. Rohrbach, Sobonya, Bates, Ellington, Householder, Miller, Perdue, Stansbury, Waxman and White, B. - **Relating to methadone regulation** - Introduced 1/25/2016 - To Select Committee on Prevention and Treatment of Substance Abuse then Judiciary
4249. By Del. Campbell, Wagner, Sobonya, Atkinson, Longstreth, Cooper, Perdue, Perry, Eldridge and Ellington - **Creating the Commission to Accelerate Statewide Coordination of Mental Health Services for Children and Adolescents** (original similar to SB286) - Introduced 1/25/2016 - To Health and Human Resources then Government Organization
4250. By Del. Skinner - **Prohibiting shifting future development costs onto existing public service district customers** - Introduced 1/25/2016 - To Judiciary
4251. By Del. Espinosa and Upson - **Increasing the criminal penalties for participating in an animal fighting venture** (original similar to HB4201) - Introduced 1/25/2016 - To Judiciary

4252. By Del. Campbell, Longstreth, Eldridge, Trecost, Wagner, Smith, R., Zatezalo and Ihle - **Relating to custodial orders in suits affecting the parent-child relationship** - Introduced 1/25/2016 - To Judiciary
4253. By Del. Caputo, Sponaugle, Perdue, Manchin, Ferro, Trecost, Fluharty, Pethtel, Miley, Hamilton and Longstreth - **Relating to mine subsidence insurance** - Introduced 1/25/2016 - To Banking and Insurance then Energy
4254. By Del. Hamilton, Storch, Butler, Westfall, Guthrie, Pethtel and White, B. - **Relating generally to workers' compensation** - Introduced 1/25/2016 - To Banking and Insurance then Judiciary
4255. By Del. Hamilton, Evans, A., Romine, Wagner, Ambler, Eldridge, Pethtel, Sponaugle and Guthrie - **Relating to the taking and registration of wildlife including electronic registration of beaver, otter and big game animals** (original similar to SB333) - Introduced 1/25/2016 - To Agriculture and Natural Resources then Judiciary
4256. By Del. Faircloth, Storch, Ferro and Smith, P. - **Creating the Uniform Real Property Electronic Recording Act** (original similar to SB365) - Introduced 1/25/2016 - To Government Organization then Judiciary
4257. By Del. Fluharty, Hornbuckle, Sponaugle, Guthrie, Bates, Pushkin, Ferro, Miley, Fleischauer, Byrd and Perdue - **Prohibiting use of a person's credit history in certain insurance transactions** - Introduced 1/25/2016 - To Banking and Insurance then Judiciary
4258. By Del. Byrd, Guthrie, Rowe, Pushkin, Rohrbach, Fluharty, Reynolds, Marcum, Shaffer, Smith, P. and Fleischauer - **Relating to substance abuse** - Introduced 1/25/2016 - To Select Committee on Prevention and Treatment of Substance Abuse then Judiciary
4259. By Del. Rohrbach, Stansbury, Bates, Byrd, Ellington, Householder, Miller, Perdue, Waxman and White, B. - **Relating to the regulation of vapor products** - Introduced 1/25/2016 - To Health and Human Resources then Judiciary
4260. By Del. Shott, Howell, McCuskey, Marcum, Fast, Folk, Foster, Overington, Summers, Kessinger and Azinger - **Providing private educational facilities authority to determine whether, and under what circumstances, to permit deadly weapons on school premises through written policies** (original similar to SB249) - Introduced 1/25/2016 - To Education then Judiciary
4261. By Del. Shott, McCuskey, Cowles, O'Neal, Butler, Marcum, Shaffer, Sobonya, Folk, Overington and Azinger - **Prohibiting the sale or transfer of student data to vendors and other profit making entities** - Introduced 1/25/2016 - To Education then Judiciary
4262. By Del. Nelson, J., Arvon, Moffatt, Ihle, McGeehan, Blair, Evans, D., Miley, Phillips, Reynolds and White, P. - **Requiring that three parking spaces in the West Virginia Culture Center parking lot be designated for use by Purple Heart Medal recipients** - Introduced 1/25/2016 - To Veterans' Affairs and Homeland Security then Judiciary
4263. By Del. Pushkin, Campbell, Moffatt, Eldridge, Sponaugle, Byrd and Guthrie - **Relating to the juvenile justice reform oversight committee** - Introduced 1/25/2016 - To Judiciary

4264. By Del. Skinner, Householder, Blair, Cowles, Overington, Marcum, Folk and Faircloth - **Adding motor fuel to the list of products exempted from unfair trade practices** - Introduced 1/25/2016 - To Roads and Transportation then Judiciary
4265. By Del. Walters, Frich, Canterbury, McCuskey, Hanshaw, Skinner, Marcum and Perry - **Relating to payment by the West Virginia Municipal Bond Commission or state sinking fund commission or the governing body issuing the bonds** (original similar to SB340) - Introduced 1/25/2016 - To Banking and Insurance then Finance
4266. By Del. Cowles, White, B., Shott, Espinosa, Nelson, E., Howell, Upson, Trecost, Reynolds and Gearheart - **Relating to transportation network companies** - Introduced 1/25/2016 - To Roads and Transportation then Finance

ALL HOUSE JOINT RESOLUTIONS OFFERED

2. By Del. Romine, Walters and Rowan - **Super-Majority Required for Passage of Tax Bill Amendment** - Introduced 1/13/2016 - To Judiciary then Finance
3. By Del. Lane - **Homestead Exemption Increase Amendment** - Introduced 1/13/2016 - To Judiciary then Finance
4. By Del. Caputo, Manchin and Longstreth - **The “Homestead Exemption Increase Amendment”** - Introduced 1/13/2016 - To Judiciary then Finance
5. By Del. Rodighiero, Hicks, Perdue, Marcum, Reynolds, Eldridge and Moye - **The “Homestead Exemption Increase Amendment”** - Introduced 1/13/2016 - To Judiciary then Finance
8. By Del. Overington, Walters, Deem, Gearheart, Householder, Sobonya, Moffatt, Cadle, Foster, Frich and Blair - **The “Initiative, Referendum, and Recall Amendment”** - Introduced 1/13/2016 - To Judiciary
9. By Del. Overington, Walters, Householder, Moffatt, Butler, Frich, Gearheart, Blair, Deem, Phillips and Foster - **The Super-Majority Required for Passage of Tax Bill Amendment** - Introduced 1/13/2016 - To Judiciary then Finance
10. By Del. Overington, Walters, Householder, Kelly, Foster, Gearheart, Upson, Deem, Phillips and Shott - **Prohibiting the Governmental Taking of Private Property for Private Use Amendment** - Introduced 1/13/2016 - To Judiciary
12. By Del. Sponaule, Longstreth, Hartman, Marcum, Hicks, Byrd, Hamilton, Perdue, Guthrie and Phillips - **The Right to Hunt and Fish in West Virginia Amendment** - Introduced 1/13/2016 - To Judiciary
13. By Del. Overington, Householder, Moffatt, Espinosa, Upson, Frich, Phillips, Perdue, Hanshaw, Border and Miller - **The Homestead Exemption Increase Amendment** - Introduced 1/13/2016 - To Judiciary then Finance
14. By Del. Hamrick, Sobonya, Miller, Butler, Rohrbach and Nelson, J. - **The School Board Election Amendment** - Introduced 1/13/2016 - To Judiciary

16. By Del. Kurcaba, Hill, Faircloth, Wagner and Ihle - **The Term Limitations Amendment.** - Introduced 1/13/2016 - To Judiciary
18. By Del. Reynolds, Pushkin, Perry, Hornbuckle, Campbell, Byrd, Rohrbach and Bates - **The Removal of Governor's veto power for education spending in budget and appropriations bills.** - Introduced 1/13/2016 - To Finance then Judiciary
20. By Del. Reynolds, Moffatt, Rodighiero, Hicks, Lynch, Trecost and Bates - **Term Limitation Amendment** - Introduced 1/13/2016 - To Judiciary
21. By Del. Rodighiero - **The Citizens' Redistricting Commission Amendment** - Introduced 1/13/2016 - To Judiciary
22. By Del. Hamilton, O'Neal, Hanshaw, Kessinger, Blair, Weld, Foster, Hill, Ireland, Campbell and Marcum - **The Right to Hunt, Fish and Harvest Wildlife Amendment** - Introduced 1/13/2016 - To Judiciary
23. By Del. Sponaugle, Perdue, Hornbuckle, Marcum, Pushkin, Lynch, Hartman, Phillips and Campbell - **The Volunteer Emergency Service Personnel Property Tax Exemption Amendment** - Introduced 1/13/2016 - To Judiciary then Finance
24. By Del. Sponaugle, Perdue, Fluharty, Hornbuckle, Trecost, Marcum, Pushkin, Byrd and Lynch - **The Veteran's Property Tax Exemption Amendment** - Introduced 1/13/2016 - To Judiciary then Finance
25. By Del. Cowles - **The Disabled Veteran Exemption From Ad Valorem Property Taxation Amendment** - Introduced 1/13/2016 - To Judiciary then Finance
26. By Del. Lane and Shott - **The Constitutional Officers Term Limit Amendment** - Introduced 1/13/2016 - To Judiciary
27. By Del. Stansbury, Householder, Summers, Ellington, Perdue, Phillips, Nelson, J., Ambler, White, B., Rohrbach and Westfall - **Right to hunt, fish and harvest wildlife** - Introduced 1/18/2016 - To Agriculture and Natural Resources then Judiciary
28. By Del. Deem - **Relating to the creation of a Citizens Redistricting Commission to redistrict Senate, House of Delegates and Congressional Districts** - Introduced 1/20/2016 - To * then * To * then * - To Judiciary - To House Judiciary 1/20/2016
29. By Del. Campbell, Cooper, Ferro, Kurcaba, Perry, Morgan, Pethtel, Kessinger, Statler, Wagner and Romine - **Reducing the length of terms for members of the West Virginia Board of Education** - Introduced 1/20/2016 - To Education then Judiciary - To House Education 1/20/2016
30. By Del. Foster - **Exemption from ad valorem taxation of manufacturing inventory and equipment** - Introduced 1/21/2016 - To Finance then Judiciary
31. By Del. Howell, Mr. Speaker (Mr. Armstead), Espinosa, Stansbury, Frich, Butler, Cadle, Blair, Cooper, Hamrick and Waxman - **Property tax limitation and homestead exemption amendment of 1982** - Introduced 1/21/2016 - To * then * To * then * - To Finance then Judiciary

ALL HOUSE CONCURRENT RESOLUTIONS OFFERED

1. By Mr. Speaker (Mr. Armstead) - **Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising a Joint Assembly therefor** - Introduced 1/13/2016 - Reference dispensed - Adopted by House 1/13/2016 - To Senate 1/13/2016 - Committee reference dispensed - Adopted by Senate 1/14/2016
2. By Del. Rowan and Cowles - **U.S. Army PV2 William Frederick Kump Memorial Bridge** - Introduced 1/14/2016 - To Roads and Transportation then Rules
3. By Del. Rowan and Cowles - **North River Mills Historic Trace** - Introduced 1/14/2016 - To Roads and Transportation then Rules
4. By Del. Rowan - **CSA LTG Thomas J. "Stonewall" Jackson Bridge** - Introduced 1/14/2016 - To Roads and Transportation then Rules
5. By Del. Ambler, Canterbury and Cowles - **U.S. Army PV2 Eskridge A. Waggoner Memorial Bridge** - Introduced 1/15/2016 - To Roads and Transportation then Rules
6. By Del. Phillips, Marcum, Eldridge, Moffatt and White, P. - **U.S. Army CPL F. Lee Noel Memorial Bridge** - Introduced 1/20/2016 - To Roads and Transportation then Rules - To House Roads and Transportation 1/20/2016
7. By Del. Miller, Morgan, Moffatt, Hornbuckle, Reynolds, Sobonya and Rohrbach - **U.S. Army PFC Cecil Ray Ball Memorial Bridge** - To Roads and Transportation then Rules - To House Roads and Transportation 1/20/2016
8. By Del. Westfall, McCuskey, White, B., Atkinson, Stansbury, Blair, Foster, Ihle, Butler and Storch - **Harry Ripley Memorial Bridge** - Introduced 1/20/2016 - To Roads and Transportation then Rules - To House Roads and Transportation 1/20/2016
9. By Del. Kelly, Kessinger, Azinger, Statler, Evans, D., Zatezalo, Weld, McGeehan, Ireland, Border and Nelson, J. - **Navy Chief Petty Officer Nicholas Heath Null Memorial Bridge** - Introduced 1/20/2016 - To Roads and Transportation then Rules - To House Roads and Transportation 1/20/2016
10. By Del. White, P., Phillips, Marcum and Eldridge - **U.S. Marine Corps GySgt Lionel Collins Memorial Road** - Introduced 1/21/2016 - To Roads and Transportation then Rules
11. By Del. Campbell, Moye, Rowan, Espinosa, Wagner, Hornbuckle, White, P., Marcum, Phillips, Stansbury and Hamilton - **World Autism Awareness Day** - Introduced 1/21/2016 - To Rules
12. By Del. Campbell, Hartman, Sponaugle, Espinosa, Wagner, White, P., Stansbury, Perry and Hamilton - **Cheat Mountain Salamander as the State symbol of conservation** - Introduced 1/21/2016 - To Agriculture and Natural Resources then Rules
13. By Del. Cooper and Ambler - **U.S. Army SPC 4 Everette R. Johnson Memorial Bridge** - Introduced 1/21/2016 - To Roads and Transportation then Rules

14. By Del. Howell, Mr. Speaker (Mr. Armstead), Ambler, Anderson, Arvon, Atkinson, Azinger, Border, Butler, Cadle, Cooper, Cowles, Duke, Ellington, Espinosa, Evans, D., Frich, Hamrick, Hanshaw, Hill, Householder, Ihle, Ireland, Kelly, Kessinger, Kurcaba, McGeehan, Miller, Moffatt, O'Neal, Overington, Rowan, Shott, Smith, R., Sobonya, Stansbury, Statler, Storch, Walters, Waxman and Zatezalo - **Second Friday in July as West Virginia Collector Car Appreciation Day** - Introduced 1/21/2016 - To Roads and Transportation then Rules
15. By Mr. Speaker (Mr. Armstead) - **U.S. Marine Corps PFC Clayton Andrew Craft Memorial Bridge** - Introduced 1/21/2016 - To Roads and Transportation then Rules
16. By Del. Morgan, Perdue, Hornbuckle, Sobonya, Rohrbach, Miller, Reynolds and Hicks - **U.S. Army PFC John Ira Pinkerman Memorial Bridge** - Introduced 1/21/2016 - To Roads and Transportation then Rules
17. By Del. Phillips, Marcum, Rodighiero and White, P. - **SGT Larry Joseph Whitt Bridge** - Introduced 1/21/2016 - To Roads and Transportation then Rules
18. By Del. Phillips, Marcum, Rodighiero and White, P. - **U.S. Air Force Staff Sergeant William Henry 'Bill' Whitman Memorial Highway** - Introduced 1/21/2016 - To Roads and Transportation then Rules
19. By Del. Waxman, Trecost, Miley and Hamrick - **H. Laban White Memorial Bridge** - Introduced 1/21/2016 - To Roads and Transportation then Rules
20. By Del. Cooper, Evans, D., Nelson, J., Fleischauer, Longstreth, Rowan and Weld - **Funding for the West Virginia National Guard** - Introduced 1/21/2016 - To Veterans' Affairs and Homeland Security then Rules
21. By Del. Howell, Blair, Cowles, Duke, Espinosa, Evans, A., Faircloth, Fleischauer, Folk, Frich, Householder, Kurcaba, Flanigan, Overington, Rowan, Shaffer, Skinner, Smith, R., Statler and Upson - **Study impact of reimbursing the State of Maryland for the use of its helicopter Maryland Trooper Five for runs into West Virginia** - Introduced 1/22/2016 - To Finance then Rules
22. By Del. White, B., Miller, Lane, Cowles, Evans, A., Kessinger, Shott, McCuskey, Sobonya, Stansbury, Byrd, Mr. Speaker (Mr. Armstead), Atkinson, Azinger, Blackwell, Blair, Deem, Ellington, Faircloth, Fleischauer, Folk, Hamrick, Householder, Ireland, Kelly, Kurcaba, McGeehan, Nelson, E., Overington, Pushkin, Rohrbach, Rowan, Rowe, Shaffer, Smith, P., Smith, R., Statler, Storch, Upson, Waxman, Weld, Westfall and Zatezalo - **U. S. Army SGT Gary Lee DeBoard Memorial Intersection** - Introduced 1/25/2016 - To Roads and Transportation then Rules
23. By Del. Marcum, Rodighiero, Phillips, White, P., Moffatt, Eldridge, Westfall and McGeehan - **Ingram's Way** - Introduced 1/25/2016 - To Roads and Transportation then Rules

ALL HOUSE RESOLUTIONS OFFERED

1. By Mr. Speaker (Mr. Armstead) - **Authorizing the appointment of employees for this, the Second Regular Session of the 82nd Legislature, 2016** - Introduced 1/13/2016 - Reference dispensed - Adopted by House 1/13/2016
2. By Mr. Speaker (Mr. Armstead) - **Authorizing printing and distribution of Acts of the Legislature and Journals of the House of Delegates** - Introduced 1/13/2016 - Reference dispensed - Adopted by House 1/13/2016
3. By Mr. Speaker (Mr. Armstead) - **Creating a Select Committee on Prevention and Treatment of Substance Abuse** - Introduced 1/13/2016 - Reference dispensed - Adopted by House 1/13/2016
4. By Del. O'Neal, Cooper, Moye, Mr. Speaker (Mr. Armstead), Ambler, Anderson, Arvon, Atkinson, Azinger, Bates, Blackwell, Blair, Boggs, Border, Butler, Byrd, Cadle, Campbell, Canterbury, Caputo, Cowles, Deem, Duke, Eldridge, Ellington, Espinosa, Evans, A., Evans, D., Faircloth, Fast, Ferro, Fleischauer, Fluharty, Folk, Foster, Frich, Gearheart, Guthrie, Hamilton, Hamrick, Hanshaw, Hartman, Hicks, Hill, Hornbuckle, Householder, Howell, Ihle, Ireland, Kelly, Kessinger, Kurcaba, Lane, Longstreth, Lynch, Manchin, Marcum, McCuskey, McGeehan, Miley, Miller, Moffatt, Moore, Morgan, Nelson, E., Nelson, J., Overington, Perdue, Perry, Pethtel, Phillips, Pushkin, Reynolds, Rodighiero, Rohrbach, Romine, Rowan, Rowe, Shaffer, Shott, Skinner, Smith, P., Smith, R., Sobonya, Sponaugle, Stansbury, Statler, Storch, Summers, Trecost, Upson, Wagner, Walters, Waxman, Weld, Westfall, White, B., White, P. and Zatezalo - **Memorializing the life of the Honorable Arnold W. Ryan** - Introduced 1/18/2016 - Reference dispensed - Adopted by House 1/18/2016
5. By Del. Howell, Arvon, Atkinson, Cadle, Canterbury, Fast, Folk, Foster, Gearheart, Hamrick, Ihle, Ireland, Kessinger, Flanigan, Overington, Phillips, Wagner, Waxman and Zatezalo - **Expressing concern of the House of Delegates to the growth of the federal government's power over the individual states of the United States** - Introduced 1/25/2016 - To Rules

HOUSE BILLS PASSED HOUSE AND COMMUNICATED TO SENATE

- *2101. By Del. Morgan, Caputo, Faircloth, Folk, Howell and Smith, R. - **Eliminating obsolete government entities** - Introduced 1/13/2016 - To Government Organization - Passed House 1/21/2016 - To Senate 1/25/2016 - To Government Organization
- *4002. By Del. Howell, Anderson, Mr. Speaker (Mr. Armstead), Faircloth, Frich, Hanshaw, McCuskey, Rohrbach, Summers, Shott and Walters - **Relating to rule making under the state Administrative Procedures Act** (original similar to SB3) - Introduced 1/13/2016 - To Judiciary - Amended - Laid over until 1/25/16 - Passed House 1/25/2016 - Title amended
- *4007. By Del. Rohrbach, Weld, Espinosa, Cooper, Butler, Waxman, Moffatt, Arvon, Cowles, Hill and Anderson - **Relating generally to appointment of attorneys to assist the Attorney General** (original similar to SB8) - Introduced 1/13/2016 - To Judiciary - Amended - Laid over until 1/25/16 - Passed House 1/25/2016

- *4031. By Del. Frich, Sobonya, Howell, Moffatt, Hanshaw, McCuskey, Shott, Overington, Mr. Speaker (Mr. Armstead), Rowe and Fleischauer - **Requiring agencies to respond to public comments received during the rule-making process** - Introduced 1/15/2016 - To Government Organization - Amended - Laid over until 1/25/16 - Passed House 1/25/2016 - Title amended
4033. By Del. Ellington, Summers, Householder, Rohrbach, Stansbury, Waxman, Perdue and Rodighiero (Originating in House Health and Human Resources) - **Adding criminal penalties for the unauthorized practice of pharmacists care** - Introduced 1/15/2016 - Passed House 1/20/2016 - To Senate 1/21/2016 - To Health and Human Resources then Judiciary - To Health and Human Resources 1/21/2016

ALL SENATE BILLS PASSED BY SENATE AND COMMUNICATED TO HOUSE

1. By Sen. Cole (Mr. President), Blair, Boso, Ferns, Gaunch, Trump, Carmichael, Sypolt and Takubo - **Establishing WV Workplace Freedom Act** (original similar to HB4006) - Introduced 1/13/2016 - To Judiciary - Amended - Passed Senate 1/21/2016 - To House 1/25/2016 - To Judiciary
- *263. By Sen. Blair and Snyder - **Allowing travel and other expense reimbursement for members of Municipal Home Rule Board** - Introduced 1/13/2016 - To Government Organization - Com. sub. reported 1/15/2016 - Passed Senate 1/20/2016 - To House 1/21/2016 - To Political Subdivisions then Finance

HOUSE CONCURRENT RESOLUTIONS ADOPTED BY BOTH HOUSES

1. By Mr. Speaker (Mr. Armstead) - **Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising a Joint Assembly therefor** - Adopted 1/13/2016

HOUSE CALENDAR

Tuesday, January 26, 2016

14th Day

11:00 A. M.

THIRD READING

- H. B. 2147 - Requiring the circuit court, when appointing counsel for alleged protected persons, to make appointments from a listing of all interested and qualified attorneys in the circuit (SHOTT) (REGULAR)
- H. B. 2584 - Allowing a judge to excuse a potential juror from jury duty until a later date based on seasonal employment (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2588 - Relating to the filing of financial statements with the Secretary of State (SHOTT) (REGULAR)
- H. B. 2796 - Providing paid leave for certain state officers and employees during a declared state of emergency (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2800 - Adding law-enforcement officers' contact information and names of family members to the list of exemptions from public records requests (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4038 - Relating to insurance requirements for the refilling of topical eye medication (ELLINGTON) (REGULAR)

SECOND READING

- Com. Sub. for H. B. 2130 - Including law-enforcement officers among those professionals the assault or battery of which leads to enhanced criminal penalties (SHOTT) (REGULAR)
- H. B. 4005 - Repealing prevailing hourly rate of wages requirements (HOWELL) (REGULAR)

**WEST VIRGINIA
HOUSE OF DELEGATES**

TUESDAY, JANUARY 26, 2016

HOUSE CONVENES AT 11:00 A. M.

**COMMITTEE ON INDUSTRY AND LABOR
9:00 A.M. – 215E**

**COMMITTEE ON AGRICULTURE & NATURAL RESOURCES
10:00 A.M. – 215E**

**COMMITTEE ON POLITICAL SUBDIVISIONS
1:00 P.M. – 434M**

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

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

WEDNESDAY, JANUARY 27, 2016

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

H. B. 4145, RELATING TO CARRY OR USE OF A HANDGUN OR DEADLY WEAPON