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February 21, 2017  
FOURTEENTH DAY



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Tuesday, February 21, 2017

**FOURTEENTH 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 Monday, February 20, 2017, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

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

And reports 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. 2420) was referred to the Committee on Health and Human Resources.

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. 2236**, Athletic Commission, W.Va. State Administrative Rules of the WV State Athletic Commission,

**H. B. 2246**, Counseling, W.Va. Board of Examiners in Marriage and Family Therapists Fees,

And,

**H. B. 2247**, Counseling, W.Va. Board of Examiners in Marriage and Family Therapist License Renewal and Continuing Professional Education Requirements,

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. 2236, H. B. 2246 and H. B. 2247) were each 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. 2232**, Physical Therapy, W.Va. Board of, Fees for Physical Therapist and Physical Therapist Assistant,

**H. B. 2235**, Architects, W.Va. Board of, Registration of Architects,

**H. B. 2237**, Athletic Commission, W.Va. State Regulation of Mixed Martial Arts,

**H. B. 2244**, Counseling, W.Va. Board of Examiners in Licensed Professional Counselor Fees,

**H. B. 2245**, Counseling, W.Va. Board of Examiners in Licensed Professional Counselor License Renewal and Continuing Professional Education Requirements,

**H. B. 2250**, Ethics Commission, W.Va. State Private Gain,

**H. B. 2278**, Public Service Commission, W.Va. Telephone Conduit Occupancy,

**H. B. 2285**, Sanitarians, W.Va. State Board of Practice of Public Health Sanitation,

**H. B. 2286**, Secretary of State Voter Registration at the Division of Motor Vehicles,

**H. B. 2287**, Secretary of State Voter Registration List Maintenance by the Secretary of State,

**H. B. 2288**, Social Work, W.Va. Board of Continuing Education for Social Workers and Providers,

And,

**H. B. 2289**, Speech Language Pathology and Audiology, WV Board of Examiners for Licensure of Speech-Pathology and Audiology,

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. 2232, H. B. 2235, H. B. 2237, H. B. 2244, H. B. 2245, H. B. 2250, H. B. 2278, H. B. 2285, H. B. 2286, H. B. 2287, H. B. 2288 and H. B. 2289) were each referred to the Committee on the Judiciary.

Delegate Nelson, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

**H. B. 2279**, Racing Commission, W.Va. Thoroughbred Racing,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2279) was referred to the Committee on the Judiciary.

Delegate Nelson, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

**H. B. 2280**, Racing Commission, W.Va. Pari-Mutuel Wagering,

And,

**H. B. 2297**, Auditor, W.Va. State, Standards for Requisitions for Payment Issued by State Officers on the Auditor,

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. 2280 and H. B. 2297) 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

**Com. Sub. for S. B. 116** - "A Bill to amend and reenact §64-6-1 and §64-6-2 of the Code of West Virginia, 1931, as amended, all relating to authorizing the Governor's Committee on Crime, Delinquency and Correction to promulgate a legislative rule relating to law-enforcement training and certification standards; and authorizing the State Fire Marshal to promulgate a legislative rule relating to the regulation of fireworks and related explosive materials"; which was referred to the Committee on Government Organization then the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2017, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 172** - "A Bill to amend and reenact §22C-1-4 of the Code of West Virginia, 1931, as amended, relating to the Water Development Authority; and eliminating the salary for board members"; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

**S. B. 215** - "A Bill to amend and reenact §16-13A-9 of the Code of West Virginia, 1931, as amended, relating to giving county commissions the authority to amend the proposed rates, fees and charges, in its sole discretion, proposed by public service districts"; which was referred to the Committee on Political Subdivisions 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

**Com. Sub. for S. B. 247** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §52-2-11, relating generally to grand juries; authorizing prosecuting attorneys to designate law-enforcement officers and investigators to receive evidence subpoenaed and received by a prosecuting attorney under the authority of a grand jury and to serve as custodians thereof; authorizing designated custodians to use subpoenaed material for legitimate investigative purposes; requiring custodians to preserve grand jury confidentiality and to execute nondisclosure statements to affirm same; authorizing designated custodian to share subpoenaed material with other law-enforcement officers and agencies under limited circumstances; limiting law-enforcement use of such subpoenaed material to legitimate investigative purposes; allowing designated custodians to retain subpoenaed material until conclusion of investigation or prosecution; and defining terms”; 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. 248** - “A Bill to amend and reenact §4-5-1, §4-5-2, §4-5-3, §4-5-4 and §4-5-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §4-5-7 and §4-5-8, all relating to the Commission on Special Investigations; clarifying composition and chairmanship of commission; redefining what constitutes a quorum for voting procedures of commission; clarifying contents of commission’s annual report; listing existing and necessary commission staff positions; granting power to conduct interviews and request production from agencies of the state and its political subdivisions of books, records, documents, papers or any other tangible thing, computers, laptops, computer hard drives, electronic records including, but not limited to, emails, files, documents and metadata, or any other thing, in any form in which they may exist; requiring compliance with such requests; authorizing the commission and director to order or direct that all or a portion of the information communicated to the commission at the commission’s request, including the existence of the investigation, be confidential and not made public; establishing requirements for commission to enter into executive session; establishing procedures for conducting executive session; removing requirement that Joint Committee on Government and Finance approve expenses of commission; establishing procedure for commission retention and disposal of records; defining new offense of impersonating a commission member or staff member and of obstructing a commission member or staff; establishing penalties; allowing the commission to award duty weapons to certain members on retirement; exempting the commission from the jurisdiction of the agency for surplus property within the Purchasing Division of the Department of Administration with respect to the disposal of the commission’s primary and secondary duty weapons; and authorizing sale of surplus weapons to active and retired members of the commission’s investigative staff”; which was referred to the Committee on the Judiciary.

### **Resolutions Introduced**

Delegates C. Miller, Sobonya, McGeehan, Storch, Deem, Wagner, Rohrbach, Kelly, Zatezalo and Westfall offered the following resolution, which was read by its title and referred to the Committee on Rules.

**H. C. R. 15** – “Requesting Congress to fully support the National Park Service’s recommendations to extend the Lewis and Clark National Historic Trail to include additional sites along the Expedition’s Eastern Legacy.”

Whereas, The Lewis and Clark Expedition (“Expedition”) and the Corps of Discovery are nationally significant for their exploration of the Louisiana Territory and search for an all water route to the Pacific Ocean. Under orders by President Thomas Jefferson, the Expedition was responsible for mapping the territory explored, as well as documenting new species of plants and animals, and engaging with the American Indian tribes they encountered. Although part of the route was unmapped territory, the Lewis and Clark Expedition was able to use maps provided to them by American Indians, European explorers, and fur traders. Ultimately, the Expedition was able to link routes and maps together to find passage from St. Louis to the Pacific Ocean, a feat which had never before been accomplished; and

Whereas, In order to recognize the historic significance of the Lewis and Clark Expedition, the National Park Service previously designated a trail which runs from Wood River, Illinois to the West Coast in Oregon and Washington; and

Whereas, Public Law 110-229, passed by the United States Congress in 2008, authorized the Secretary of the Interior to study additional sites associated with the preparation and return phases of the Expedition, located in Virginia, the District of Columbia, Maryland, Delaware, Pennsylvania, West Virginia, Ohio, Kentucky, Tennessee, Indiana, Missouri and Illinois. Those sites were to be considered for inclusion in the “Eastern Legacy” of the Expedition; and

Whereas, The National Park Service evaluated 25 distinct route segments used by the Corps of Discovery for the Expedition to determine if they met the criteria for national significance established by the National Trails System Act; and

Whereas, In August 2016, the National Park Service published its Draft Lewis and Clark National Trail Extension Study, finding that three sections meet the criteria established for inclusion in the Lewis and Clark National Historic Trail. Those segments include the Ohio River, from Pittsburgh, Pennsylvania to Louisville, Kentucky, from Louisville, Kentucky to the confluence with the Mississippi River, and from the Mississippi River’s confluence with the Ohio River at Cairo, Illinois, to Wood River, Illinois; and

Whereas, A portion of the proposed extension of the Lewis and Clark National Historic Trail includes sites along the Ohio River in West Virginia. The inclusion of this segment along the Lewis and Clark National Trail is not only historically significant and appropriate, but may have a positive economic impact on those sites; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Legislature requests Congress to adopt the National Park Service’s recommendations as to the additional segments for inclusion in the Lewis and Clark National Historic Trail; and, be it

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

Delegates C. Miller, Maynard, Butler, Rohrbach, Sobonya, C. Romine, Hornbuckle and Higginbotham offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules.

**H. C. R. 16** – “Requesting the Division of Highways to name Bridge Number 06-64-29.44 EBWB (06A158-06A203) (38.42408, -82.09272), locally known as Lee Creek I-64 Bridge, carrying Interstate 64 over Lee Creek and County Route 60/19 in Cabell County the “Charles Ranald Bannerman & Beatrice ‘Billy’ Bannerman Memorial Bridge.”

Whereas, Charles Ranald and Beatrice “Billy” Bannerman settled in the Lee Creek area of Cabell Co. in 1950, purchasing 60 acres, upon which they made improvements and made their home for more than 60 years; and

Whereas, Ranald Bannerman was employed at Union Carbide Corporation as a purchasing agent and engineer during his nearly twenty years of employment there and contributed greatly to the intellectual property and economic development of the company by developing new technologies; and

Whereas, Ranald Bannerman was civically minded and involved in the growth and development of the Milton area through his involvement with the Milton Lions Club, Boy Scout Pack #96 as a Scout Leader, and served a Neighborhood Commissioner for the Tri-State Area Council, BSA; and

Whereas, “Billy” Bannerman independently pursued the knowledge and skills needed to perpetuate the heritage arts of weaving, spinning, natural dying, and processing flax to linen, mentoring many others in this important cultural tradition; and

Whereas, “Billy” Bannerman participated in and was a significant influence in the development and growth of the Mountain State Arts & Craft Fair in Ripley, WV for more than thirty- five years, where she is honored in the Hall of Fame; and

Whereas, Ranald and “Billy” Bannerman donated, time, energy, and resources in support of various cave rescue operations throughout Southern West Virginia, often working long hours preparing meals to feed the many volunteers and hosted rescue training sessions on their property; and

Whereas, Ranald and “Billy” Bannerman were organizing members and actively involved in the building of St. Stephen Catholic Church in Ona, WV; and

Whereas, Ranald and “Billy” Bannerman relinquished approximately eighteen acres of their property for the construction of I-64, which ultimately bisected their property at milepost 29.44; and

Whereas, Ranald and “Billy” Bannerman adopted the city of Milton, county of Cabell, and the State of West Virginia as their home, embracing the rich, cultural heritage and natural resources of the area and were proud to call themselves West Virginians; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Legislature hereby requests the Division of Highways to name Bridge Number 06-64-29.44 EBWB (06A158-06A203) (38.42408, -82.09272), locally known as Lee Creek I-64 Bridge, carrying Interstate 64 over Lee Creek and County Route 60/19 in Cabell County the “Charles Ranald Bannerman & Beatrice ‘Billy’ Bannerman Memorial Bridge”; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “Charles Ranald Bannerman & Beatrice ‘Billy’ Bannerman Memorial Bridge”; and, be it

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

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



**H. C. R. 17** – “Requesting that bridge number 23-14-0.05 (23A368) at latitude 37.80975 and longitude -81.93394, locally known as Rum Creek Connector over Guyandotte River, carrying County Route 14 over Guyandotte River in Logan County, be named the ‘Betty Jo Delong Memorial Bridge’.”

Whereas, Betty Jo Chambers Delong, the daughter of coal miner Harry Chambers and postmaster Geraldine Lowe Chambers, attended Dehue-Chambers Grade School, in Dehue, Logan County, West Virginia; and

Whereas, Betty Jo Chambers was a Golden Horseshoe winner and graduated from Logan High School in Logan County; and

Whereas, Miss Chambers married Don Thomas Delong from Lyburn, West Virginia, and the couple had two children, Donnetta Rainwater, a teacher at Logan Middle School, and Donald Rex Delong, owner of Eastern Petroleum; and

Whereas, Betty Jo Delong grew up with brothers and sisters Donna Lou Hipshire, Dorothy Young, Grover Chambers, Thelma Willis Eplin, Harry Chambers, Gerri Ball, Cora Tooley and Alice Price; and

Whereas, Betty Jo Delong was proud of the Chambers family’s long association with the Rum Creek area; and

Whereas, At one time the Chambers family owned property reaching from Rum Creek to Lowe’s Mountain; and

Whereas, Betty Jo Delong worked at several jobs in Logan County but later in her career was employed at the Logan County Court House, where she worked in the record room and was in charge of the deed books; and

Whereas, Betty Jo Delong is still remembered for updating the county’s system of obtaining deeds and land proposals; and

Whereas, Betty Jo Delong worked tirelessly to help members of her community, especially the elderly; and

Whereas, Betty Jo Delong assisted with the visit to Logan County of John F. Kennedy when he was a presidential candidate; and

Whereas, Betty Jo Delong died of cancer at the age of 42; and

Whereas, At the time of her death, all offices of the courthouse were closed out of respect for Betty Jo Delong’s service to the many people of Logan County; and

Whereas, It is fitting that an enduring memorial be established in the name of Betty Jo Delong in an area where she and her family have for so long been a part of the fabric of the community; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 23-14-0.05 (23A368) at latitude 37.80975 and longitude -81.93394, locally known as Rum Creek Connector over Guyandotte River, carrying County Route 14 over Guyandotte River in Logan County, the “Betty Jo Delong Memorial Bridge”; and, be it

*Further Resolved*, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge the “Betty Jo DeLong Memorial Bridge”; and, be it

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

Delegates Walters and Howell offered the following resolution, which was read by its title and referred to the Committee on the Judiciary.

**H. C. R. 18** – “Declaring that should a convention for proposing amendments under Article V of the United States Constitution be called, the State of West Virginia shall recognize the attached rules from the Assembly of State Legislatures as the official rules for such a convention.”

Whereas, The founders of this great nation set forth on the earth an enduring republic and charged future generations with the solemn duty of its preservation; and

Whereas, The Constitution of these United States, which is the cornerstone of this republic, establishes the process to propose and ratify amendments to itself, including a process reserved for the state legislatures in Article V; and

Whereas, the State of West Virginia recognizes that this process to amend should by right be held in esteem, worthy of the sacrifice of our founders; and

Whereas, The State of West Virginia recognizes that a pre-existing set of rules and procedures for a convention for proposing amendments under Article V of the United States Constitution (“convention”) is desirable to ensure that such a convention will be able to function effectively and decisively; and

Whereas, the State of West Virginia recognizes that the Assembly of State Legislatures, made up of a bi-partisan group of state legislators from 45 states, has met over a period of four years to carefully craft and consider rules and procedures for a convention, said rules and procedures being attached hereto and made a part of this resolution;

*Resolved by the Legislature of West Virginia:*

That the Legislature of the State of West Virginia declares that should a convention for proposing amendments under Article V of the United States Constitution be called, the State of West Virginia shall recognize the attached rules from the Assembly of State Legislatures as the official rules for such a convention.

## **RULES FOR AN ARTICLE V**

### **CONVENTION FOR PROPOSING AMENDMENT(S)**

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## **PREAMBLE**

Pursuant to Article V of the United States Constitution, we the delegates of the several sovereign States, grateful to Almighty God, do assemble in this convention of the States, called by Congress, for the purpose of proposing amendments to the Constitution. We pledge to conduct the people's business in a fair, collegial, and impartial manner, to work in good faith, and to honor both the letter and spirit of the Constitution and these rules.

### **ARTICLE 1 Officers of the Convention and Rules**

#### **1.1 List of Officers**

Temporary: A temporary presiding President shall be a delegate selected by the State delegation from the State randomly drawn from the first 34 States that passed a resolution calling for a Convention for proposing amendments under the authority of Article V of the United States Constitution.

Permanent: The officers of the Convention shall be a President, a Vice President, a Secretary, a Sergeant-at-Arms, and a Parliamentarian. The President and Vice-President shall be elected by "qualified simple majority" vote of the Convention by secret ballot and shall not be from the same political party. The Secretary, Sergeant-at-Arms, and the Parliamentarian shall be appointed by the President, in consultation with the Vice-President. No more than one officer shall be selected from the same State.

#### **1.2 Election of President**

The election of President shall be conducted by the temporary presiding President.

#### **1.3 Adoption of Rules**

##### **1.3.1 Rules Adoption**

Immediately following the election of President the delegates recognized with credentials shall determine the rules which will govern the proceedings of the Convention. Adoption shall be by "qualified simple majority." Each State is granted one vote.

##### **1.3.2 Rules Continuity**

The rules of the Convention remain in effect until amended or rescinded by the Convention. Upon the convening of a new Convention, the rules of the Convention in effect at the conclusion of the preceding Convention remain in force until superseded by Convention rules adopted in the new Convention.

##### **1.3.3 Amend or Suspend Rules**

A motion to suspend or amend the rules may be made at any time when no question is pending; provided the motion pertains to the question before the body. The motion must be seconded, is non-debatable, and sustained by a vote of a "qualified super majority". It yields to all the privileged motions, except a call for the orders of the day and to incidental motions arising out of itself. It cannot be amended or have any other subsidiary motion applied to it, nor can a vote on it be reconsidered, nor can a motion to suspend the rules for the same purpose be renewed at the same meeting except by unanimous consent, though it may be renewed after an adjournment, even if the next meeting is

held the same day. The provision of this section shall not apply to Section 5.6., which shall not be amended or suspended.

#### 1.4 The President

##### 1.4.1 Calling the Convention to Order

The President shall take the chair each day at the hour to which the Convention shall have previously adjourned. The President shall call the Convention to order, and, except in the absence of a quorum, as prescribed by these rules, shall proceed to business in the manner prescribed by these rules.

##### 1.4.2 Duty to Preserve Decorum

The President shall preserve order and decorum, and during debate, the President shall confine delegates to the question under discussion. The President shall have general control of the Convention chamber, unless otherwise ordered by the Convention, and in cases of disturbance or disorderly conduct on the floor or in the public areas outside the bar of the Convention, has the power to order the same cleared.

##### 1.4.3 Points of Order

All questions of order shall be decided by the President, subject to appeal of the Convention. On every appeal, the President shall have the right to assign the reason for the decision. In case of such appeal, no delegate shall speak more than once. All questions and points of order shall be noted by the Secretary with the decision thereon.

##### 1.4.4 Committee Membership

The President shall be an ex officio member of all committees of the Convention to which he or she shall not have been specifically appointed, for the purpose of a quorum and discussion, but shall have no vote unless a duly appointed member of such committee.

##### 1.4.5 Appointments of Committees

The President shall appoint all committees, unless otherwise ordered by the Convention.

##### 1.4.6 Certification of Official Acts

When necessary or required, all official acts of the Convention shall be certified by the President and Vice President and attested by the Secretary, with the date thereof.

##### 1.4.7 General Supervision of Appointees

In the performance of their duties, the Secretary, the Sergeant-at-Arms, the Parliamentarian and all employees shall be under the general supervision of the President.

##### 1.4.8 Vacancy in Office

In the event of a vacancy in the office of President by death, resignation or otherwise, the Convention, by a "qualified simple majority" vote, shall elect a new President.



## 1.5 The Vice President

### 1.5.1 Absence of President or Inability to Preside

In the event of the temporary absence or inability to preside as a President, not to exceed two Convention days, the Vice-President shall assume the duties of the President, and the Convention shall, by “qualified simple majority” vote to elect a new Vice President.

### 1.5.2 Vacancy in Office

In the event of a vacancy in the office of Vice President by death, resignation or otherwise, the Convention, by a “qualified simple majority” vote shall elect a new Vice President.

## 1.6 The Secretary of the Convention

### 1.6.1 Journal Record of Proceedings

The Secretary shall keep a journal of the proceedings of the Convention and shall provide to each delegate a copy of the proceedings of the previous day.

### 1.6.2 Duties of the Secretary

Subject to the control of the President, the Secretary shall be custodian of the records of the Convention. Under the direction of the President, the Secretary shall perform the customary duties of clerks or secretaries of deliberative assemblies, and such other duties as shall be ordered by the Convention or the President.

### 1.6.3 Numbering of Proposals

The Secretary shall give to every proposal when introduced a number, and the numbers shall be in sequential order.

### 1.6.4 Preparation of Calendar

The Secretary shall prepare and provide to each delegate each day a calendar of the business of the convention, as provided by these Rules.

### 1.6.5 Preservation of Records

As soon as possible after the final adjournment of the Convention, the Secretary shall file with the Archivist of the United States for keeping in the manner provided by law the records, books, documents, and other papers of the Convention.

## 1.7 The Sergeant-at-Arms

Subject to the direction of the President, the Sergeant-at-Arms shall enforce the rules of the Convention. The Sergeant-at-Arms shall be charged with enforcing the rules as to admission of the Convention floor. The Sergeant-at-Arms shall not be required to be a delegate.

## 1.8 Parliamentarian

### 1.8.1 Duties

A Parliamentarian shall be appointed by the President and shall be responsible for assisting the President and any other presiding officers and the standing committees in the making of parliamentary rulings.

### 1.8.2 Credentials and Experience

The parliamentarian shall be a current or former member of the Mason's Manual Commission. The Parliamentarian shall have previously served as the chief or head parliamentarian of a state legislative body. The Parliamentarian shall not be required to be a delegate.

## ARTICLE 2 Delegates

### 2.1 Presentation of Credentials or Commissions

Each delegate shall present a certified copy of a document announcing his or her credentials or commission to the Secretary who shall promptly inform the Chairperson of the Committee on Credentials and enter the delegate's name in the Journal. The Chairperson of the Committee on Credentials shall confirm each delegate's credentials or commission. Unless challenged as provided under Section 2.3, the delegate shall be deemed qualified to serve as a delegate in the Convention. Each State Legislature is responsible for determining the delegate selection process and number of delegates to be sent to the Convention by the respective State.

### 2.2 Questions of Privilege

The presentation of credentials or commissions of delegates to the Convention and other questions of privilege shall always be in order, except during the reading and correction of the Journal, while a question of order or a motion to adjourn is pending, or while the Convention is voting or ascertaining the presence of a quorum; and all questions and motions arising or made upon the presentation of such credentials shall be proceeded with until disposed.

### 2.3 Contest of Credentials or Commissions

No protest or petition concerning the credentials or commissions of any delegate shall be received or considered unless filed with the Secretary within five (5) convention days of the delegate's name being made public through the publication of the Journal. All protests or petitions shall be referred to the Committee on Credentials and Privileges for consideration. The President or Vice President may at any time petition the Committee on Credentials and Privileges to reconsider the credentials or commission of any delegate.

### 2.4 Absence of Members

No delegate shall absent himself or herself from the sessions of the Convention unless he or she has leave, is ill, or his or her absence is otherwise unavoidable.

### 2.5 Floor Access and Speaking Privilege

Each state delegation is limited to 10 delegates at any one time to have access to the floor and have speaking privileges.

## 2.6 Recall Action of Delegate

### 2.6.1 Recall Authority

The Convention shall recognize the recall authority of each State Legislature to recall the credentials of the delegates from that respective state, and to suspend such delegate's authority to attend the Convention. The recall instructions shall be provided to the Convention Secretary in writing in order to be recognized and shall identify the persons, committee, commission or office having recall authority. Upon reception of a recall order originating from a proper recall authority, the Chair of the Committee on Credentials and Privileges shall confirm the recall order, and notify the delegate of the recall order who may within three (3) days of such notice request and receive a hearing before the Committee on Credentials and Privileges regarding the recall order of the delegate which may be rebutted but shall otherwise be presumed valid. If no challenge is filed, the name of the recalled delegate shall be entered into the Journal. Upon receipt of a recall order, the delegate in question shall have his or her convention credentials suspended and floor access revoked unless the delegate's authority is restored.

### 2.6.2 Suspension of Credentials

The Convention may, by action of its member delegates, vote to suspend the credentials of any delegate. A motion for suspension shall be approved by a three-fourths majority of the state delegations seated pursuant to Article 2.1.

## ARTICLE 3 Sessions of the Convention

### 3.1 Time of Meeting and Procedure

The Convention shall meet at 8:00 a.m. unless otherwise ordered by the Convention.

### 3.2 Reading of the Journal

Immediately after the President shall have taken the roll call vote, the Journal of the preceding day shall be read by the Secretary, unless dispensed with by the consent of the Convention, and published to the public.

### 3.3 Order of Business

At meetings of the Convention, the order of business shall be as follows:

1. Call Convention to Order.
2. Prayer.
3. Pledge.
4. Roll Call.
5. Reading of the Journal.
6. Presentation of petitions, memorials and remonstrance.
7. Reports of committees.

8. Introduction and first reading of proposals.

9. Reference of proposals.

10. Motions and resolutions.

11. Orders of the day.

12. Committee notices.

## ARTICLE 4 Voting and Quorum Calls

### 4.1 Voting

#### 4.1.1 Voting by State

In determining all questions in the Convention, all votes shall be taken by State, and each State shall have one vote. Votes may be taken by voice, call of the roll, or by use of an electronic voting system under the supervision of the President at his or her direction. The decision shall be entered in the journal. Any delegation can request a division of the Convention and any delegation has the authority to request a roll call vote.

#### 4.1.2 Qualified Super Majority

In matters requiring a “qualified super majority”, this shall be defined as two-thirds of the eligible membership, which at this time is 34 States. Qualified is defined as those States that have met the requirements of Article 2.1.

#### 4.1.3 Qualified Simple Majority

In matters requiring a “qualified simple majority”, this shall be defined as greater than one-half of the eligible membership, which at this time is 26 States. Qualified is defined as those States that have meet the requirements of Article 2.1.

#### 4.1.4 Simple Majority

Unless otherwise directed, all other votes and procedural questions shall be decided by the affirmative vote of a “simple majority”, defined as greater than one-half of the voting members present.

### 4.2 Call of the Roll

In determining questions or upon a call of the Convention, the following mode shall be observed: The Secretary shall call the names of the States alphabetically, and the absentees noted, after which the names of the absent States shall again be called.

### 4.3 Vote Tellers

Each State delegation shall name one person to be the teller for the delegation. The designated teller of that delegation shall report the vote for that state. The delegation of each State shall be the sole judge of determining the vote of the State. In case the vote of the State delegation cannot be resolved for submission, the teller shall declare the vote as an “abstention”.

#### 4.4 Third Reading and Final Passage

Final action on any proposed amendment shall be decided by an affirmative vote of at least 36 States. No State shall be allowed to cast or change its vote after the Convention's action on said question is announced by the President.

#### 4.5 Call of the Convention and Quorum

A call of the Convention may be made for the purpose of obtaining a quorum or for the purpose of securing the attendance of absent delegates, even though a quorum may be present. A "qualified simple majority", as defined in Article 4.1.3, shall be a quorum to conduct business, but a smaller number may adjourn from day to day and compel the attendance of absent delegates.

#### 4.6 Quorum in Committee of the Whole

A "qualified simple majority", as defined in Article 4.1.3, shall be a quorum for the Committee of the Whole to do business, and if the committee finds itself without a quorum, the chair shall cause the roll of the Convention to be called and thereupon the committee shall rise, the President resume the chair and the chair report the cause of the rising of the Convention and the names of the absentee States to the Convention shall be entered in the Journal.

#### 4.7 Quorum for all other Committees

A "simple majority", as defined in Article 4.1.4, constitutes a quorum. No committee shall take final action on a proposal unless a quorum is present.

### ARTICLE 5 Resolutions and Proposals

#### 5.1 Action on Resolutions

Resolutions shall be referred to the proper committee for consideration immediately upon introduction, except those resolutions which relate to the disposition of business immediately before the Convention or adjournments or recesses, and except those that, in the opinion of the President, should be considered at the time of their introduction.

#### 5.2 Time for Consideration

Resolutions reported by a committee shall lay over one (1) day for consideration, after which they may be called up under the appropriate order of business.

#### 5.3 Expenditures

All resolutions authorizing or contemplating the expenditure of money shall be referred to the standing committee on Administration and Accounts, for its report thereon before final action by the Convention.

#### 5.4 Introduction of Proposals

All proposals for an amendment of the present Constitution of the United States of America shall be introduced by one or more state delegations, or by a committee of the Convention either by a proposal or committee substitute for a proposal or a report.

The President may, with unanimous consent, refer Proposals that are of a substantially similar nature to the appropriate committee as a "Consolidated" Proposal. A Consolidated Proposal shall be assigned a new number, shall contain the bundle of Proposals, shall be considered and debated by the assigned committee as a single proposal and the introducers of the individual Proposals shall be listed as introducers on the new Proposal. The original individual Proposals shall be tabled indefinitely.

### 5.5 Form of Proposals

Each Constitutional amendment proposal shall be printed, endorsed with the signatures of all State delegates introducing it, or by the Chair of the committee introducing it or reporting it. The caption of all proposals shall be:

"Proposal No. \_\_\_\_\_ in the (year)\_\_\_ Amendment Convention of the United States of America."  
Introduced by \_\_\_\_\_ (a listing of the State(s), delegate(s), or committee)."

Following the caption there shall be a short title concisely stating the general nature of its subject matter, followed by the words: "BE IT RESOLVED THAT THE FOLLOWING PROPOSED AMENDMENT BE SUBMITTED TO THE SEVERAL STATES FOR RATIFICATION AS AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES OF AMERICA:"

### 5.6 Subject of Proposals

#### 5.6.1 Introduction of Proposals

The Convention derives its authority by way of the resolutions to call for a convention pursuant to Article V of the Constitution of the United States passed by at least two-thirds of the Legislatures of the several States. Each State with delegates in attendance may introduce any proposed amendment to the Constitution both consistent with the subject(s) contained in its State's application and subject to this rule. The Convention is limited to proposing only an amendment or amendments to the Constitution of the United States whose subject(s) were specifically included in the resolutions of at least two-thirds of the several States. This Convention has no authority to consider any other subject or entertain any motion to consider any other subjects. Any motion not within the scope authorized by each and every one of the resolutions passed by at least two-thirds of the Legislatures of the several States shall be ruled out of order. Such a ruling shall only be appealed as to whether the motion is germane to the subject of the call.

### 5.7 Limitation on Introduction of Proposals

After the fifth (5th) day of the Convention, no Constitutional amendment proposal shall be introduced, except on the report or recommendation of a standing or select committee, or by unanimous consent. No delegation is required to submit a proposal.

### 5.8 Reading on Two Different Days

Every proposal shall be read in its entirety on two (2) different Convention days.

### 5.9 Regular Order for Proposals

The regular order to be taken by proposals shall be as follows:

1. Introduction, first reading, reference to a committee by the President, and printing of copies of each proposal.

2. Report of committee of the proposal with amendments or a committee substitute, printing of copies, and placing on general orders.
3. Consideration by Convention and action on amendments offered by delegations.
4. Second Reading.
5. Reference to the Committee on Style.
6. Report of the Committee on Style, and printing of copies.
7. Action on report of Style.
8. Reference to the Committee on Style for arrangement of sections, and for form of engrossment.
9. Report of Committee on Style for arrangement of sections, and printing of copies.
10. Order for engrossment and printing. The engrossed copy of the proposal shall be printed in a form designated by the Convention Body.
11. Third reading and final passage without amendment.

## ARTICLE 6 Decorum and Debate

### 6.1 Recognition of Delegates and Right to the Floor

Every delegate rising to speak shall address the President, and no delegate shall proceed until he or she shall have been recognized by the President as entitled to the floor. Two delegates rising at the same time, the President shall name the member who shall be first heard, the other seeking recognition having preference next to speak.

### 6.2 Disrupting Debate

While a delegate shall be speaking, none shall pass between the delegate and President, or entertain disruptive private discourse with another delegate on the floor with the exception of silent electronic communication.

### 6.3 Motion to Adjourn or Recess

When a motion to adjourn, or for recess, shall have carried, no delegate shall leave his or her place until adjournment or recess shall be declared by the President.

### 6.4 Limits on Debate

#### 6.4.1 Right of Delegate to Debate

No delegate shall speak more often than once upon the same question, without special leave of the Convention, and not a second time, until every other state delegation shall have an opportunity to speak on the question. No delegate shall speak for more than twelve minutes upon the same question, and no State delegation shall speak for more than forty-eight minutes total upon the same question. No delegate shall impeach or impugn motives of any other's argument or vote. No delegate shall be permitted to indulge in personalities, use language personally offensive, or charge deliberate misrepresentation of another delegate.

#### 6.4.2 Closing Debate

So that no member shall abuse his or her privileges, the previous question may be used to close debate on any debatable question. The previous question shall be in the form: "Shall the main question now be put?" It shall only be admitted on written demand of 13 States, and sustained by a vote of a "qualified simple majority", as defined in Article 4.1.3.

#### 6.5 Calling another Delegate to Order

Any delegate, as well as the President, may call to order any other delegate, subject to appeal to the Convention, and the delegate called to order may be allowed to explain his or her conduct or expressions supposed to be objectionable. If there is no appeal, the decision of the President shall prevail. If the decision of the President favors the delegate called to order, he or she shall be at liberty to proceed.

### ARTICLE 7 Committee of the Whole

#### 7.1 Standing Order of the Day

Upon a motion supported by a "qualified simple majority", the Convention may resolve itself into a Committee of the Whole for consideration of proposals. It shall be a standing order of the day for the Convention to resolve itself into a Committee of the Whole.

#### 7.2 Chairman

When the Convention shall resolve itself into a Committee of the Whole, the President shall name a Chair to preside in the committee.

#### 7.3 Method of Acting on Proposals

Upon a proposal being committed to the Committee of the Whole, it shall be read by the Secretary and then read and debated by clauses or sections, as determined by the committee. After the report, the bill shall be subject to be debated and amended by clauses or sections on the floor of the Convention before a vote on the question to perfect and print is taken.

#### 7.4 Rules in Committee of the Whole

The rules of the Convention shall be observed in the Committee of the Whole as far as may be applicable.

#### 7.5 Motion to Rise

A motion for the rising of the Committee of the Whole shall always be in order unless a member of the committee is speaking or a vote is being taken, and shall be decided without debate.

#### 7.6 Powers of the Committee of the Whole

The Committee of the Whole shall have the same powers as the Convention to enforce the attendance of members; and the Secretary and Sergeant-at-Arms of the Convention shall be the Secretary and Sergeant-at-Arms of the Committee of the Whole.



## ARTICLE 8 Committees of the Convention

### 8.1 Number and Appointment of Committees

The standing committees of the Convention shall be seven in number. The President shall appoint all committees, unless otherwise ordered by the Convention. Each standing committee shall be chaired by a Chair, appointed by the President pursuant to Article 1.4.5.

### 8.2 Standing Committees of the Convention and Duties

#### 8.2.1 Committee on Administration and Accounts

The Committee on Administration and Accounts shall consider matters relating to Convention expenditures; set up such safeguards and procedures as may be necessary to protect the Convention and its members in all expenditures which may be made; to provide methods by which all expenditures can be checked and audited; and recommend to the Convention the methods to be used for that purpose. The committee shall further have supervision of the general staff of the Convention and be authorized to prescribe, in addition to those already provided, rules and regulations in regard to their activities and duties. The committee shall prepare and submit to the Convention from time to time appropriation resolutions for the appropriation of funds from the State Assessment Account to the Operations Account, as noted in section 9.4.1, for the operation of the Convention.

In submitting said resolutions, the committee shall accompany the proposal with estimates of the Convention requirements, represented in the proposed appropriations. Subject to the approval of the Convention, the committee shall be authorized to contract for, and purchase such supplies and services as the Convention may require and provide for the proper distribution of the same. It shall be further the duty of the committee to report to the Convention, from time to time, as it may deem desirable, giving the Convention information about the expenditures of the Convention and methods established to protect the same.

#### 8.2.2 Committee on Convention Research

The committee on Convention Research shall assemble, at a conducive location for the purpose of information gathering and research in order to address problems under consideration. This location should have internet access, as well as a private meeting space to preserve confidentiality. From time to time, the committee may recommend the purchase or acquisition of such materials as may be needed by the Convention.

#### 8.2.3 Committee on Credentials and Privileges

The Committee on Credentials and Privileges shall examine the commissions, credentials, and instructions of all delegates to the Convention and report a list of all the delegates who are entitled to serve as members of the Convention. The committee shall further consider matters relating to the floor privileges of members of the Convention.

#### 8.2.4 Committee on Information, Submission, and Address to the States and Congress

The Committee on Information, Submission, and Address to the States and Congress shall present information to the public in a timely manner concerning the proceedings of the Convention. The committee shall also consider and make recommendations to the Convention and Congress as to the method of submission of the proposal(s) of the Convention to the various States after the

adjournment of the Convention. The committee shall further prepare and present to the Convention, for its approval, an address to the States and Congress outlining the results of the Convention's work.

#### 8.2.5 Committee on Printing and Publications

The Committee on Printing and Publications shall consider all matters having to do with Convention printing, reporting of the proceedings, and the publications which may be incidental to those proceedings. The committee shall be charged with the responsibility of determining the amount of printing to be done, the nature and character of publications to be made, and, in general, recommend any and all measures which it may deem useful for the economical and proper management of the printing, reporting, and publications of the Convention.

#### 8.2.6 Committee on Rules and Procedures

The Committee on Rules and Procedures shall consider all matters relating to the rules for the Convention.

#### 8.2.7 Committee on Style

The Committee on Style shall examine and correct the proposals which are referred to it, for the purpose of avoiding inaccuracies, repetitions and inconsistencies. It shall also carefully examine the order in which the proposals shall be directed by the Convention to be engrossed for third reading, examine all proposals so engrossed, and see that the same are correctly engrossed, and shall immediately report the same in like order to the Convention before they are read the third time. The committee shall not have authority to change the sense or purpose of any proposal referred to it, and if any thirteen (13) State delegations shall object in a timely manner to any report of said committee on the ground that said report has changed the sense or purpose of any such proposal, the proposal shall be referred to a select committee consisting of fifteen (15) delegates, which shall include not less than seven (7) of the thirteen (13) State delegations objecting to the report.

#### 8.3 Composition of Committees

The membership of all standing committees and of all other committees, unless otherwise provided by these rules or by the resolution creating them, shall be composed of ten members. No major political party shall be represented on the committee by more than six members, nor shall more than one member be from any one State.

#### 8.4 Administration and Accounts

The Committee on Administration and Accounts shall be composed of two members; the President and the Vice President.

#### 8.5 Reference to Committees

When motions are made to refer any proposal or matter, and different committees are proposed, the question of reference shall be in the following order: a Standing Committee, a Select Committee, the Committee of the Whole.

#### 8.6 Time of Sitting

No committee shall sit during the sessions of the Convention without leave of the Convention.

### 8.7 Committee Quorum

A majority of the members of a committee constitutes a quorum. No committee shall take final action on a proposal unless a quorum is present.

### 8.8 Committee Hearings

When any proposal is about to be considered by a committee, the introducers of such proposal shall be notified of the time and place where such proposal shall be considered by such committee. Each committee shall keep a record of the members present when a proposal is finally considered; and this record and the record of the votes cast shall be filed by the Committee Chair with its report.

### 8.9 Committee Reports

No proposal shall be reported from a committee unless such action is approved by affirmative vote by a "simple majority". The committee report must be signed by the Chair. In the event any committee is evenly divided on any matter pending before it, the Chair shall refer such matter back to the Convention without recommendation.

### 8.10 Discharge of Proposal

In the event any committee considering proposals shall fail or refuse to report to the Convention on the same within the period of time fixed by these rules, any member delegate may file a request in open convention for a report upon the specified proposal to the floor of the Convention, and in the event the committee shall fail to make a report within three convention days thereafter, the proposal shall be placed on the calendar for consideration.

### 8.11 Rules of the Convention

The rules of the Convention shall be observed in all committees as far as may be applicable, and each committee shall keep a record of its proceedings.

## ARTICLE 9 Miscellaneous

### 9.1 Guide on Parliamentary Practice

The rules of parliamentary practice laid down in the latest edition of Mason's Manual of Legislative Procedure shall govern in all cases in which they are not inconsistent with the rules and orders of the Convention.

### 9.2 Communication with Congress and the States

When it is appropriate the Secretary of the Convention shall provide communication with the United States Congress and the States.

### 9.3 Openness of the Convention Sessions

All general sessions and Committee meetings of the Convention shall be open to the public.

### 9.4 Funding of the Convention

9.4.1 A State assessment account shall be established and managed by the Committee on Administration and Accounts. An initial assessment of equal shares shall be required of each State

for whom delegates are seated pursuant to Article 2.1. Subsequent assessments of equal shares may be requested when deemed necessary by the Committee on Administration and Accounts and approved by the Convention by a simple majority vote.

9.4.2 An Operations Account shall be established to utilize for reimbursement of all expenses of the Convention, and shall be funded from time to time, as deemed necessary.

9.4.3 All accounts are to be managed by the Committee on Administration and Accounts, as specified in Article 8.2.1.

9.4.4 Expenses related to the transportation, housing, and meals of delegates are the responsibility of the sending State.

9.4.5 Any accrued assets of the Convention shall be distributed to a qualified 501(c)(3) non-profit organization after any remaining debts are resolved.

## 9.5 Close of the Convention

### 9.5.1 Adjournment

The Convention shall adjourn Sine Die upon either: Communication of a proposed amendment to Congress and the States per Article 9.2. or passage of a motion to adjourn Sine Die by two-thirds of the attending State delegations.

## 9.6 Article V Applications

### 9.6.1 Application Lifespan

An individual State's Application shall be considered active until such time as either an amendment is ratified under authority of Article V of the United States Constitution that is the result of a Convention called by Congress on the respective Application, or the Application is rescinded by the respective State Legislature prior to the call of the Convention by Congress.

### 9.6.2 Counting of Applications

9.6.2.1 The counting of active Applications is the responsibility of the State Legislatures.

9.6.2.2 An Application shall be counted towards the two-thirds of the States requirement under Article V of the United States Constitution that triggers a Call by Congress if it is of the same subject matter as other Resolutions. As each State is sovereign and independent, the verbiage of an Application does not need to be similar nor can an Application be disqualified from being counted with those of similar subject matter because the verbiage is different, unless the Application is so limited.

9.6.2.3 An Application may specify a single, or multiple, subject matters. The Application can also be considered an Open Application if it calls for a Convention for Proposing Amendments and does not name any subject matter for an amendment.

9.6.2.4 When counting Applications towards the required two-thirds number specified in Article V of the United States Constitution, an Open Application shall qualify towards the count of Applications for both Open Applications that have been filed among the States and toward the count of Applications for specific subject matters, as it is the intent of a State in filing an Open Application to convene a Convention under any and all subject matters.

### 9.6.3 Call of a Convention

Upon reaching the required two-thirds of the States having filed Applications on the same subject matter, as defined above as a combination of specific subject Applications and Open Applications, the State Legislatures having filed these Applications shall deliver to Congress a document of notification for a Call. This document shall include all information necessary for Congress to make the call in a timely and informed manner, consistent with the intentions of the founders per Federalist 85 which states that nothing be left to the discretion of Congress. This includes:

1. The subject matter, if any, authorized in the Applications.
2. A list of the States that have filed the qualifying Applications with a copy of each of the respective Applications attached.
3. The proposed date and location of convening.
4. Any other information the Convention deems necessary.

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

**By Delegates Wilson, Upson, Sypolt, Kessinger, Phillips, C. Miller, Rodighiero, N. Foster, Hollen, Rowan and Frich:**

**H. J. R. 19** – “Proposing an amendment to the Constitution of the State of West Virginia amending Article III thereof, by adding thereto a new section, designated section 23 relating to defining the word ‘person’ or ‘persons’, as those terms are used in Article III of the State Constitution, to include every human being from the moment of fertilization, cloning, or the functional equivalent thereof; and providing a summarized statement of the purpose of such proposed amendment to the Committee on the Judiciary.

Delegates Pyles, C. Romine, Lynch, Pethtel, R. Romine, Boggs, Ferro, Hartman, Brewer, Iaquina and Love offered the following resolution, which was read by its title and referred to the Committee on Rules.

**H. R. 7** – “Resolution calling on Congress to protect Social Security and Medicare.”

Whereas, Social Security and Medicare represent a covenant between the government and its citizens; and

Whereas, Social Security and Medicare belong to the people who have worked hard all their lives and contributed to these programs with the expectation of having the benefits in their retirement years; and

Whereas, Social Security and Medicare are based on a promise that those who have contributed to these programs have earned the right to guaranteed benefits and the funds established for this purpose should not be used as a piggy bank for other congressional purposes; and

Whereas, 44.7 million seniors have paid into and over 160 million workers are currently paying their hard earned money into Social Security and Medicare; therefore, be it

*Resolved by the House of Delegates of West Virginia:*

That Social Security and Medicare should be preserved for current working people and future generations and protected from privatization and other proposals that threaten the retirement and health security of working families; and, be it

*Further Resolved:* That the Clerk of the House of Delegates, forward a certified copy of this resolution to the West Virginia delegation in the U.S. House of Representatives and the U.S. Senate.

### **Bills Introduced**

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

**By Delegates Sobonya, R. Romine, Upson, G. Foster, N. Foster, Summers, Storch, Arvon, C. Miller, Rohrbach and Zatezalo:**

**H. B. 2579** - "A Bill to amend and reenact §60A-4-409 of the Code of West Virginia, 1931, as amended, relating to increasing the penalties for transporting controlled substances into the state"; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegates Higginbotham, Householder, Cooper, Arvon, Anderson, Deem, Ellington, N. Foster, Moore, Overington and Westfall:**

**H. B. 2580** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-31, relating to damages for medical monitoring; establishing requirements for an order for payment of medical monitoring expenses; and providing that an increased risk of disease is not a compensable basis for damages in any civil action"; to the Committee on the Judiciary.

**By Delegates Anderson, Paynter, Overington, Harshbarger, Frich, Westfall, Cowles, Blair, Higginbotham and Atkinson:**

**H. B. 2581** - "A Bill to amend and reenact §17C-15-49 of the Code of West Virginia, 1931, as amended, relating to admissibility of certain evidence in a civil action for damages; and allowing the admission of the use or nonuse of a safety belt on the issues of negligence, contributory negligence, comparative negligence and failure to mitigate damages"; to the Committee on the Judiciary.

**By Delegates Householder, Walters, R. Romine, Frich, Westfall, Statler, Cowles, Kessinger, Blair, Sypolt and N. Foster:**

**H. B. 2582** - "A Bill to amend and reenact §21A-6-3 of the Code of West Virginia, 1931, as amended, relating to disqualification for unemployment benefits; providing that an individual is disqualified for benefits for any week, or portion of a week, in which he or she left or lost his or her job as a result of a strike; clarifying that a lockout is not a strike; providing that workers replaced with new prepayment employees are not eligible for unemployment benefits; establishing the circumstances when a worker is determined to leave or lose employment by reason of a lockout; providing the circumstances when a worker is determined to be permanently replaced by another employee; and providing that contractor employees who perform the work of a striking worker is not to be determined to have permanently replaced a striking worker"; to the Committee on the Judiciary.

**By Delegates G. Foster, Blair, Higginbotham, Kessinger, Upson, Householder, E. Nelson, Espinosa, Overington, Walters and Cowles:**

**H. B. 2583** - "A Bill to amend and reenact §3-8-12 of the Code of West Virginia, 1931, as amended; to amend and reenact §21-1A-4 of said code; and to amend and reenact §21-5-1 of said code, all relating to limitations on the use of wages and agency shop fees by employers and labor organization for political activities; prohibiting any person from coercing or intimidating any employee into making a political contribution or engaging in any form of political activity; prohibiting employers and any other persons responsible for the disbursement of wages and salaries from withholding or

diverting any portion of an employee's wages or salary for political activities without express, written authorization; providing for criminal penalties; setting forth requirements for employees to provide written authorization for disbursement of wages and salaries by an employer or other person for political activities; requiring the Secretary of State to promulgate forms; defining terms 'political activities' and 'agency shop fees'; modifying definition of 'deductions' to exclude amounts for union or club dues; and making it an unfair labor practice under the Labor-Management Relations Act for the Private Sector for a labor organization to use agency shop fees paid by nonmembers for political activities, unless expressly authorized by the individual"; to the Committee on the Judiciary.

**By Delegates Cooper, Westfall, Ambler, Hanshaw, Rowan, Hamilton, Dean, Gearheart, Summers, Sypolt and Atkinson:**

**H. B. 2584** - "A Bill to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended, all relating to primary and secondary school instructional terms; removing the word 'separate' throughout the section as it relates to the number of instructional days in the school calendar; requiring that the instructional term for students begin no earlier than August 10 and end no later than June 10, except for schools operating on a balanced calendar; removing preparation for opening and closing school from mandatory list of areas for which remaining noninstructional days may be designated by county school board; designating one noninstructional day for teachers as a preparation day; allowing teacher preparation day to be used for other purposes only at teacher's discretion; increasing number of two-hour blocks for faculty senate meetings from four to six; removing requirement that faculty senate meetings be held once every forty-five days; permitting accrued minutes to be used for lost instructional days; designating time frames within which faculty senate meetings may take place; requiring county boards to first use accrued minutes for early dismissals and late arrivals; and requiring that any remaining student instructional days be exhausted prior to using accrued minutes for lost instructional days"; to the Committee on Education.

**By Delegates Storch, Arvon, R. Romine, A. Evans, Gearheart, Moore, Atkinson, Zatezalo, Shott, Hanshaw and Lewis:**

**H. B. 2585** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-14-1, §61-14-2, §61-14-3, §61-14-4 and §61-14-5, all relating to laundering of proceeds from specified criminal activities; defining terms; creating felony crime of conducting financial transactions involving proceeds of criminal activity; creating felony crime of transporting, transmitting or transferring monetary instruments or property involving proceeds of criminal activity; providing for penalties; providing for seizure and forfeiture of property or monetary instruments; specifying the burden of proof in a forfeiture proceeding; clarifying conduct that constitutes separate offenses; and setting forth venue for prosecution of offenses"; to the Committee on the Judiciary.

**By Delegates Walters, Folk, Anderson, Hamilton, O'Neal, E. Evans and Pethtel:**

**H. B. 2586** - "A Bill to amend and reenact §5-10-27b of the Code of West Virginia, 1931, as amended; to amend and reenact §7-14D-9b of said code; to amend and reenact §8-22A-11 of said code; to amend and reenact §15-2-45 of said code; to amend and reenact §15-2A-6b of said code; to amend and reenact §16-5V-13 of said code; to amend and reenact §18-7A-28b of said code; to amend and reenact §18-7B-12a of said code; and to amend and reenact §51-9-12b of said code, all relating to required minimum distribution of retirement benefits of plans administered by the Consolidated Public Retirement Board; clarifying treatment of benefits in the event of a members death; and bringing code into conformity with federal law"; to the Committee on Pensions and Retirement then Finance.

**By Delegate Summers:**

**H. B. 2587** - "A Bill to amend and reenact §20-2-5 of the Code of West Virginia, 1931, as amended, relating to carrying a firearm for self defense in a state park, state forest, state recreational

area or state wildlife management area under the Division of Natural Resources”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Kessinger, Higginbotham, Hill, Martin, Butler, Arvon, N. Foster, Paynter, Dean, Wilson and Sobonya:**

**H. B. 2588** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-30-26, relating to life-sustaining treatment policies of health care facilities”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Kessinger, Higginbotham, Paynter, Dean, Martin and Wilson:**

**H. B. 2589** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-15g, relating to requiring county boards of education to permit students who are homeschooled or attend private schools to enroll and take classes at the county’s vocational school”; to the Committee on Education.

**By Mr. Speaker (Mr. Armstead) and Delegate Miley**

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

**H. B. 2590** - “A Bill to amend and reenact §11-24-3 of the Code of West Virginia, 1931, as amended, relating to updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act; and specifying effective dates”; to the Committee on Finance.

**By Delegates Atkinson, Hill, Ward, Kelly, Moore, Harshbarger, Ambler, Cooper, Hollen, Westfall and Kessinger:**

**H. B. 2591** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13DD-1, relating to providing a temporary tax credit for small group employers to cover a tax credit of up to fifty percent of the costs of branding, marketing and advertising of agricultural or manufactured products produced or manufactured in West Virginia; establishing limits; and providing that the credit be available for five years”; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

**By Delegates Canestraro, Isner, Lovejoy and Hollen:**

**H. B. 2592** - “A Bill to amend and reenact §15-2A-7 of the Code of West Virginia, 1931, as amended, relating to the West Virginia State Police Retirement System; and increasing the annual cost of living benefits for retirants from one percent a year to three percent a year”; to the Committee on Pensions and Retirement then Finance.

**By Delegates Canestraro, Isner, Lovejoy and Marcum:**

**H. B. 2593** - “A Bill to amend and reenact §49-4-712 of the Code of West Virginia, 1931, as amended, relating to the placement of juvenile status offenders; providing that a status offender may not be placed in a Division of Juvenile Services facility, unless the status offending child has run away from placement in a staff secure facility; and providing that the court may then order the juvenile placed in a Division of Juvenile Services facility pending further proceeding in the matter”; to the Committee on the Judiciary.

**By Mr. Speaker (Mr. Armstead) and Delegate Miley**

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

**H. B. 2594** - “A Bill to amend and reenact §11-21-9 of the Code of West Virginia, 1931, as amended, relating to updating the meaning of federal adjusted gross income and certain other terms used in the West Virginia Personal Income Tax Act; and specifying effective dates”; to the Committee on Finance.



**By Delegates Kessinger, Martin, Hill, Arvon, N. Foster, Paynter, Dean, Wilson and Sobonya:**

**H. B. 2595** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2A-1, relating to requiring abortions to be performed by a licensed physician"; to the Committee on Health and Human Resources then the Judiciary.

**By Mr. Speaker (Mr. Armstead) and Delegate Miley**

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

**H. B. 2596** - "A Bill to amend and reenact § 11-15B-2a and § 11-15B-32 of the Code of West Virginia, 1931, as amended, all relating to incorporating changes to the Streamlined Sales and Use Tax Agreement; and providing new effective dates"; to the Committee on Finance.

**By Delegates Moye, Hornbuckle, Diserio, Marcum, Isner, Baldwin, Canestraro, Lovejoy, Caputo and Lynch:**

**H. B. 2597** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §3-1D-1, §3-1D-2, §3-1D-3 and §3-1D-4, all relating to creating administrative sanction for false statements made against candidates for elective office; providing that all broadcasts, publications or mailings of any information about a candidate for elective office be submitted to the State Election Commission; establishing administrative penalties for failure to submit required information, or for distributing or causing to the distribution un-true information about a candidate; authorizing the elections commission to conduct investigations, pursue injunctions and propose legislative rules; and providing for appeals for commission decisions"; to the Committee on the Judiciary then Finance.

**By Delegates Marcum, Hicks, Rodighiero, Eldridge, Hamilton, Upson, McGeehan and Canestraro:**

**H. B. 2598** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §51-3-19, relating to requiring that senior status circuit judges only fill vacancies in districts or counties in which they were not previously elected"; to the Committee on the Judiciary.

**By Delegates Statler, Hill and Hanshaw:**

**H. B. 2599** - "A Bill to amend and reenact §17C-15-26 of the Code of West Virginia, 1931, as amended, relating to safety of tow trucks, wreckers, and tilt-bed vehicles; authorizing red flashing warning lights on the vehicles under certain circumstances"; to the Committee on Roads and Transportation then Government Organization.

**By Delegates Walters, Folk, Anderson, Hamilton, O'Neal, E. Evans and Pethtel:**

**H. B. 2600** - "A Bill to amend and reenact §8-22A-2 of the Code of West Virginia, 1931, as amended, to amend and reenact §8-22A-17 and §8-22A-18 of said code, all relating to the Municipal Police and Fire Retirement System; defining terms; clarifying benefits received for duty/non-duty disability under the plan"; to the Committee on Pensions and Retirement then Finance.

**By Delegates Walters, Folk, Anderson, Hamilton, O'Neal, E. Evans and Pethtel:**

**H. B. 2601** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §8-22-27a and §8-22-27b, all relating to municipal policemen's or municipal firemen's pension and relief funds; providing mechanism for the correction of errors; and providing criminal penalties"; to the Committee on Pensions and Retirement then Finance.

**By Delegates Canestraro and Lovejoy:**

**H. B. 2602** - "A Bill to amend and reenact §60A-4-409 of the Code of West Virginia, 1931, as amended, be amended, relating to increasing penalties for transportation of controlled substances

into the State of West Virginia”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegates Walters, Folk, Anderson, Hamilton, O’Neal, E. Evans and Pethtel:**

**H. B. 2603** - “A Bill to amend and reenact §8-22-20 of the Code of West Virginia, 1931, as amended, relating to municipal policemen’s or firemen’s pension and relief funds that are funded at one hundred and twenty-five percent or more; and authorizing certain costs not be paid”; to the Committee on Pensions and Retirement then Finance.

**By Delegates Walters, Folk, Anderson, Hamilton, O’Neal, E. Evans and Pethtel:**

**H. B. 2604** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10D-12, relating to employee information reported to the Consolidated Public Retirement Board; requiring employers to report all individuals employed; and specifying required minimum reporting requirements”; to the Committee on Pensions and Retirement then Finance.

**By Delegate Walters:**

**H. B. 2605** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-2-20, relating to requiring the Public Service Commission to create a plan within twelve months to consolidate all of the emergency communications centers and emergency telephone centers in the state into not more than six centers; setting scheduling and reporting requirements”; to the Committee on Government Organization.

**By Delegate Walters:**

**H. B. 2606** - “A Bill to amend and reenact §17-16A-18 of the Code of West Virginia, 1931, as amended, relating to Parkways Authority and maintaining status quo in the event bond indebtedness relative to Parkways Authority is eliminated; continuing tolls; maintaining projects with Parkways Authority; and specifying that certain toll revenues are to be placed into a special revenue account to be used for road projects in counties where the West Virginia Turnpike is located”; to the Committee on Roads and Transportation then Finance.

**By Delegate Canestraro:**

**H. B. 2607** - “A Bill to amend and reenact §62-12-10 of the Code of West Virginia, 1931, as amended, relating to extending the maximum period of confinement a judge may impose for certain, first-time probationary violations from sixty days to six months; and providing judges greater sentencing discretion for certain, subsequent violations of probation”; to the Committee on the Judiciary.

**By Delegate Statler:**

**H. B. 2608** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-8d; and to amend said code by adding thereto a new section, designated §29-6-4a, all relating to requiring the Commissioner of Highways to contract with private providers or contractors for certain emergency maintenance operations if the Division of Highways is unable to complete such operations in a timely manner; creating a provisional appointment procedure for Division of Highway positions necessary for snow and ice removal from roadways; authorizing the Division of Highways to solicit applications and appoint qualified applicants to provisional snow and ice removal positions pending permanent appointment; exempting provisional appointments for snow and ice removal services from State Personnel Board Procedures and oversight; creating a process by which individual provisional snow and ice removal appointees will be converted to permanent employees within the classified service system once certain requirements are met; and requiring the Division of Highways to follow ethical guidelines and certain practices when posting

provisional positions and making provisional appointments to snow and ice removal positions”; to the Committee on Roads and Transportation then Finance.

**By Delegates Kessinger, Paynter and Fast:**

**H. B. 2609** - “A Bill to amend and reenact §18-5-9 of the Code of West Virginia, 1931, as amended, relating to requiring county boards of education to conduct regular structural inspections of school facilities and structures; and requiring boards to establish a schedule of rotating inspections for all schools every ten years”; to the Committee on Education then Finance.

**By Delegates Kessinger and Paynter:**

**H. B. 2610** - “A Bill to amend and reenact §18-5-9 of the Code of West Virginia, 1931, as amended, relating to allowing private entities to lease buildings to local school boards in cases of emergency or condemnation”; to the Committee on Education.

**By Delegates Walters and Phillips:**

**H. B. 2611** - “A Bill to amend and reenact §29-22B-503 and §29-22B-504 of the Code of West Virginia, 1931, as amended, all relating to allowing a person to be both a limited video lottery operator and retailer”; to the Committee on Small Business, Entrepreneurship and Economic Development then the Judiciary.

**By Delegates Walters and Howell:**

**H. B. 2612** - “A Bill to repeal §17C-14-1 of the Code of West Virginia, 1931, as amended, relating to unattended motor vehicles; and penalty”; to the Committee on Roads and Transportation then the Judiciary.

**By Delegates Phillips, Frich, G. Foster, Sponaugle, Maynard, Gearheart, R. Miller, McGeehan, Overington, Paynter and Blair:**

**H. B. 2613** - “A Bill to amend and reenact §61-7-11a of the Code of West Virginia, 1931, as amended, relating to allowing state, county or municipal employees with a license to carry a concealed weapon to possess a firearm at any time in this state”; to the Committee on the Judiciary.

**By Delegates Phillips, Eldridge, R. Miller, Barrett, C. Miller, Maynard, Marcum, White, Ellington and Rodighiero:**

**H. B. 2614** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-4-414, relating to prohibiting health care practitioners from knowingly and in bad faith prescribing or administering drugs, in a manner not in accordance with accepted medical standards in the course of professional practice; providing felony criminal penalties for violations; and creating a defense to alleged violations”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegates Pushkin, Rowe, Caputo and Robinson:**

**H. B. 2615** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-24-11c, relating to providing a tax credit for obtaining certain certifications by the United States Green Building Council Leadership in Energy and Environmental Design green building rating system or the Green Globes Building Initiative green building rating standard; setting forth the amount of the credit; establishing who may take the credit; establishing the amount of the credit; establishing the criteria for taking the credit; providing rule-making authority; and defining terms”; to the Committee on Government Organization then the Judiciary.

**By Delegates Brewer, Ferro, Pethel, Moye, Longstreth, Caputo, Hartman, E. Evans, Sponaugle, Diserio and Pyles:**

**H. B. 2616** - "A Bill to amend and reenact §11-21-4e of the Code of West Virginia, 1931, as amended, relating to decreasing the personal income tax rates for certain taxpayers and raising the personal income tax rates for certain other taxpayers"; to the Committee on Finance.

**By Delegate Westfall:**

**H. B. 2617** - "A Bill to amend and reenact §33-6-31d of the Code of West Virginia, 1931, as amended, relating to outlining the process by which certain insurance agencies may place the insured with an affiliate of the insurer"; to the Committee on Banking and Insurance then the Judiciary.

**By Delegates Summers, Sypolt, Ellington, Blair, Kessinger, N. Foster and McGeehan:**

**H. B. 2618** - "A Bill to amend and reenact §18-2-7a of the Code of West Virginia, 1931, as amended, all relating to body mass index"; to the Committee on Education then Health and Human Resources.

**By Delegates Westfall, C. Romine, White and Frich:**

**H. B. 2619** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-40B-1, §33-40B-2, §33-40B-3, §33-40B-4, §33-40B-5, §33-40B-6, §33-40B-7, §33-40B-8, §33-40B-9 and §33-40B-10, all relating to insurer risk management and solvency assessment; defining terms; setting forth requirements for the own risk and assessment summary report; providing for the requirements of the summary report; providing exemptions to the summary report; providing confidentiality requirements related to the summary report; and providing sanctions for failing to submit the summary report"; to the Committee on Banking and Insurance then the Judiciary.

**By Delegates Frich, Ellington, Shott, Howell, Householder, Storch, Hanshaw, Kessinger, Hollen, Sobonya and Mr. Speaker (Mr. Armstead):**

**H. B. 2620** - "A Bill to amend 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, all relating to the creation of a central repository of drug overdose information in West Virginia; establishing the program and purpose; establishing the reporting system requirements; establishing responsibility of entities to report information; establishing information required to be reported; providing for data collection and reporting; providing for rule-making authority; and providing criminal and administrative penalties for noncompliance"; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegates Marcum, Rodighiero, Eldridge, Phillips, Thompson and Hicks:**

**H. B. 2621** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-22-9b, relating to the state lottery; providing for a scratch-off game to fund a drug treatment facility on post-mine land in Mingo and Logan Counties; creating a special fund within the State Treasury; authorizing the Legislature to appropriate the special lottery funds to construct and operate the drug treatment facility on post-mine land in Mingo and Logan Counties; requiring the lottery commission to change the design or theme of game on a regular basis; requiring the health care authority to conduct a survey to determine need for beds at the prospective drug treatment facility in Mingo and Logan Counties; and requiring the authority to report its findings to the Joint Committee on Government and Finance"; to the Committee on the Judiciary then Finance.

**By Delegates Howell, Arvon, Atkinson, Blair, Hamrick, Hartman, Lynch, Pushkin, Ferro and Eldridge:**

**H. B. 2622** - "A Bill to repeal §5A-3-49 of the Code of West Virginia, 1931, as amended; to amend and reenact §5A-1-2 of said code; to amend and reenact §5A-3-52 of said code; to amend said code

by adding thereto a new article, designated §5A-12-1, §5A-12-2, §5A-12-3, §5A-12-4, §5A-12-5, §5A-12-6, §5A-12-7, §5A-12-8, §5A-12-9, §5A-12-10 and §5A-12-11; to amend and reenact §17A-3-23 of said code; to amend said code by adding thereto three new sections, designated §17A-3-25, §17A-3-26 and §17A-3-27; to amend said code by adding thereto a new section, designated §29-12-15; and to amend and reenact §29B-1-4 of said code, all relating to creating and maintaining a centralized state vehicle inventory system; establishing the Fleet Management Office within the Department of Administration; creating the state Vehicle Title, Registration and Relicensing Project of 2017; requiring reporting by spending units utilizing state vehicles; providing the new article's scope and establishing exemptions; providing for new officers and establishing their powers, duties and responsibilities; defining terms; continuing the Fleet Management Office Fund; requiring the Fleet Management Office to coordinate with other agencies; providing for annual reports of vehicle use by spending units; requiring annual reports to the Governor and the Joint Committee on Government and Finance; establishing operator requirements and training; providing for enforcement; providing for notice; requiring legislative compliance audits; providing a deadline date for the expiration of current state vehicle license plates; creating new state vehicle license plates; providing for notice to spending units regarding the expiration of title, registrations and license plates; requiring a standardized naming convention for the title, registration and licensing of all state vehicles; requiring annual renewal of the state vehicle registrations; providing exemptions from reporting for certain undercover vehicles; requiring insurance cards in state vehicles; and authorizing rule-making and emergency rule-making"; to the Committee on Government Organization then the Judiciary.

**By Delegates Fleischauer, Pyles, Brewer, Hornbuckle, Byrd, Rowe, Robinson, Blair, Harshbarger, Pethtel and Maynard:**

**H. B. 2623** - "A Bill to amend and reenact §5-11-2, §5-11-3, §5-11-4, §5-11-8, §5-11-9 and §5-11-13 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5-11A-3, §5-11A-5, §5-11A-6 and §5-11A-7 of said code, all relating to unlawful discriminatory practices; prohibiting discrimination based upon age or sexual orientation; and defining sexual orientation"; to the Committee on Government Organization then the Judiciary.

**By Delegates Howell, Martin, Hill, Arvon, Lewis, Criss, Hamrick and Wilson:**

**H. B. 2624** - "A Bill to amend and reenact §16-2-11 of the Code of West Virginia, 1931, as amended, to amend said code by adding thereto a new section, designated §30-17-20, all relating generally to certification and qualifications of sanitarians; terminating the State Board of Sanitarians; providing for the State Division of Personnel to establish education standards and qualifications for sanitarians in collaboration with local boards of health; and correcting an erroneous reference"; to the Committee on Health and Human Resources then Government Organization.

**By Delegates Brewer, Ferro, Caputo, McGeehan, Iaquina, Diserio, Longstreth, Lynch, Williams, Kelly and Hornbuckle:**

**H. B. 2625** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2I-1, §5B-2I-2, §5B-2I-3 and §5B-2I-4, all relating to creating the 'Returning Veterans and Displaced Miners Jobs Act'; providing a short title and legislative findings and declaration; establishing a Veterans Job Coordinating Team and composition of the team; powers and duties, including reporting a plan to the Legislature; and providing for termination of the Veterans Job Coordinating Team unless the Legislature determines otherwise"; to the Committee on Industry and Labor then Finance.

**By Delegates Ferro, Hamilton, Cooper, Canestraro, Brewer, Storch, Iaquina, Lynch, Longstreth and A. Evans:**

**H. B. 2626** - "A Bill to amend and reenact §17B-2-12 of the Code of West Virginia, 1931, as amended, relating to extending the expiration of driver's licenses for active military members' spouses; permitting the spouse to renew his or her license from wherever they are located and need

not be in person; and authorizing rule making”; to the Committee on Roads and Transportation then Finance.

**By Delegates Statler, Phillips, Lewis, Dean, Wagner and McGeehan:**

**H. B. 2627** - “A Bill to amend and reenact §20-1-7 of the Code of West Virginia, 1931, as amended; and to amend and reenact §20-2-5 of said code, all relating to requiring that open hunting season for big game begin on a Saturday; removing certain restrictions on hunting; permitting Sunday hunting on private property throughout the state with written consent of the landowner; creating a ballot measure permitting counties to prohibit Sunday hunting on private land if a majority of voters within the county approve the prohibition; and permitting Sunday hunting on certain public lands in counties where private hunting on Sunday is permitted”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Howell, Hamrick, Summers, Ellington, Arvon, Rohrbach, Shott, C. Miller, Storch, Lewis and Maynard:**

**H. B. 2628** - “A Bill to amend and reenact §30-3-12 and §30-3-14 of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-14-11 and §30-14-12a of said code, all relating generally to the powers and duties of the Board of Medicine and the Board of Osteopathic Medicine with regard to evidence of serious misconduct of individuals subject to the boards’ jurisdiction; authorizing the Board of Medicine to deny a license to any applicant who has been convicted of a felony; requiring the Board of Osteopathic Medicine to revoke a license when an osteopathic physician or physician’s assistant is convicted of a felony involving prescription drugs; authorizing the Board of Medicine to order a permanent revocation of license when warranted by evidence; specifying additional disciplinary and restorative powers for the Board of Osteopathic Medicine; clarifying that these boards may impose disciplinary sanctions when license knowingly fails to report the gross misconduct of another licensee; and requiring the boards to refer information to law enforcement and prosecuting authorities when a board has reason to believe a crime has occurred”; to the Committee on Health and Human Resources then Government Organization.

**By Delegates N. Foster, Higginbotham, G. Foster, Hill, Shott, Butler, Westfall, Phillips, Moore and Wilson:**

**H. B. 2629** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §56-4-63a, relating to permitting a corporation to be represented by an officer of that corporation who shall have all the rights and privileges given an individual to represent, plead, and try a case without an attorney”; to the Committee on the Judiciary.

**By Delegates Howell, Arvon, Rohrbach, Summers, Pushkin, Householder, Storch, Martin, Ellington, Longstreth and Ferro:**

**H. B. 2630** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §30-3-18; and to amend said code by adding thereto a new section, designated §30-14-16, all relating to authorizing the West Virginia Board of Medicine and the West Virginia Board of Osteopathic Medicine to share staff for functions common to both boards”; to the Committee on Government Organization.

**By Delegates Howell, Martin, Hill, Arvon, Shott, Hanshaw, Lewis, Criss, Hamrick, Paynter and Hollen:**

**H. B. 2631** - “A Bill to amend and reenact §30-1-5 of the Code of West Virginia, 1931, as amended, relating to time standards for disposition of complaint proceedings and tolling the time periods for delays attributable to the accused”; to the Committee on Government Organization then the Judiciary.

**By Delegates Rodighiero, Westfall, R. Miller, Thompson, Eldridge, Lovejoy, Hicks, Marcum, Baldwin and Canestraro:**

**H. B. 2632** - "A Bill to amend and reenact §20-2-27 of the Code of West Virginia, 1931, as amended, relating to allowing children in the custody of the state in any foster home, group home or other facility or residence to hunt and fish without a license"; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegates Folk, McGeehan, Paynter, Hamrick, Miley, Barrett, Phillips, Summers and Wilson:**

**H. B. 2633** - "A Bill to amend of the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-18B-3, relating to requiring state institutions of higher education to conduct Phase 3 clinical research studies for any cancer treatment or technology that has been approved for Phase 3 study by the United States Food and Drug Administration"; to the Committee on Education then Health and Human Resources.

**By Delegates Marcum, Phillips, Hicks, Eldridge, Westfall, Deem, Hollen, Hamilton and Dean:**

**H. B. 2634** - "A Bill to amend and reenact §56-6-19 of the Code of West Virginia, as amended, relating to instructions to a jury; and prohibiting a court from giving a jury an instruction commonly known as the 'Allen Charge' to break a deadlock in jury deliberation to reach a verdict"; to the Committee on the Judiciary.

**By Delegate Deem:**

**H. B. 2635** - "A Bill to amend and reenact §3-1-16 of the Code of West Virginia, 1931, as amended, relating to nonpartisan election of justices of the Supreme Court of Appeals; and providing that when no candidate receives a majority of votes cast, then a runoff election is to be held within thirty days"; to the Committee on the Judiciary then Finance.

**By Delegates Marcum, O'Neal, Phillips, Gearheart, E. Evans, Ellington, Shott, Hicks, Hamrick, Paynter and Cooper:**

**H. B. 2636** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-8a, relating to construction of a modern highway from Pikeville, Kentucky to Beckley, West Virginia; requiring the Commissioner of Highways to determine how the highway can be best funded and constructed; and requiring reports"; to the Committee on Roads and Transportation then Government Organization.

**By Delegates Espinosa, Statler, Upson, Blair, Wilson, Westfall, R. Romine, Higginbotham, Harshbarger, Cooper and Folk:**

**H. B. 2637** - "A Bill to amend and reenact §18A-2-3 of the Code of West Virginia, 1931, as amended, relating to employment of retired teachers and prospective employable professional personnel in areas of critical need and shortage; including speech pathologists and school nurses in definition of teacher or substitute teacher for purposes of employment of retired teachers beyond the post-retirement limit; establishing uniform date retirement must become effective for eligibility for employment as critical needs substitute; clarifying reporting requirement to legislative committee; extending date for expiration of provisions related to employment of retired teacher as substitute beyond the post-retirement limit; eliminating requirement that county policy for employment of prospective employable professional personnel be based on areas of critical need and shortage identified by state board; requiring posting of notice of critical need and shortage area positions prior to making offers of employment; limiting employment of prospective employable professional personnel to certain candidates at job fair who will commence employment at the next employment term; changing limit on number of prospective employable professional personnel that may be employed to number required to fill positions posted; clarifying action required for prospective employable professional personnel to obtain regular employment status; and clarifying that provisions

relating to prospective employable professional personnel do not prevent filling posted vacancy at any time in accordance with other provisions”; to the Committee on Education then Finance.

**By Delegates Martin, Wilson, Dean, Hamilton, A. Evans, Paynter, Hill and Maynard:**

**H. B. 2638** - “A Bill to amend and reenact §7-1-3d of the Code of West Virginia, 1931, as amended; and to amend and reenact §7-17-12 of said code, all relating to county commissions authorizing reasonable fees charged for fire department or fire company response to fires or other calls for assistance; describing the means to be used for calculating and charging fees for responding to fire or other calls for assistance; prohibiting fire company or fire department from seeking reimbursement where the property is assessed a fire service levy or fire service fee; and establishing the method for revising and reauthorizing the county fire service fee by the county commission”; to the Committee on Political Subdivisions then Finance.

**By Mr. Speaker (Mr. Armstead) and Delegate Miley**

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

**H. B. 2639** - “A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2017, to the Department of Administration, Division of Personnel, fund 2440, fiscal year 2017, organization 0222, by supplementing and amending the appropriations for the fiscal year ending June 30, 2017”; to the Committee on Finance.

**By Mr. Speaker (Mr. Armstead) and Delegate Miley**

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

**H. B. 2640** - “A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2017, to the Department of Health and Human Resources, Division of Health - Laboratory Services Fund, fund 5163, fiscal year 2017, organization 0506, the Department of Health and Human Resources, Division of Health – West Virginia Birth-to-Three Fund, fund 5214, fiscal year 2017, organization 0506, and the Department of Health and Human Resources, Division of Human Services - Medicaid State Share Fund, fund 5090, fiscal year 2017, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2017”; to the Committee on Finance.

**By Delegates Hamilton, A. Evans, Eldridge, Love, Brewer, Ambler, Pethtel, Wagner, Rowan, Wilson and Cooper:**

**H. B. 2641** - “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §20-7-1 of said code, all relating to pension benefits exempt from state income taxation; and including Division of Natural Resources police into the class of law-enforcement officers exempted”; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegates Hamilton, Ambler, Kessinger, Rowan, Cooper, G. Foster, Howell, Higginbotham, Hartman and N. Foster:**

**H. B. 2642** - “A Bill to repeal §20-2-19a of the Code of West Virginia, 1931, as amended; and to amend and reenact §20-2-5, §20-2-42g and §20-2-42h of said code, all relating to hunting or trapping on private lands; removing restrictions for hunting or trapping on private lands on Sundays; and clarifying that hunting on private land at any time requires the written consent of the landowner”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates R. Miller, Eldridge, Maynard, Sobonya and Isner:**

**H. B. 2643** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-4-414, relating to creating a felony murder offense in the second



degree for delivery of a controlled substance that causes death”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegate Lewis:**

**H. B. 2644** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §23-4-1h, relating to requiring that Workers’ Compensation funds be disbursed to firefighters, emergency medical technicians and first responders when those persons are killed or become injured while responding to emergencies outside their normal geographic area”; to the Committee on Government Organization then Finance.

**By Delegates R. Miller, Eldridge, Maynard, Sobonya and Fleischauer:**

**H. B. 2645** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-4-414, relating to creating a felony for failure to render aid by a culpable person in presence of a drug overdose; and providing penalties”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**House Calendar**

**Second Reading**

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

**H. B. 2300**, Regulating step therapy protocols; 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. 2301**, Relating to direct primary care; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Summers, the bill was amended on page ten, section two, line six, after the word “beneficiary”, by striking out the colon and the proviso and inserting in lieu thereof a period.

On motion of Delegate Rowe, the bill was amended on page nine, section one, line three, following the word “Medicine”, by inserting a comma, and the words “the West Virginia Board of Optometry, West Virginia Board of Chiropractic, West Virginia Board of Dentistry” followed by a semicolon.

And,

On page nine, section one, line eleven, following the word “means”, by striking out the words “medical drugs and pharmaceuticals” and inserting in lieu thereof words “any product used to diagnose or manage a disease, including any medical device, treatment or drug” and a period.

There being no further amendments, the bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 2318**, Relating generally to human trafficking; 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. 2347**, Allowing schools licensed to provide barber, cosmetology and related training to hold theory classes and clinical classes at different locations; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

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

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

An amendment, recommended by the Committee on Health and Human Resources, was reported by the Clerk, on page one, section four-a, line one, by striking out everything after the enacting section and inserting lieu thereof the following:

**“ARTICLE 3. PREVENTION AND CONTROL OF COMMUNICABLE AND OTHER INFECTIOUS DISEASES.**

**§16-3-4a. Influenza Immunizations.**

(a) A hospital licensed pursuant to the provisions of article five-b of this chapter shall offer to an inpatient who is sixty-five years of age or older an influenza immunization prior to discharge from October 1 of every year and continuing through March 1 of the following year.

(b) A nursing home licensed pursuant to article five-c and an assisted living residence licensed pursuant to the provisions of article five-d of this chapter shall offer to a resident who is sixty-five years of age or older an influenza immunization from October 1 of every year and continuing through March 1 of the following year.

(c) The immunizations set forth in subsections (a) and (b) may not be offered in cases where the immunization is contraindicated.

(d) The requirements of this section are subject to the availability for sufficient influenza immunizations

(e) Nothing in this section may be construed to require an influenza immunization as a condition of receiving any type of service from the facilities listed in subsection (a) and (b) or as a condition of discharge.”

On motion of Delegate Summers, the amendment was amended on page one, section four-a, by striking out subsection (b) in its entirety.

On page one, section four-a, subsection (c), after the word “immunizations”, by striking out the words “set forth in subsections (a) and (b)”.

On page one, section four-a, subsection (e), after the word “service”, by striking out the words “from the facilities listed in subsection (a) and (b)”.

And,

By re-lettering the subsections accordingly.

The Health and Human Resources amendment, as amended, was then adopted.

The bill was then 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. 2404**, Barring persons who are convicted of certain criminal offenses from acquiring property from their victims,

**Com. Sub. for H. B. 2447**, Renaming the Court of Claims the state Claims Commission,

And,

**Com. Sub. for H. B. 2465**, Modifying the requirements that allow a child witness to testify by closed circuit television.

### Miscellaneous Business

Delegates Butler, Dean, Fleischauer, Fluharty, McGeehan, Paynter, Martin and Wilson filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2028.

Delegates Canestraro, Fleischauer and Hanshaw filed forms with the Clerk's Office per House Rule 94b to be added as cosponsors of H. B. 2037.

Delegates Householder and C. Miller filed forms with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2380.

Delegate Frich filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2460.

Delegate Frich filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2471.

Delegates Canestraro, Ferro, Fleischauer, Isner, Longstreth, Lovejoy, McGeehan and Pushkin filed forms with the Clerk's Office per House Rule 94b to be added as cosponsors of H. B. 2479.

Delegate White filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2529.

Delegate Sobonya filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2544.

Delegate Kelly filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2529.

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

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

Delegate White filed forms with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2529, H. B. 2548, H. B. 2562 and H. B. 2568.

Delegate Maynard filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2623.

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

At 11:40 a.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, February 20, 2017.

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



## HOUSE CALENDAR

Wednesday, February 22, 2017

15<sup>th</sup> Day

11:00 A. M.

### THIRD READING

- Com. Sub. for H. B. 2167 - Creating a Silver Alert program for senior citizens (ROWAN) (REGULAR)
- H. B. 2300 - Regulating step therapy protocols (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 2301 - Relating to direct primary care (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2318 - Relating generally to human trafficking (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2347 - Allowing schools licensed to provide barber, cosmetology and related training to hold theory classes and clinical classes at different locations (HOWELL) (REGULAR)
- H. B. 2348 - Eliminating any requirement that class hours of students be consecutive (HOWELL) (REGULAR)
- H. B. 2431 - Allowing influenza immunizations to be offered to patients and residents of specified facilities (ELLINGTON) (REGULAR)

### SECOND READING

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

**WEST VIRGINIA  
HOUSE OF DELEGATES**

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**WEDNESDAY, FEBRUARY 22, 2017**

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**HOUSE CONVENES AT 11:00 A.M.**

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**COMMITTEE ON EDUCATION  
9:00 A.M. – ROOM 434M**

**COMMITTEE ON GOVERNMENT ORGANIZATION  
9:00 A.M. – ROOM 215E**

**COMMITTEE ON JUDICIARY  
9:30 A.M. – ROOM 418M**

**COMMITTEE ON FINANCE  
9:30 A.M. & 2:00 P.M. – ROOM 464M**

**COMMITTEE ON VETERANS' AFFAIRS  
1:00 P.M. – ROOM 434M**

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STEPHEN J. HARRISON, Clerk  
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