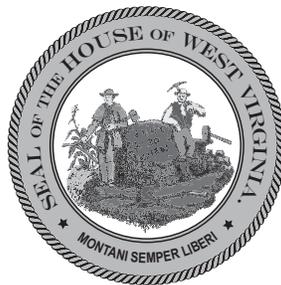


West Virginia Legislature

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March 8, 2017
TWENTY-NINTH DAY

Wednesday, March 8, 2017

TWENTY-NINTH DAY

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

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

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

The Clerk proceeded to read the Journal of Tuesday, March 7, 2017, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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

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

H. B. 2553, Relating to an exemption from the consumers sales and service tax and use tax for sales of services and tangible personal property related to the activities of raising and training livestock,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2553) was referred to the Committee on Finance.

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

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

H. B. 2707, Relating to the collection, possession and sale of naturally shed deer antlers,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2707) was referred to the Committee on the Judiciary.

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

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

H. B. 2566, West Virginia Fresh Food Act,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2566) was referred to the Committee on Finance.

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

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

H. B. 2708, Relating to a lawful method for a developmentally disabled person to purchase a base hunting license,

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

In the absence of objection, the bill (H. B. 2708) was referred to the Committee on Finance.

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

Your Committee on Roads and Transportation has had under consideration:

H. B. 2063, Extending the expiration of driver's licenses for active military members' spouses,

H. B. 2164, Prohibiting the placement of the name or likeness of public officials on state road signs,

H. B. 2180, Authorizing the issuance of special "In God We Trust" motor vehicle registration plates,

And,

H. B. 2576, Relating to autocycles,

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. 2063, H. B. 2164, H. B. 2180 and H. B. 2576) were each referred to the Committee on the Judiciary.

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

Your Committee on Roads and Transportation has had under consideration:

H. B. 2694, Relating to the development and implementation of a program to facilitate commercial sponsorship of rest areas,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2694) was referred to the Committee on Finance.

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

Your Committee on Industry and Labor has had under consideration:

H. B. 2546, Allowing uniform costs to be deducted from an employee's final paycheck if the uniform is not returned,

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. 2546) was referred to the Committee on the Judiciary.

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

Your Committee on Pensions and Retirement has had under consideration:

H. B. 2649, Adding violations of law upon which a public servant's retirement plan may be forfeited,

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. 2649) was referred to the Committee on the Judiciary.

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

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

H. B. 2132, Limiting able-bodied adults without dependents receipt of SNAP benefits to three months in a thirty-six month period,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2132) was referred to the Committee on the Judiciary.

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

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

H. B. 2667, Relating to accreditation of nursing schools,

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

In the absence of objection, the bill (H. B. 2667) was referred to the Committee on the Judiciary.

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

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

H. B. 2739, Relating to supplemental Medicaid provider reimbursement,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2739) was referred to the Committee on Finance.

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

Your Committee on Political Subdivisions has had under consideration:

H. B. 2208, Authorizing counties and municipalities to establish a joint airport hazard comprehensive plan,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2208) was referred to the Committee on Government Organization.

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

Your Committee on Political Subdivisions has had under consideration:

H. B. 2709, Authorizing the City of South Charleston to levy a special district excise tax,

And,

H. B. 2744, Local Energy Efficiency Partnership Act,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2709 and H. B. 2744) were each referred to the Committee on Finance.

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

Your Committee on Political Subdivisions has had under consideration:

H. B. 2724, Relating to responsibilities and functions of the Herbert Henderson Office of Inclusion,

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. 2724) was referred to the Committee on Health and Human Resources.

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. 2618, Relating to body mass index,

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. 2618) was referred to the Committee on Health and Human Resources.

Messages from the Senate

A message from the Senate, by

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

Com. Sub. for H. B. 2740, Making a supplementary appropriation to the Department of Administration.

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. 236 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-31, relating to claims or damages for medical monitoring; providing for certain elements for a claim for medical monitoring damages in addition to the underlying cause of action that must be shown in order to recover; establishing requirements for an order for payment of medical monitoring expenses; declaring that medical monitoring is not available in certain civil actions; prohibiting awards of punitive damages with respect to medical monitoring awards; establishing a defense if the benefits of medical monitoring are outweighed by the costs of the monitoring; detailing factors that may be considered in assessing the defense established; and requiring any civil action for medical monitoring be brought in the county where the alleged exposure occurred”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 239 - “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 organizations 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 that the prohibition against withholding or diverting wages for political activities applies to any written or oral contract or agreement entered into, modified, renewed or extended on or after July 1, 2017, and shall not otherwise apply or abrogate a written or oral contract or agreement in effect on or before June 30, 2017; 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"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 392 - "A Bill to amend and reenact §8-22A-2, §8-22A-17 and §8-22A-18 of the Code of West Virginia, 1931, as amended, all relating to the Municipal Police Officers and Firefighters Retirement System; defining the term 'vested'; clarifying factors determining duty/nonduty disability payouts; and requiring ten or more years of contributory service as a municipal police officer or municipal firefighter for a member to be eligible to receive benefits for nonduty disability"; which was referred to the Committee on Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 442 - "A Bill to amend and reenact §61-2-9 and §61-2-28 of the Code of West Virginia, 1931, as amended, all relating generally to crimes against the person; modifying definitions of 'assault', 'battery', 'domestic assault' and 'domestic battery'; and establishing penalties therefore"; 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. 456 - "A Bill to amend and reenact §49-4-605 of the Code of West Virginia, 1931, as amended, relating to standards for termination of parental rights in child abuse and neglect cases; and clarifying applicability of section when certain crimes are committed by one parent against another"; which was referred to the Committee on the Judiciary.

Resolutions Introduced

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

H. C. R. 63 – “Requesting the Division of Highways to name a portion of Route 80, known as Wills Creek Road, in Logan County, beginning at latitude 37.730131, longitude -81.873774 and ending at latitude 37.692547, longitude -81.865702, the ‘William B. Burgess Memorial Road’.”

Whereas, Mr. Burgess was born on March 26, 1919, in Logan County, to Bill and Rina Burgess; and

Whereas, Mr. Burgess spent his youth in the communities of Christian and Bruno; and

Whereas, On July 11, 1943, Mr. Burgess was killed in action while serving in the U.S. Army in North Africa; and

Whereas, Naming this road is an appropriate recognition of Mr. Burgess’ contributions to his country, state and community and having made the ultimate sacrifice; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a portion of Route 80, known as Wills Creek Road, in Logan County, beginning at latitude 37.730131, longitude -81.873774 and ending at latitude 37.692547, longitude -81.865702, the “William B. Burgess Memorial Road”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the road as the “William B. Burgess Memorial Road”; and, be it

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

Delegates Miley, Hamrick, Queen and Iaquina offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 64 – “Requesting the Division of Highways to name bridge number 17-50-14.25 (17A195) (39.28950, -80.35136), locally known as the Adamston Bridge, carrying U.S. 50 over the West Fork River in Harrison County, the ‘Gill Brothers World War II Veterans’ Memorial Bridge’.”

Whereas, Brothers William A. Gill Jr., James E. Gill, Jack S. Gill, and Foster Ray Gill honorably served their nation and state during World War II. Sergeant William A. Gill Jr., born on the 16th of November, 1916, in Clarksburg, West Virginia, enlisted in the United States Army on the 8th of July, 1942, and served in the European and North African Theaters of war. Sgt. Gill received the Good Conduct Medal, the American Theater Ribbon, the European-African-Middle Eastern Ribbon, and the World War II Victory Ribbon. He was Honorably Discharged on the 28th of February, 1946; and

Whereas, Sergeant James E. Gill was born on the 7th of July, 1918, in Clarksburg, West Virginia, enlisted in the West Virginia State National Guard on the 1st of April, 1944. He was honorably discharged on the 21st of September, 1945; and

Whereas, Private Jack S. Gill was born on the 14th of June, 1920, in Clarksburg, West Virginia, enlisted in the United States Army on the 9th of June, 1942, and served in the European Theater of war. Pvt. Gill received the Purple Heart Medal for wounds sustained in France in 1944, as well as the American Theater Service Ribbon, European-African-Middle Eastern Service Ribbon, the World War II Victory Ribbon, and the Good Conduct Medal. He was honorably discharged on the 29th of October, 1945; and

Whereas, Corporal Foster Ray Gill was born on the 23rd of February, 1924, in Clarksburg, West Virginia, enlisted in the United States Army on the 22nd of March, 1943, and served in the European Theater of war. Cpl. Gill received the Good Conduct Medal, the European-African-Middle Eastern Service Ribbon, and the World War II Victory Ribbon. He was honorably discharged on the 2nd of December, 1945; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 17-50-14.25 (17A195) (39.28950, -80.35136), locally known as the Adamston Bridge, carrying U. S. 50 over the West Fork River in Harrison County, the "Gill Brothers World War II Veterans' Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and erected signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge the "Gill Brothers World War II Veterans' 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.

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

H. C. R. 65 – "Requesting the Division of Highways to name Bridge No. 20-77-106.11 NB & SB (20A444, 20A445) (38.41306, -81.63047), locally known as I-77 Edens Fork Interchange Bridge, carrying Interstate 77 NB and SB over Kanawha Two-mile Creek and County Route 27 in Kanawha County, the 'Hobert G. "Hobie" Underwood Memorial Bridge'."

Whereas, Hobert Glass "Hobie" Underwood was born on November 7, 1922, on Kanawha Two-Mile Road in Charleston, West Virginia to Okey and Goldie Underwood; and

Whereas, Hobie enlisted in the army at age twenty and rose to the rank of Staff Sargent, serving in France and Germany. Hobie was wounded twice in the line of duty, and for his courage and resilience Hobie was awarded a Bronze Star and a Purple Heart; and

Whereas, Hobie conveyed a profound sense of patriotism throughout his life, proudly flying an American flag in front of his house; and

Whereas, In serving his country, Hobie honored his family, his state, and his country and naming this bridge near his hometown is an appropriate recognition of that service; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name Bridge No. 20-77-106.11 NB & SB (20A444, 20A445) (38.41306, -81.63047), locally known as I-77 Edens Fork Interchange Bridge, carrying Interstate 77 NB and SB over Kanawha Two-mile Creek and County Route 27 in Kanawha County, the "Hobert G. 'Hobie' Underwood Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is requested to have made and be placed signs at both ends of the bridge identifying the bridge as the "Hobert G. 'Hobie' Underwood 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 Miley, Ambler, Anderson, Baldwin, Barrett, Bates, Byrd, Canestraro, Caputo, Cooper, Dean, Diserio, Eldridge, Ellington, Espinosa, A. Evans, E. Evans, Ferro, Fleischauer, Fluharty, Folk, G. Foster, Frich, Hamilton, Hamrick, Hartman, Hicks, Hornbuckle, Isner, Lane, Longstreth, Love, Lovejoy, Lynch, Marcum, R. Miller, Moye, Paynter, Pethtel, Phillips, Pushkin, Pyles, Queen, Robinson, Rodighiero, Rohrbach, C. Romine, R. Romine, Sponaugle, Statler, Storch, Summers, Upson, Walters, Westfall, White, Williams, Wilson and Zatezalo offered the following resolution, which was read by its title and referred to the Committee on Education then Rules:

H. C. R. 66 – “Requesting the Joint Committee on Government and Finance to study the sustainability of the state’s current system of higher education and how the state can better support the public institutions of higher education.”

Whereas, West Virginia is moving through a dramatic transformation during which fundamental regulatory and supply and demand changes have sufficiently altered the trajectory of the state’s coal and natural gas sectors. The state is facing significant budgetary challenges and a current path that is not sustainable; and

Whereas, The best way to further the state’s priorities is not to rely on decades-old models that seek to preserve the status quo, but instead, lies in questioning whether our current way of doing business is sustainable and identifying new solutions; and

Whereas, It is essential that the leaders of the state reinvent the manner in which the state conducts business in order to meet certain goals, including the goal of maintaining productive institutions of higher education that educate the workforce of tomorrow and continue to be economic engines that help to drive the state’s economy; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is requested to study and review the sustainability of the state’s current system of higher education and how the state can better support the institutions; and, be it

Further Resolved, That in conducting the study, the Committee review the following issues related to success of the institutions. How to increase retention and graduation rates; how to maintain affordable tuition; how to increase access to institutions; how to promote economic achievement through education; and, be it

Further Resolved, That in conducting the study, the Committee review the following issues related to efficiency of institutional oversight: The amount of time institutions spend on multiple levels of approvals and reporting activities to the State; the amount of time institutions spend interacting with the State Treasurer’s and Auditor’s offices; and whether the Higher Education Policy Commission should be a coordinating or second-step governing body; and, be it

Further Resolved, That in conducting the study, the Committee review the following issues related to institutional funding: Whether all eighteen of the state’s four-year and two-year institutions are viable as currently constituted; how the institutions should be transformed if they are not currently viable; whether the institutions should share administrative expenses; and the effectiveness of the governing boards at each institution; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the Legislature, on the first day of the regular session 2018, on its findings, conclusions and recommendations together with drafts of any legislation to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Delegates Caputo, Miley, Longstreth, Summers, Ward and Frich offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 67 – “Requesting the Division of Highways to name bridge number 25-79-140.37 NB & SB (25A147, 25A148) (39.5047, -80.0708), locally known as Little Creek Road Overpass, carrying Interstate 79 over County Route 76 in Marion county, the ‘Pastor Robert L. “Bob” Barker Memorial Bridge’.”

Whereas, Robert L. Barker was born in Parkersburg, West Virginia, July 20, 1953, and went to be with the Lord on May 20, 2016; and

Whereas, Robert L. Barker graduated from South Parkersburg High School and went on to receive a Bachelor of Arts in Theology from Baptist University of America in Atlanta, Georgia in 1979; and

Whereas, Robert L. Barker founded Victory Baptist Church in Fairmont, West Virginia in 1983 and was elected the first pastor of the church; and

Whereas, Robert L. Barker had a lifelong mission to spread the word of God in his community and beyond; and

Whereas, Robert L. Barker spread the word of God through outreach ministry weekly at local nursing homes and Union Mission in Fairmont, West Virginia; and

Whereas, Robert L. Barker and Victory Baptist Church supported nearly two-hundred missionaries around the world to teach God’s word; and

Whereas, Robert L. Barker was affectionately known as a soul winner in his community; and

Whereas, The congregation of Victory Baptist Church would like to memorialize their beloved pastor; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 25-79-140.37 NB & SB (25A147, 25A148) (39.5047, -80.0708), locally known as Little Creek Road Overpass, carrying Interstate 79 over County Route 76 in Marion County, the “Pastor Robert L. ‘Bob’ Barker Memorial Bridge”; and, be it

Further Resolved, That 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 “Pastor Robert L. ‘Bob’ Barker Memorial Bridge”; and, be it

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

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

H. C. R. 68 – “Requesting the Division of Highways to name a portion of West Virginia Route 80, near Bruno, beginning at a point, latitude 37.692547, longitude -81.865702, and ending at a point, latitude 37.664654, longitude -81.848732, the ‘James Earl Gibson Memorial Road’.”

Whereas, James Earl Gibson was born in Logan County, West Virginia on November 23, 1921, to Alonzo and Emma Gibson; and

Whereas, James spent his youth in the community of Fanco, West Virginia on Buffalo Creek; and

Whereas, On July 6, 1943, while serving his country in World War II in North Africa, James suffered fatal wounds from a German sub while flying reconnaissance on a photo mission; and

Whereas, James’ courage, commitment and service to his country honors his family, his community and the entire State of West Virginia and should not be forgotten; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a portion of West Virginia Route 80, near Bruno, beginning at a point, latitude 37.692547, longitude -81.865702, and ending at a point, latitude 37.664654, longitude -81.848732, the “James Earl Gibson Memorial Road”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the road as the “James Earl Gibson Memorial Road”; and, be it

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

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

H. C. R. 69 – “Selecting and Instructing Commissioners to an Article V Convention for Proposing a United States Balanced Budget Amendment.”

Whereas, The Legislature of the State of West Virginia finds the national debt and mounting deficits to be an existential threat to the solvency, security, and prosperity of United States; and

Whereas, The States, acting in convention, have equal authority and responsibility with Congress under Article V to propose an amendment to the United States Constitution; and

Whereas, The Legislature of the State of West Virginia determines that a significant number of states have passed resolutions applying for a convention to propose a balanced budget amendment pursuant to Article V of the Constitution of the United States, thereby rendering it appropriate to select and instruct commissioners to any such convention called on or before December 31, 2018; therefore, be it

Resolved by the Legislature of West Virginia:

Section 1. Should a convention for proposing a balanced budget amendment to the United States Constitution be called by Congress pursuant to Article V of the Constitution on or before December 31, 2018, this State Legislature shall send a delegation to the convention.

Section 2. The delegation shall be comprised of three commissioners and an equal number of paired alternates, none of which shall be an elected or appointed official of the federal government at the time of election or any time during the term of office.

Section 3. The delegation shall be selected in the following manner:

(a) On a day and time jointly determined by the Speaker of the House and the President of the Senate, each house shall meet at the Capitol to elect commissioners and alternates at which a quorum shall be defined as those members of each body attending.

(b) By a majority vote of the members attending and voting, each body shall choose three commissioners and an equal number of paired alternates.

(c) The Speaker of the House of Delegates and the President of the Senate shall jointly choose one commissioner and one paired alternate.

(d) Should a delegation not be elected prior to the convening of the Nashville Balanced Budget Amendment Planning Convention in July of 2017, then the Speaker of the House and the [leader] of the Senate shall jointly appoint a delegation of commissioners and alternates to represent West Virginia at this convention. This delegation shall be subject to all instructions and restrictions provided in this resolution for the delegation to the Balanced Budget Amendment Convention.

Section 4. After the convention is convened, if a commissioner is not able to participate in the convention either permanently or temporarily, the commissioner's respective alternate shall replace the commissioner for the time he or she is unable to serve. Should an alternate so designated not be able to participate in the convention, then the delegation shall choose a replacement from the remaining alternates.

Section 5. The delegation shall choose its presiding officer and organize in the manner it desires.

Section 6. The delegation has authority to represent this Legislature at formal and informal planning sessions related to the convention including the Nashville Balanced Budget Amendment Planning Convention which will convene in July of 2017; to conduct community meetings and hearings throughout the state prior to the convention, and to correspond with other state commissioners and delegations; provided, however, that the delegation and its members shall at all times adhere to the oath herein and to all instructions.

Section 7. The Legislature shall provide the delegation necessary support staff and pay all of the costs of attending the convention and all planning meetings, community meetings and hearings subject to available funding.

Section 8. The term of office for the delegation shall end on the later of December 31, 2018 or the adjournment of a balanced budget convention called prior to that date.

Section 9. Any member of a delegation knowing of any violation of the oath or other misbehavior by a commissioner shall report it to the Article V Convention Committee provided for below.

Section 10. Commissioners and alternates shall take the following Oath of Office prior to accepting their appointment:

I do solemnly swear or affirm that to the best of my abilities, I will, as a commissioner (alternate commissioner) to a convention for proposing a balanced budget amendment, uphold the Constitution and laws of the United States and the State of West Virginia. I will abide by my instructions from the

Legislature. I will not discuss or vote to allow consideration of or to approve any amendment proposed for ratification to the United States Constitution that is unrelated to the subject of a balanced budget amendment.

I will vote only for convention rules that provide that each state have one equal vote, that no state or commissioner shall be allowed to propose an amendment that is unrelated to balancing the federal budget, and that all but procedural issues be resolved by a simple majority vote of the states voting on the issue. I acknowledge that any violation of this Oath may result in my being recalled by the Legislature or its authorized committee.

Section 11: Article V Convention Committee.

(a) An Article V Convention Committee shall be comprised of three individuals, one appointed by the President of the Senate, one appointed by the Speaker of the House, and one appointed jointly by each. No member of the Legislature's Article V Convention Committee may be a member of the delegation.

(b) The duties of the Legislature's Article V Convention Committee include:

(i) Monitoring the delegation to determine if it is following legislative instructions and obeying convention rules;

(ii) Advising the delegation on the Legislature's position on issues before the convention;

(iii) Disciplining any commissioner who violates the oath of office or instructions or is otherwise guilty of malfeasance or nonfeasance; discipline may include recall from the convention or demotion to alternate delegate;

(iv) Notifying the convention that a commissioner has been recalled or converted to an alternate; and

(v) Replacing any recalled commissioner.

Section 12: Commissioners shall vote only for convention rules consistent with the following principles:

(a) The convention is convened under the authority granted to the state legislatures of the several states by Article V of the Constitution of the United States;

(b) The only participants at this convention are the several states represented by their respective delegations duly selected in such manner as their respective legislatures have determined.

(c) The scope of the convention's authority is defined by applications adopted by at least two thirds of the legislatures of the several states, which authority is limited to the subject of a balanced budget amendment. The convention has no authority to propose or discuss an amendment on any other subject.

(d) The convention shall provide for disciplining a commissioner or delegation for exceeding the scope of the convention's authority by raising subjects for discussion or debate that lie outside the convention's authority.

(e) The convention shall not infringe on the respective state legislatures' authority to instruct, discipline, recall and replace commissioners.

(f) A quorum for all sessions of the convention and for all committee meetings shall be a majority of the states attending the convention or serving as members of the relevant committee.

(g) All voting at the convention or in a committee shall be by state with each state having one vote, without apportionment or division. Each state legislature shall determine the internal voting and quorum rules for casting the vote of its delegation.

(h) A majority vote of the quorum shall prevail on all issues before the convention and in all committees save for procedural votes which may require a supermajority.

(i) An affirmative vote not greater than a majority of the several states shall be necessary to propose an amendment.

Delegates Overington, Anderson, Arvon, Blair, Butler, Dean, Deem, Ellington, A. Evans, Fast, Folk, G. Foster, Frich, Hamrick, Harshbarger, Householder, Howell, Lewis, Martin, Maynard, C. Miller, Paynter, Phillips, Queen, Rohrbach, C. Romine, R. Romine, Sobonya, Storch, Summers, Walters, Ward and Wilson offered the following resolution, which was read by its title and referred to the Committee on the Judiciary:

H. C. R. 70 – “Applying to the Congress of the United States to call a convention for proposing amendments pursuant to Article V of the United States Constitution limited to proposing amendments that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress; and adopting certain reservations, understandings and declarations limiting the application.”

SECTION 1. Application for a convention for proposing amendments.

Whereas, Executive orders by the President of the United States have become a vehicle through which the President may overstep the limits of his constitutional authority; and

Whereas, The concentration of power at the federal level has had the effect of making federal officials less responsive to the will of the people and more readily influenced by lobbyists, wealthy corporations and special interests in Washington, D.C.; and

Whereas, Much of federal law is now enacted by federal bureaucrats who were never chosen by the people and have no accountability to the people whatsoever; and

Whereas, Policy decisions made at the state level tend to be more responsive to the needs and desires of the people; and

Whereas, The federal government has created a crushing national debt through improper and imprudent spending; and

Whereas, The federal government has invaded the legitimate roles of the states through the manipulative process of federal mandates, many of which are unfunded to a great extent; and

Whereas, The states have the ability to restore the responsiveness of government to the people and to restrain abuses of federal power by proposing Amendments to the Constitution of the United States through a limited Convention of the States under Article V; therefore, be it

Resolved by the Legislature of West Virginia:

That it hereby applies to Congress, under the provisions of Article V of the Constitution of the United States, for the calling of a convention of the states limited to proposing amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this Resolution, Legislative Call and application to the President and Secretary of the United States Senate and to the Speaker and Clerk of the United States House of Representatives, and copies to the members of the said Senate and House of Representatives from this State; also to transmit copies hereof to the presiding officers of each of the legislative houses in the several states, requesting their cooperation; and, be it

Further Resolved, That this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two thirds of the several states have made applications on the same subject.

SECTION 2. Reservations, understandings and declarations.

The West Virginia Legislature adopts this application expressly subject to the following reservations, understandings and declarations:

1. An application to the Congress of the United States to call an amendment convention of the states pursuant to Article V of the United States Constitution confers no power to Congress other than the power to call such a convention. The power of Congress to exercise this ministerial duty consists solely of the authority to name a reasonable time and place for the initial meeting of a convention;

2. Congress shall perform its ministerial duty of calling an amendment convention of the states only upon the receipt of applications for an amendment convention for the substantially same purpose as this application from two thirds of the legislatures of the several states;

3. Congress does not have the power or authority to determine any rules for the governing of an amendment convention of the states called pursuant to Article V of the United States Constitution. Congress does not have the power to set the number of delegates to be sent by any state to such a convention, nor does it have the power to name delegates to such a convention. The power to name delegates remains exclusively within the authority of the legislatures of the several states;

4. By definition, an amendment convention of the states means that states shall vote on the basis of one state, one vote;

5. A convention of the states convened pursuant to this application shall be limited to consideration of the topics specified herein and no other. This application is made with the express understanding that an amendment that in any way seeks to amend, modify, or repeal any provision of the Bill of Rights shall not be authorized for consideration at any stage. This application shall be void ab initio if ever used at any stage to consider any change to any provision of the Bill of Rights;

6. Pursuant to Article V of the United States Constitution, Congress may determine whether proposed amendments shall be ratified by the legislatures of the several states or by special state ratification conventions. The West Virginia Legislature recommends that Congress select ratification by the legislatures of the several states; and

7. The West Virginia Legislature may provide further instructions to its delegates and may recall its delegates at any time for a breach of a duty or a violation of the instructions provided.

Delegates Hornbuckle, Eldridge, Moye, Paynter, Cooper, Harshbarger, Ambler, Rohrbach, Miley, Caputo and Rodighiero offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 71 – “Designating March 8, 2017 as Disability Advocacy Day.”

Whereas, There are over 400,000 West Virginians with disabilities; and

Whereas, People with disabilities have the right to live, work and fully participate in their communities to realize their dreams; and

Whereas, People with disabilities have the right to receive the support they need to exercise self-determination, achieve independence, and become productive employees in the workplace; and

Whereas, West Virginia’s citizens with disabilities have banded together in a collective group called the Fair Shake Network, to help bring their concerns to the forefront of public awareness; and

Whereas, The Fair Shake Network has developed a statewide network concerned with all types of disabilities and all age groups, providing opportunities for people to learn from each other and take action together; and

Whereas, The member organizations: Appalachian Center for Independent Living; West Virginia Development Disabilities Council; West Virginia Statewide Independent Living Council; West Virginia Division of Rehabilitation Services; WV Autism Training Center; West Virginian Parent Training & Information; Disability Rights of WV; West Virginia University Center for Excellence in Disabilities; West Virginia Statewide Rehabilitation Council; Open Doors, Inc.; National Association of Social Workers, WV Chapter; WV Olmstead Office; Mountain State Parents CAN; WV Association of the Deaf; Central West Virginia Action Network; Mountain State Centers for Independent Living; and partner organizations including: Job Squad; Northern West Virginia Center for Independent Living; Ron Yost Personal Assistance Services Program; The Arc of WV; People First of WV; West Virginia Commission for the Deaf and Hard of Hearing; Fair Housing Action Network; and Aging and Disability Resource Network; have joined together to help increase public awareness of issues involving the many concerns of West Virginians with disabilities through the Fair Shake Network; and

Whereas, The Purpose of Disability Advocacy Day is to increase the awareness and understanding of legislators, administrators, policymakers and the public of the public policy issues that are important to people with disabilities; therefore, be it

Resolved by the Legislature of West Virginia:

That the House of Delegates hereby designates March 8, 2017 as Disability Advocacy Day; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the appropriate representatives of the Fair Shake Network.

Bills Introduced

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

By Delegates Fast, Kessinger, Arvon, Hill, O'Neal and Howell:

H. B. 2818 - "A Bill to amend and reenact §18-8-12 of the Code of West Virginia, 1931, as amended, relating to prohibiting West Virginia institutions of higher learning and state agencies from discriminating against graduates of private, nonpublic or home schools by requiring them to submit to alternative testing as a precondition for acceptance into the institution of higher learning"; to the Committee on Education.

By Delegates Howell, Lewis, Paynter, Ward, Sypolt, Hamrick, Arvon, Hill, Martin, Storch and Sobonya:

H. B. 2819 - "A Bill to amend and reenact §5A-3-43 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §5A-3D-1, §5A-3D-2, §5A-3D-3, §5A-3D-4, §5A-3D-5 and §5A-3D-6; and to amend and reenact §17-2A-14 of said code, all relating to terminating the State Agency for Surplus Property and giving state agencies direct authority to dispose of tangible personal property that has reached the end of a reasonable, useful life; providing for the termination of the State Agency for Surplus Property in an orderly process; terminating rules relating to the State Agency for Surplus Property; defining new terms; specifying items to be reported as fixed assets; establishing the method to calculate the useful life of tangible personal property; granting discretion to agencies to decide when and how to retire fixed assets; providing for the assistance of the Division of Purchasing; establishing minimum value for retirement of assets prior to the end of useful life; modifying the disposition of equipment of the Division of Highways and requiring inventory reporting to be done as specified by the Secretary of Administration"; to the Committee on Government Organization then Finance.

By Delegates Howell, Hamrick, Paynter, Lewis, Arvon, Martin, Storch, Frich, Blair, Upson and Walters:

H. B. 2820 - "A Bill to repeal §60-1-4 of the Code of West Virginia, 1931, as amended; to repeal §60-2-2, §60-2-3, §60-2-7, §60-2-9, and §60-2-10 of said code; to repeal §60-3-1, §60-3-2, §60-3-3, §60-3-4, §60-3-5, §60-3-6, §60-3-7, §60-3-8, §60-3-9, §60-3-10, §60-3-11, §60-3-12, §60-3-13, §60-3-14, §60-3-15, §60-3-16, §60-3-17, §60-3-18, §60-3-20, §60-3-21, §60-3-23, and §60-3-24 of said code; to amend and reenact §11-16-3 and §11-16-4 of said code; to amend said code by adding thereto a new article, designated §29-22D-1, §29-22D-2 and §29-22D-3; to amend and reenact §60-1-5 of said code; to amend and reenact §60-2-1 of said code, all relating to abolishing the Alcohol Beverage Control Commissioner; transferring its powers and duties to the State Lottery Commission; creating alcohol beverage distributors licenses; and creating a per case tax on alcohol"; to the Committee on Government Organization then Finance.

By Delegates Boggs, Sponaugle, Walters, Hartman, A. Evans, Anderson, Hamilton, Pethtel and C. Romine:

H. B. 2821 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13DD-1, §11-13DD-2, §11-13DD-3, §11-13DD-4, §11-13DD-5, §11-13DD-6 and §11-13DD-7, all relating to creation of farm-to-food bank tax credit; defining terms; providing method for calculation of value of tax credit; limiting tax credit; providing for certification by Department of Agriculture; allowing carryover of unused tax credits for four years; providing for rulemaking; and establishing effective date of tax credit"; to the Committee on Agriculture and Natural Resources then Finance.

By Delegates Howell, Shott, Lewis, Ward, Hamrick, Arvon, O'Neal, Storch, Martin, Hill and Paynter:

H. B. 2822 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-14-3a; to amend said code by adding thereto a new section, designated §29-3B-4a; and to amend said code by adding thereto a new section, designated §29-3D-4a, all relating to allowing military veterans with certain military ratings to qualify for examination for license

as a plumber, allowing military veterans with certain military ratings to qualify for examination for license as an electrician; allowing military veterans with certain military ratings to qualify for examination for license as a sprinkler fitter in training or a journeyman sprinkler fitter”; to the Committee on Veterans’ Affairs and Homeland Security then Government Organization.

By Delegates Miley, Longstreth, Baldwin, Iaquina, Pushkin, Isner, Hornbuckle, E. Evans, Barrett, Williams and Robinson:

H. B. 2823 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-5W-1, §16-5W-2, §16-5W-3 and §16-5W-4, all relating to requiring the Commissioner of the Bureau for Public Health to establish an on-call center for state residents to receive assistance with healthcare”; to the Committee on Health and Human Resources then Finance.

By Delegates Lynch, Hartman, Iaquina, Ferro, Cooper, Pushkin, Caputo, Boggs, Diserio, R. Romine and Hamilton:

H. B. 2824 - “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to exempting State Teachers Retirement System pension benefits from West Virginia personal income taxation”; to the Committee on Pensions and Retirement then Finance.

By Delegates C. Miller, Sobonya, Upson, Ellington, Rohrbach, Shott, Hornbuckle, Lovejoy and Hicks:

H. B. 2825 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-4-5b, relating to requiring state institutions of higher education and community and technical colleges to adopt certain policies and implement certain programs relating to sexual assault, domestic violence, dating violence and stalking”; to the Committee on Education then the Judiciary.

By Delegate Walters:

H. B. 2826 - “A Bill to repeal §16-29G-1, §16-29G-2, §16-29G-3, §16-29G-4, §16-29G-5, §16-29G-6, §16-29G-7 and §16-29G-8 of the Code of West Virginia, 1931, as amended; and to amend and reenact §16-3C-1 and §16-3C-3 of said code, all relating to eliminating provisions and repealing statutes related to the West Virginia Health Information Network and health information exchanges”; to the Committee on Health and Human Resources then Finance.

By Delegates Ellington and Summers:

H. B. 2827 - “A Bill to amend and reenact §33-4A-1, §33-4A-2, §33-4A-3, §33-4A-4, §33-4A-5, §33-4A-6, §33-4A-7 and §33-4A-8 of the Code of West Virginia, 1931, as amended, all relating to the updating the all payor claims database”; to the Committee on Health and Human Resources.

By Delegates Summers, Canestraro, R. Miller and Hollen:

H. B. 2828 - “A Bill to amend and reenact §62-3-3 of the Code of West Virginia, 1931, as amended, relating to changing the number of strikes in jury selection in felony cases to provide four strikes each to the accused and the prosecution; and setting forth the order the strikes are to be taken”; to the Committee on the Judiciary.

By Delegates Rowe, Pyles, Byrd, Phillips, Lane, Pushkin and Robinson:

H. B. 2829 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-7-4b, relating to establishing a toll-free phone line for receipt of comments from the public about state programs and services which will be reported online for all to see and review”; to the Committee on Government Organization then Finance.

By Delegates Frich, Ward, Hollen, Butler, Walters, Barrett, Arvon, Householder, C. Miller, Espinosa and Westfall:

H. B. 2830 - "A Bill to amend and reenact §5A-3-1 and §5A-3-3 of the Code of West Virginia, 1931, as amended, all relating to agencies exempt from the state purchasing laws and providing for the appointment of the director of purchasing"; to the Committee on Government Organization then Finance.

By Delegate Gearheart:

H. B. 2831 - "A Bill to amend and reenact §17B-2-7a of the Code of West Virginia, 1931, as amended, relating to the reconstitution of the Driver's Licensing Advisory Board, by requiring one member of the board to be a licensed neurologist in this state, by requiring the board to respond to requests of the commissioner when necessary in the discretion of the commissioner, by striking obsolete sections of code and by adding statutory consistency"; to the Committee on Roads and Transportation then Government Organization.

By Delegates E. Evans, Paynter, Baldwin, Rowe, Canestraro, Thompson and Robinson:

H. B. 2832 - "A Bill to amend and reenact §5-22-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-13-3 of said code; and to amend and reenact §16-13A-7 of said code, all relating to raising the amount required for competitive bidding of construction contracts by the state and its subdivisions from \$25,000 to \$50,000; raising the amount required for competitive bidding of sanitary board construction contracts from \$10,000 to \$50,000; excepting public service districts from competitive bidding for emergency repairs; and raising the amount required for competitive bidding of public service district construction contracts from \$25,000 to \$50,000"; to the Committee on Government Organization then Finance.

By Delegates Howell, Frich, Dean, Hill, G. Foster, Martin, Hamrick, Arvon, Criss, Lewis and Sypolt:

H. B. 2833 - "A Bill to amend and reenact §30-1-12 of the Code of West Virginia, 1931, as amended, relating to specifying the contents and categories of information for inclusion in annual reports to be submitted by professional licensing boards"; to the Committee on Government Organization.

By Delegates Howell, Frich, Dean, Hill, Martin, Hamrick, Arvon, Criss, Lewis, Sypolt and Paynter:

H. B. 2834 - "A Bill to amend and reenact §21-1B-5 and §21-1B-7 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §21-1B-9, all relating to unlawful employment practices involving unauthorized workers; requiring that an employer's license or authorization to operate a business in this state be suspended or revoked if the employer is convicted of certain crimes; creating a rebuttable presumption that an employer is not guilty of the offense of knowingly employing, hiring, recruiting or referring an unauthorized worker if the employer complied with federal statutory requirements for verifying employment authorization; establishing factors that the Commissioner of Labor may consider when determining whether to suspend or revoke an employer's license or authorization to operate a business; requiring licensing agencies to suspend or revoke an employer's license or authorization to operate a business upon receipt of an order from the Commissioner of Labor; and establishing that a public official or employee of the state has a duty report known employment of an unauthorized worker to federal immigration authorities"; to the Committee on Small Business, Entrepreneurship and Economic Development then the Judiciary.

By Delegates Howell, Dean, Hill, G. Foster, Martin, Hamrick, Criss, Lewis, Sypolt, Fast and Paynter:

H. B. 2835 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-4-5b, relating to permitting an individual with a current West Virginia issued license to carry a concealed deadly weapon to carry such weapon on the campus of a state institution of higher education"; to the Committee on Education then the Judiciary.

By Delegates Howell, Frich, Dean, Harshbarger, Hill, Martin, Hamrick, Criss, Arvon, Lewis and Sypolt:

H. B. 2836 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17A-3-15a, relating to allowing the owner of an antique military vehicle to display alternate registration insignia that is compatible with the vehicle's original markings in lieu of a registration plate"; to the Committee on Roads and Transportation then the Judiciary.

By Delegates Howell, Frich, Dean, Harshbarger, Hill, Martin, Hamrick, Criss, Lewis, Rohrbach and Fast:

H. B. 2837 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-1-5b, relating to the collection of municipal sales tax by vendors of goods and services; providing that vendors delivering goods by common carrier may not be required to collect tax and providing that vendors delivering goods or services directly to a purchaser may only be required to collect tax if the vendor knows or has reason to know that the delivery location is within a taxing municipality's boundaries"; to the Committee on Finance.

By Delegates Howell, Shott, Frich, Dean, Harshbarger, Hill, G. Foster, Martin, Hamrick, Arvon and Criss:

H. B. 2838 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-24-8, relating to allowing military veterans who meet certain qualifications to qualify for examination for license as an emergency medical technician"; to the Committee on Veterans' Affairs and Homeland Security then Health and Human Resources.

By Delegates Howell, Frich, Dean, Hill, G. Foster, Martin, Hamrick, Arvon, Lewis, Sypolt and Rohrbach:

H. B. 2839 - "A Bill to amend and reenact §4-10-6, §4-10-7, §4-10-8, §4-10-10 and §4-10-14 of the Code of West Virginia, 1931, as amended, all relating generally to updating the procedures for legislative review of departments and licensing boards; amending definitions; defining the timing and scope of department presentations; eliminating analysis of websites as a review component; updating regular schedules for agency and regulatory board reviews; and authorizing reviews and reorganizations outside of the regular review schedules"; to the Committee on Government Organization.

By Delegates Howell, Frich, Dean, Hill, G. Foster, Martin, Hamrick, Arvon, Criss, Lewis and Sypolt:

H. B. 2840 - "A Bill to amend and reenact §5A-1-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §5F-2-1 of said code; and to amend said code by adding thereto twelve new sections, designated §5F-2-1a, §5F-2-1b, §5F-2-1c, §5F-2-1d, §5F-2-1e, §5F-2-1f, §5F-2-1g, §5F-2-1h, §5F-2-1i, §5F-2-1j, §5F-2-1k and §5F-2-1l, all relating to the reorganization of certain code provisions that organize the executive branch of state government"; to the Committee on Government Organization then Finance.

By Delegates Howell, Frich, Dean, Harshbarger, Hill, G. Foster, Martin, Hamrick, Arvon, Criss and Lewis:

H. B. 2841 - "A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new section, designated §5F-2-8, relating to requiring board members to have attended a board meeting in order to be compensated for the meeting; requiring the member to attest to his or her attendance and it be witnessed; and requiring records be kept for at least five years"; to the Committee on Government Organization then Finance.

By Delegates Hornbuckle, Pushkin, White, C. Romine, Rohrbach, C. Miller, Blair, Westfall, Canestraro, Lovejoy and Robinson:

H. B. 2842 - "A Bill to amend and reenact §11-16-10 of the Code of West Virginia, 1931, as amended, relating to authorizing a temporary foreign brewers import license"; to the Committee on the Judiciary then Finance.

By Delegates Fast, Kessinger, Hill, Howell, Ward, Lane, Hamrick and Storch:

H. B. 2843 - "A Bill to amend and reenact §7-11B-3, §7-11B-4 and §7-11B-7 of the Code of West Virginia, 1931, as amended, all relating to permitting Class III and Class IV municipalities to be included in the West Virginia Tax Increment Act"; to the Committee on Political Subdivisions then Finance.

By Delegates Upson, Householder, O'Neal, Wilson, Cooper, Blair, McGeehan, Dean, Wagner, N. Foster and Hill:

H. B. 2844 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §30-1B-2a and §30-1B-2b, all relating to provisions applicable to military members and their spouses"; to the Committee on Veterans' Affairs and Homeland Security then Finance.

By Delegates Lane, Byrd, Walters, Robinson, Rowe, Pushkin and Mr. Armstead (Mr. Speaker):

H. B. 2845 - "A Bill to amend and reenact §31-20-10a of the Code of West Virginia, 1931, as amended, relating to establishing that the Division of Corrections is responsible for the costs of housing and maintaining an inmate the day following an inmate's conviction"; to the Committee on the Judiciary then Finance.

By Delegates Fast, O'Neal, Kessinger, Sobonya, Rowan, G. Foster and Mr. Armstead (Mr. Speaker):

H. B. 2846 - "A Bill to amend and reenact §30-5-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-5-12a, all relating to including high school students participating in a competency based pharmacy technician education and training program as persons qualifying to be a pharmacy technician trainee"; to the Committee on Education then Health and Human Resources.

By Delegates Fleischauer, Rodighiero, Sobonya, McGeehan, Butler, Householder, R. Miller, Baldwin, Lovejoy, Hornbuckle and Longstreth:

H. B. 2847 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-25, relating to the state's Medicaid Home and Community-Based Services Intellectual/Developmental Disability Waiver; requiring the West Virginia Bureau for Medical Services to file a request with the Centers for Medicare & Medicaid Services to reinstate the terms of the state's amended Intellectual/Developmental Disability Waiver that was approved and in place prior to July 1, 2015; and requiring the bureau to seek legislative approval before filing a future request with the Centers for Medicare & Medicaid Services to amend or renew an Intellectual/Developmental

Disability Waiver in a manner that alters the scope or nature of services provided under a current waiver”; to the Committee on Health and Human Resources then Finance.

By Delegates Rowan, Rohrbach, Lewis, Lynch, Pyles, Sypolt, Maynard, Paynter, Eldridge, Martin and Boggs:

H. B. 2848 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13EE-1, §11-13EE-2 and §11-13EE-3, all relating to providing a tax credit for modifications to homes made more accessible for an elderly person or a person with a disability”; to the Committee on Senior Citizen Issues then Finance.

By Delegates Folk, Wilson, Walters, Paynter, Butler, Summers, Gearheart, Hamrick, Martin, Statler and Hill:

H. B. 2849 - “A Bill to amend and reenact §18B-1B-5 of the Code of West Virginia, 1931, as amended, relating to providing that the compensation level of the Chancellor for Higher Education may be no more than the salary of the Governor”; to the Committee on Education then Finance.

By Delegates Shott, O’Neal, Sobonya and Moore:

H. B. 2850 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-31, relating to product liability actions; limiting product liability action against seller other than the manufacturer of the product except in certain circumstances; and defining terms”; to the Committee on the Judiciary.

By Delegates White, Westfall, Moore, Dean, Lane, Ward and Frich:

H. B. 2851 - “A Bill to amend and reenact §32-2-202 of the Code of West Virginia, 1931, as amended; to amend and reenact §32-3-305 of said code; and to amend and reenact §32-4-406 and §32-4-413 of said code, all relating to updating fee structure provisions for broker-dealers, agents, investment advisers; certain securities offerings and opinions; and increasing the fund cap associated with the fees”; to the Committee on Banking and Insurance then Finance.

By Delegates Howell, Arvon, Hamrick, Hill, Martin, O’Neal, Storch, Sobonya, Frich, Sypolt and Ward:

H. B. 2852 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §5A-2-35 and §5A-2-36, all relating to the preparation of a comprehensive annual financial report; requiring training; requiring notice; requiring reporting; proscribing penalties for non-compliance; providing for an administrative appeal; and establishing deadlines for creation of the comprehensive annual financial report”; to the Committee on Government Organization.

By Delegates Rowan, Ambler, Cooper and Espinosa:

H. B. 2853 - “A Bill to amend and reenact §18-20-5 of the Code of West Virginia, 1931, as amended, relating to more equitable disbursement of funds to county boards to lessen budgetary impact of serving high cost/high acuity special needs students; eliminating requirement to annual review of rules, policies and standards and federal law and report to Legislative Oversight Commission; defining high cost/high acuity special needs; and providing for method of fund disbursement”; to the Committee on Education then Finance.

By Delegates E. Evans, Maynard, Thompson and Paynter:

H. B. 2854 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-14D-11a, relating to adding an annual annuity adjustment of one percent for eligible retirants or surviving spouses”; to the Committee on Pensions and Retirement then Finance.

By Delegate Upson:

H. B. 2855 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §48-1-235a; to amend and reenact §48-5-508 and §48-5-610 of said code; and to amend and reenact §48-6-101 of said code, all relating to care, custody and visitation of pets involved in separation and divorce proceedings; defining 'pet'; authorizing courts to provide both temporary and final relief involving the care, custody and visitation of pets; directing that orders for pet care, custody and visitation consider the well-being of the animal; and specifying that terms for pet care, custody and visitation may be included within property settlements or separation agreements"; to the Committee on the Judiciary.

By Delegates O'Neal, Cooper, Ambler, C. Miller, Boggs, Fast, Kessinger, White, Sobonya, C. Romine and Rohrbach:

H. B. 2856 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-2-9a, relating to declaring public policy and legislative intent for improving the marketing, quality and frequency of passenger rail service of the Cardinal Passenger Train operated by the National Railroad Passenger Corporation, doing business as AMTRAK, along the route crossing the south-central region of the state from Huntington eastward to White Sulphur Springs; the powers and duties of the Commissioner of the Division of Tourism and the tourism commission to achieve those policies and Legislative intent; cooperation and assistance to be provided by the West Virginia Department of Transportation and the West Virginia State Rail Authority to the commissioner and tourism commission; cooperation of the commissioner with other states and the National Railroad Passenger Corporation; participation in an interstate body to achieve such cooperation; and creation of a Cardinal Passenger Train Enhancement Fund as a special revenue account"; to the Committee on Finance.

By Delegates G. Foster, Westfall, White, Walters, Moore and Summers:

H. B. 2857 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-3E-1, §21-3E-2, §21-3E-3, §21-3E-4, §21-3E-5, §21-3E-6, §21-3E-7, §21-3E-8, §21-3E-9, §21-3E-10, §21-3E-11, §21-3E-12, §21-3E-13, §21-3E-14, §21-3E-15 and §21-3E-16, all relating to creating West Virginia Safer Workplaces Act; permitting employers to test employees and prospective employees for drugs and alcohol; providing a short title; defining terms; declaring public policy; clarifying exceptions to the applicability of the West Virginia Safer Workplaces Act for employers covered by other drug and alcohol testing statutes; determining a collection of samples, scheduling of tests and testing procedures; providing for ability to request split sample be tested to challenge a positive test result; establishing responsibility for cost of split sample testing; setting forth testing policy requirements; providing for disciplinary procedures; providing for sensitive employees; providing for preemption; providing protection from liability; establishing causes of action; providing exceptions; providing for confidentiality; providing for termination of employment; providing for forfeiture of certain benefits; clarifying that the drug and alcohol testing provisions of the West Virginia Safer Workplace Act cannot be used to show intoxication pursuant to section two, article four, chapter twenty-three of this code; and requiring employers to have drug and alcohol testing policies and procedures when implementing drug and alcohol testing"; to the Committee on Industry and Labor then the Judiciary.

By Delegate Rowe:

H. B. 2858 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18C-2-10, relating to creating a loan tuition forgiveness program to encourage students in selected and necessary fields to remain in the state; creating a 'New College Families' loan forgiveness program; and creating a loan forgiveness program for counties with low college attendance"; to the Committee on Education then Finance.

By Delegates Hamrick, Miley, Queen and Iaquinta:

H. B. 2859 - "A Bill to amend and reenact §7-11B-7, §7-11B-10 and §7-11B-22 of the Code of West Virginia, 1931, as amended, all relating generally to tax increment financing districts; authorizing county commission or municipality to modify termination time of certain districts; extending length of certain districts; providing for the discharge of any tax increment financing obligations outstanding on termination date of a district; and extending maturation of tax increment financing obligations"; to the Committee on Finance.

By Delegates Hamrick, Miley, Queen and Iaquinta:

H. B. 2860 - "A Bill to amend and reenact §16-13E-8 of the Code of West Virginia, 1931, as amended, relating to modification of assessments in a community enhancement district"; to the Committee on Finance.

By Delegates G. Foster, Higginbotham, Kessinger and Lane:

H. B. 2861 - "A Bill to amend and reenact §16-30-6 of the Code of West Virginia, 1931, as amended, relating to authorizing a medical power of attorney representative to sign a binding arbitration agreement with an extended care facility operated in conjunction with a hospital, an assisted living facility, a nursing home or their related entities and employees on behalf of an incapacitated person unless the representative's authority is clearly limited"; to the Committee on the Judiciary.

By Delegates Fluharty and Miley:

H. B. 2862 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-25; to amend said code by adding thereto a new section, designated §18-2-41; and to amend said code by adding thereto a new section, designated §18B-2A-9, all relating to establishing the 'Stay in State' tax credit against personal income for higher education tuition for certain state residents; creating credit for student loan payments for all in-state community college, college or university undergraduates and their in-state employers against personal income tax; establishing conditions and qualifications for the tax credit; providing methodology for calculating credit; providing for graduate and employer eligibility for payments against student loans for employees; defining terms; and providing that the board of education, State Board of Education and governing boards of colleges promotion of the program"; to the Committee on Education then Finance.

By Delegates Fluharty, Pushkin, Fleischauer and Miley:

H. B. 2863 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-11-4c, relating to insurance unfair trade practices; prohibiting use of a person's credit history in certain insurance transactions"; to the Committee on Banking and Insurance then the Judiciary.

By Delegates O'Neal, Householder, Sypolt, Upson, Hill, Kessinger, Atkinson, C. Miller, Queen, Hamrick and N. Foster:

H. B. 2864 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §59-1-2d, relating to waiving certain business start-up and occupational licensing fees for low-income individuals"; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

By Delegates Anderson, Kelly, Zatezalo, Kessinger, Phillips, Butler, Wilson and McGeehan:

H. B. 2865 - "A Bill to amend and reenact §11-3-27 of the Code of West Virginia, 1931, as amended, relating to erroneous tax assessments and overpayments to the county; clarifying that relief may be sought for overpayment of taxes by a taxpayer; establishing a procedure for petitioning the Auditor for additional review of a county commission's decision; granting the Auditor express

authority to order the county commission to make reimbursement or issue a tax credit where a county commission's decision is found to be clearly erroneous; and granting the Auditor express authority to promulgate emergency rules in order to comply with this section"; to the Committee on Finance.

By Delegate Rowe:

H. B. 2866 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §16-1-16 and §16-1-16a, all relating to social determinants of health; establishing the Minority Health Advisory Team including its composition and duties; authorizing a Community Health Equity Initiative Demonstration Project; authorizing the Commissioner of the Bureau for Public Health to establish a Community Health Equity Initiative Demonstration Project; establishing eligibility requirements; providing for the administration of the demonstration project; establishing requirements for a demonstration project plan and the selection of communities for participation; establishing reporting requirements; and establishing the date on which the demonstration project terminates"; to the Committee on Health and Human Resources then Finance.

By Delegates Hamilton, Miley, Pyles, R. Romine, Iaquina, Pethel and Williams:

H. B. 2867 - "A Bill to amend and reenact §17C-14-9a of the Code of West Virginia, 1931, as amended; to amend and reenact §17C-15-26 of said code; and to amend and reenact §24A-2-2b of said code, all related to emergency vehicles; increasing penalties for failure to use due caution when approaching an emergency vehicle while using emergency signals; authorizing the use of red flashing lights by tow trucks and wreckers; and providing that Public Service Commission publish guidelines for use of certain safety equipment and a fee schedule for use of secondary vehicle"; to the Committee on Roads and Transportation then the Judiciary.

By Delegates Hanshaw and Westfall:

H. B. 2868 - "A Bill to amend and reenact §36-8-2 of the Code of West Virginia, 1931, as amended, relating generally to Uniform Unclaimed Property Act; and clarifying that presumed abandoned property in the form of amounts owed by an insurer on a life or endowment insurance policy or an annuity that has matured or terminated, and obligations related thereto, are guided by policies, requirements and interpretations of the Insurance Commissioner"; to the Committee on Banking and Insurance then the Judiciary.

House Calendar

Third Reading

S. B. 176, Repealing article concerning detection of tuberculosis, high blood pressure and diabetes; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 70**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Ellington and Williams.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 176) passed.

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

S. B. 188, Correcting definition of "telehealth" in medication-assisted treatment programs; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 71**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Ellington and Williams.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 188) passed.

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

Second Reading

Com. Sub. for H. B. 2503, Relating to the rulemaking authority for Board of Osteopathic Medicine; 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. 2526, Classifying additional drugs to Schedules I, II, IV and V of controlled substances; on second reading, coming up in regular order, was reported by the Clerk.

Delegate Cowles asked unanimous consent to postpone the bill one day, which consent was not given, objection being heard.

Delegate Cowles moved to postpone the bill one day.

On this motion, Delegate Sponaugle demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 72**), and there were—yeas 61, nays 38, absent and not voting 1, with the nays and absent and not voting being as follows:

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

Absent and Not Voting: Ellington.

So, a majority of the members present and voting having voted in the affirmative, the motion to postpone the bill one day was adopted.

Com. Sub. for H. B. 2540, Permitting a person to practice certain professions for limited time for a charitable function; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2628, Relating generally to the powers and duties of the Board of Medicine and the Board of Osteopathic Medicine; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

First Reading

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

Com. Sub. for H. B. 2554, West Virginia Contractor Licensing Act,

Com. Sub. for H. B. 2571, Developing a resource for use by parents to monitor and track deaf and hard-of-hearing children's expressive and receptive language acquisition,

H. B. 2675, Relating to primary elections and nominating procedures,

H. B. 2706, Authorizing legislative rules regarding higher education,

Com. Sub. for H. B. 2726, Authorizing home incarceration officers to arrest participants for violating the terms and conditions of his or her supervision with or without a court order,

And,

Com. Sub. for H. B. 2731, Clarifying civil actions heard in circuit court.

Leaves of Absence

At the request of Delegate Cowles, and by unanimous consent, leave of absence for the day was granted Delegate Ellington.

Miscellaneous Business

Delegate Williams announced that he was absent on today when the votes were taken on Roll Nos. 70 and 71, and that had he been present, he would have "Yea" voted thereon.

Delegates Phillips and Rodighiero filed forms with the Clerk's Office per House Rule 94b to be added as cosponsors of H. B. 2180.

Delegate Nelson filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2734.

Delegate Frich filed forms with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2794, H. B. 2846 and H. B. 2868.

Delegates Marcum and Rodighiero filed forms with the Clerk's Office per House Rule 94b to be removed as cosponsors of H. B. 2569.

Delegate Gearheart filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. C. R. 70.

At 12:05 p.m., the House of Delegates adjourned until 11:00 a.m., Thursday, March 9, 2017.

HOUSE CALENDAR

Thursday, March 9, 2017

30th Day

11:00 A. M.

THIRD READING

- Com. Sub. for H. B. 2503 - Relating to the rulemaking authority for Board of Osteopathic Medicine (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2540 - Permitting a person to practice certain professions for limited time for a charitable function (HOWELL) (REGULAR)
- H. B. 2628 - Relating generally to the powers and duties of the Board of Medicine and the Board of Osteopathic Medicine (HOWELL) (REGULAR)

SECOND READING

- Com. Sub. for H. B. 2526 - Classifying additional drugs to Schedules I, II, IV and V of controlled substances (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2554 - West Virginia Contractor Licensing Act (HOWELL) (JULY 1, 2017)
- Com. Sub. for H. B. 2571 - Developing a resource for use by parents to monitor and track deaf and hard-of-hearing children's expressive and receptive language acquisition (ESPINOSA) (REGULAR)
- H. B. 2675 - Relating to primary elections and nominating procedures (SHOTT) (REGULAR)
- H. B. 2706 - Authorizing legislative rules regarding higher education (ESPINOSA) (REGULAR)
- Com. Sub. for H. B. 2726 - Authorizing home incarceration officers to arrest participants for violating the terms and conditions of his or her supervision with or without a court order (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2731 - Clarifying civil actions heard in circuit court (SHOTT) (REGULAR)

**WEST VIRGINIA
HOUSE OF DELEGATES**

THURSDAY, MARCH 9, 2017

HOUSE CONVENES AT 11:00 A.M.

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

**COMMITTEE ON BANKING AND INSURANCE
10:00 A.M. – ROOM 215E**

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

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

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

FRIDAY, MARCH 10, 2017

**COMMITTEE ON JUDICIARY
8:30 A.M. – HOUSE CHAMBER
PUBLIC HEARING - H. B. 2522, Nurse licensure compact.**

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

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

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