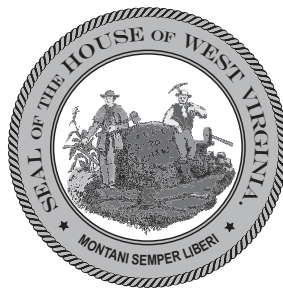


West Virginia Legislature

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Eighty-Third Legislature
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March 10, 2017
THIRTY-FIRST DAY

Friday, March 10, 2017

THIRTY-FIRST DAY

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

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

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

The Clerk proceeded to read the Journal of Thursday, March 9, 2017, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Delegate Cowles announced that the Committee on Rules had moved H. B. 2500 and H. B. 2501 on First Reading, Special Calendar, to the House Calendar.

Committee Reports

Delegate Hill, Chair of the Committee on Small Business, Entrepreneurship and Economic Development, submitted the following report, which was received:

Your Committee on Small Business, Entrepreneurship and Economic Development has had under consideration:

H. B. 2591, Small Business Tax Credit,

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. 2591) was referred to the Committee on Finance.

Delegate Frich, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

H. B. 2794, Relating to the means of giving notice to a debt collector of a consumer's representation by legal counsel,

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. 2794) was referred to the Committee on the Judiciary.

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

Your Committee on Energy has had under consideration:

H. B. 2811, Relating to the definition of above ground storage tanks,

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. 2811) 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. 2808, The West Virginia Assisted Outpatient Treatment 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 the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 2808) 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. 2618, Relating to body mass index,

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

Com. Sub. for 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,"

With the recommendation that the committee substitute do pass.

Delegate Westfall, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

H. B. 2868, Relating generally to Uniform Unclaimed Property 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 the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 2868) was referred to the Committee on the Judiciary.

Messages from the Senate

A message from the Senate, by

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

S. B. 185 – “A Bill to amend and reenact §5A-3-45 of the Code of West Virginia, 1931, as amended, relating to the sale or transfer of surplus property; and allowing spending units to designate the fund into which proceeds from the sale or transfer of surplus property shall be deposited if the fund that was used to purchase the property no longer exists”; which was referred to the Committee on Government Organization then Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 206 - “A Bill to amend and reenact §61-2-14a of the Code of West Virginia, 1931, as amended, relating generally to the criminal offense of kidnapping; making unlawful the taking, gaining custody of, confining, concealing or restraining of another person by force or threat of force, duress, fraud, deceit, inveiglement, misrepresentation or enticement; and providing penalties”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 220 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-4-414, relating generally to offenses and penalties under the Uniform Controlled Substances Act; creating the felony offense of delivering or dispensing controlled substances or counterfeit controlled substances, the use, ingestion or consumption of which alone or in combination with another controlled substance or counterfeit controlled substances results in the death of another person; creating the felony offense of delivering or dispensing controlled substances or counterfeit controlled substances without remuneration and without an intent to cause death or serious bodily injury the use of which alone or in combination with another controlled substance or counterfeit controlled substances causes death; and providing criminal penalties”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 365 - “A Bill to amend and reenact §21A-8-16 of the Code of West Virginia, 1931, as amended, relating to maintaining the solvency of the Unemployment Compensation Fund; and extending the time period for borrowing funds from the Revenue Shortfall Reserve Fund for the Unemployment Compensation Fund to September 1, 2018”; which was referred to the Committee on Finance.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on the Judiciary:

S. C. R. 3 – “Urging Congress call a convention of the states, under the authority reserved to the states in Article V of the United States Constitution, 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.”

Whereas, Article IV, Section 4 of the Constitution of the United States guarantees to every state a republican form of government which gives each state equal standing when calling for an amendments convention. Article V of the Constitution of the United States reserves to the several states the right to call for a convention for the purpose of amending the United States Constitution when Congress or the courts or both Congress and the courts refuse to address an egregious wrong suffered by the people; and

Whereas, The states alone have the authority to “limit” the agenda and authority of a convention. The states alone can call for a “Single Issue” convention by agreeing among themselves the purpose, terms, conditions, duration and agenda for the convention. Congress does not have the authority to define a “Single Issue” convention. The authority of Congress, under Article V of the United States Constitution, empowers it to convene a convention as called for and defined by the several states; and

Whereas, The founders of our constitution empowered state legislators to be guardians of liberty against future abuses of power by the federal government which 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, most of which are unfunded to a great extent, and the federal government has ceased to live under a proper interpretation of the Constitution of the United States; and

Whereas, It is the solemn duty of the states to protect the liberty of our people—particularly for the generations to come—by proposing amendments to the Constitution of the United States through a convention of the states under Article V for the purpose of restraining these and related abuses of power; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby urges Congress call a convention of the states, under the authority reserved to the states in Article V of the United States Constitution, 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 State of West Virginia 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 absolutely no other business will be authorized at this convention; 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; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution and application to the President and Secretary of the United States Senate, to the Speaker and Clerk of the United States House of Representatives, to the members of West Virginia's congressional delegation and to the presiding officers of each of the legislative houses in the several states requesting their cooperation.

Resolutions Introduced

Delegates Rowe, Pushkin and Robinson offered the following resolution, which was read by its title and referred to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary:

H. C. R. 79 – “Requesting the Joint Committee on Government and Finance to study the costs and benefits of medicinal marijuana and the costs and benefits of enforcement of criminal marijuana laws, in light of the state's opioid epidemic.”

Whereas, Modern medical research has discovered a beneficial use for medicinal marijuana in treating and alleviating the pain and other symptoms associated with certain debilitating medical conditions and injuries that often fail to respond to conventional treatments; and

Whereas, Medicinal marijuana has a beneficial use for the relief of nausea, vomiting and other side effects of drugs increasing the chances of patients continuing on life-saving treatment regimens; and

Whereas, Reports have shown the therapeutic value of medicinal marijuana in treating a wide array of debilitating medical conditions including, but not limited to, cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis (Lou Gehrig's disease), Crohn's disease, epilepsy, Alzheimer's disease, Parkinson's disease, post-traumatic stress disorder, depression, anxiety, addiction to opiates or amphetamines, chronic and debilitating diseases or medical conditions or the treatments that produce one or more of the following: cachexia or wasting syndrome, severe or chronic pain, severe nausea, seizures and severe and persistent muscle spasms; and

Whereas, The Legislature is committed to evaluating the use of appropriate pain therapy techniques as those develop within various regulated clinical environments and applying those methodologies in this state to provide appropriate and cost-effective pain therapy for the citizens of this state thus reducing the likelihood of addiction and abuse; and

Whereas, Over one hundred forty-six million people in the United States reside in a state where some form of marijuana is legalized; and

Whereas, For many years in West Virginia, there have been more marijuana arrests on an annual basis than arrests for all other drugs combined; and

Whereas, FBI statistics show that in 2012, there were about seven thousand nine hundred drug arrests in West Virginia, including about four thousand two hundred for marijuana, and of those about three thousand seven hundred, were for mere possession; and, therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance conduct a study on the costs and benefits of medicinal marijuana and the costs and benefits of enforcement of the criminal marijuana laws, in light of the state's opioid epidemic; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2018, on its findings, conclusions and recommendations, together with drafts of any legislation necessary 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 Rowe, E. Evans, Moye, White, Eldridge, Bates, Phillips, Byrd and Robinson offered the following resolution, which was read by its title and referred to the Committee on Finance then Rules:

H. C. R. 80 – “Urging the Governor and the Cabinet of the Governor to take immediate action to pursue diversification of the economies of West Virginia’s southern coalfield communities.”

Whereas, Due to reliance on the continuing success of the coal industry, the economies of West Virginia’s southern coalfield communities have suffered in recent years with decline in coal and coal-related economic activities; and

Whereas, Absent a significant, coordinated intervention by the state government and federal government, West Virginia’s southern coalfield communities will continue to endure hardships, including a lack of school and government funding, drug addiction, poor health, lack of education and lack of job opportunities; and

Whereas, Urgent action is needed by both the state government and the federal government to locate new federal facilities for technology, research and military development in the Montgomery to Bluefield corridor in association with the West Virginia University Institute of Technology, Concord University, Bluefield State College, BridgeValley Community and Technical College, New River Community and Technical College and Southern West Virginia Community and Technical College, and to construct a modern Appalachian corridor, to fully accommodate vehicles of all sizes, with two to four lanes, connecting that corridor from the Beckley area to Corridor G and Logan and Mingo Counties, and to expand U.S. Route 52 into a modern commercial and tourism highway from Bluefield to Interstate 64 at Ceredo; and

Whereas, Along with the aforementioned projects, state and federal regulatory policies should be aligned with the advancement of the following goals to encourage commercial tourism development in West Virginia’s southern coalfield communities, creating new jobs in technology and research, promoting service industries, supporting new community and housing development, and expanding regional access to West Virginia’s institutions of higher learning for both in-state and out-of-state students; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature urges the Governor and the Cabinet of the Governor to require all state agencies to evaluate and report to the Governor ideas on potential projects that could assist in diversifying West Virginia’s southern coalfield economies; and, be it

Further Resolved, That the Legislature urges the Governor and the Cabinet of the Governor to pursue aggressively federal resources and projects to develop economic diversification in the Southern West Virginia coalfields.

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

H. C. R. 81 – “Requesting that a one-mile section of Route 17, from mile marker 9.87 to mile marker 10.87, in Boone County, West Virginia, the ‘U.S. Army SPC Larry E. Nunnery, Sr. Memorial Highway’.”

Whereas, Army Specialist Nunnery was born on April 29, 1942, to Samuel and Lola Nunnery; and

Whereas, Army Specialist Nunnery married Janice White Nunnery; and

Whereas, Army Specialist Nunnery served in the United States Army in Korea and Germany; and

Whereas, Following his military service, Army Specialist Nunnery worked in the coal mines until he became disabled and also worked with the Boone County Parks and Recreation for ten years; and

Whereas, Army Specialist Nunnery was a member of the International Organization of Odd Fellows and served on the Boone County Correctional Officer Civil Service Committee for two years; and

Whereas, Army Specialist Nunnery was Vice Chairman of the Democratic Party in Boone County for more than ten years and assisted numerous veterans file and receive benefits; and

Whereas, Army Specialist Nunnery passed away on December 31, 2000; and

Whereas, It is fitting that an enduring memorial be established to commemorate this native son who so ably served his state and his country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a one-mile section of Route 17, from mile marker 9.87 to mile marker 10.87, in Boone County, West Virginia, the “U.S. Army SPC Larry E. Nunnery, Sr. Memorial Highway”; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the highway containing bold and prominent letters proclaiming the highway the “U.S. Army SPC Larry E. Nunnery, Sr. Memorial Highway”; 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.

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

By Delegates Overington, Householder, Howell, Paynter, G. Foster, Sobonya, C. Miller, Phillips, Moore, Blair and Frich:

H. J. R. 23 – “Proposing an amendment to the Constitution of the State of West Virginia, amending section fifty-one, article VI thereof, relating to the establishment of a general fund expenditure limit; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Finance then the Judiciary.

Bills Introduced

By Delegates Ambler, Cooper, Fleischauer, Dean, Williams, Baldwin, Fluharty, Storch, Rohrbach, Rowan and Walters:

H. B. 2907 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §37-16-1, §37-16-2, §37-16-3, §37-16-4, §37-16-5, §37-16-6 and §37-16-7,

all relating to real property option to purchase contracts executed with lease agreements”; to the Committee on the Judiciary.

By Delegates Folk and McGeehan:

H. B. 2908 - “A Bill making appropriations of public money out of the Treasury in accordance with section fifty-one, article VI of the Constitution”; to the Committee on Finance.

By Delegates Phillips, Maynard, Paynter, Walters, Howell, McGeehan, Gearheart, Eldridge, R. Miller, Statler and Westfall:

H. B. 2909 - “A Bill to amend and reenact §22-20-1 of the Code of West Virginia, 1931, as amended, relating to abolishing the office environmental advocate within the Department of Environmental Protection”; to the Committee on Government Organization then Finance.

By Delegates Hamrick, Howell, Walters, Westfall, Dean, Storch, McGeehan and Folk:

H. B. 2910 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17-7-1, §17-7-2 and §17-7-3, all relating to autonomous vehicles; definition; operation; liability of manufacturers limited”; to the Committee on Roads and Transportation then the Judiciary.

By Delegates Barrett, Storch, Walters, Bates, Westfall, Ambler and Householder:

H. B. 2911 - “A Bill to amend and reenact §29-22B-1101 of the Code of West Virginia, 1931, as amended, relating to increasing the number of video lottery terminals authorized for retailers and fraternal societies or veteran’s organizations”; to the Committee on Small Business, Entrepreneurship and Economic Development then the Judiciary then Finance.

By Delegates Walters, Ambler and Cooper:

H. B. 2912 - “A Bill to amend and reenact §18-2-5b, §18-2-24, §18-2-26 and §18-2-26a of the Code of West Virginia, 1931, as amended; to amend and reenact §18-2E-5 of said code; and to amend and reenact §30-31-11 of said code, all relating to abolishing regional service education agencies; transferring duties, powers and services provided by the regional education service agencies to various government agencies; establishing that state board rules about regional education service agencies remain in effect until new rules promulgated; and removing references to the regional education service agencies throughout the code”; to the Committee on Education then Finance.

By Delegates Espinosa, Moore, Upson, Nelson, Storch, Zatezalo, Householder, Walters and Barrett:

H. B. 2913 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-23-12e, relating to the licensing of advance deposit wagering; providing for source market fees; providing for the distribution of those fees from wagers made by West Virginia account holders, for distribution of those fees from wagers made by account holders located within and outside thirty miles of a licensed racing association and for distribution of those fees from wagers made by account holders located within thirty miles of two or more licensed racing associations; providing for regulatory authority in the Racing Commission over advance deposit wagering; providing for the assessment and imposition of regulatory fees and taxes on advance deposit wagering licensees’ wagering in West Virginia and for the distribution of the fees and taxes; prohibiting advance deposit wagering in West Virginia unless conducted through an advance deposit wagering licensee or as otherwise provided by law; providing for criminal penalties for accepting or attempting to accept advance deposit wagers without a license; providing authority for the Racing Commission to seek civil remedies and damages; providing that all advance deposit wagers placed by residents or nonresidents within the state are considered to be wagering within West Virginia

subject to the laws of this state and rules of the Racing Commission; authorizing rulemaking; and defining terms”; to the Committee on the Judiciary then Finance.

By Delegates Walters, Maynard and Fast:

H. B. 2914 - “A Bill to amend and reenact §16-1-6 of the Code of West Virginia, 1931, as amended; and to amend and reenact §16-2-5 and §16-2-11 of said code, all relating to powers and duties of the Commissioner of Public Health; modifying administration of local boards of health; providing for regionalization of administration and services of local health departments; requiring local health departments to bill health insurance plans for services that are provided; mandating development of needle exchange programs in local health departments; and providing for rule-making authority”; to the Committee on Political Subdivisions then Health and Human Resources.

By Delegates Lynch, Fast, Hollen and Pyles:

H. B. 2915 - “A Bill to amend and reenact §15-12-2 of the Code of West Virginia, 1931, as amended, relating to requiring any person who has been convicted or adjudicated delinquent of a qualifying offense to comply with registration requirements of the sex offender registration act”; to the Committee on the Judiciary.

By Delegates Pethel and Hanshaw:

H. B. 2916 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-15-19; to amend said code by adding thereto a new section, designated §8-15-28; and to amend said code by adding thereto a new section, designated §16-4C-24, all relating to authorizing certain first responders to carry firearms; authorizing supervising entities to authorize ambulance crew members, firefighters, rescue squad members and emergency service personnel to carry firearms; specifying the training required for them to be eligible to carry a firearm; and allowing reimbursement for the cost of the training”; to the Committee on the Judiciary.

By Delegates Marcum, Rodighiero, R. Miller, Eldridge, Phillips, Rohrbach, Sobonya, Isner, Thompson and Hicks:

H. B. 2917 - “A Bill to amend and reenact §61-2-30 of the Code of West Virginia, 1931, as amended, relating to changing the Unborn Victims of Violence Act to the Unborn Victims of Abuse Act; adding that a “person” is also exempt from a certain provision of the act; and defining the term “person”;” to the Committee on the Judiciary.

By Delegates Byrd, Phillips and Hanshaw:

H. B. 2918 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-2-10c, relating to creating a felony penalty of life without mercy for the first degree murder of a law-enforcement officer”; to the Committee on the Judiciary.

By Delegates Ward and Martin:

H. B. 2919 - “A Bill to amend and reenact §17C-2-8 of the Code of West Virginia, 1931, as amended, relating to parking along state highways; prohibiting local authorities from allowing parking along U.S. and primary state highways when doing so reduces flow of traffic to less than one lane of traffic moving in each direction; providing exception for one-way state highways; and requiring Division of Highways to erect appropriate signage”; to the Committee on Roads and Transportation then the Judiciary.

By Delegates Marcum, Hicks, Westfall, Rodighiero, R. Miller, Eldridge and Thompson:

H. B. 2920 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-4-406a; and to amend and reenact §60A-4-409 of said code, all relating to the Uniform Controlled Substances Act; offenses and penalties; providing mandatory minimum sentences for trafficking drugs into the state and for other drug offenses; increasing period

of ineligibility for parole for certain violations of possession or distribution of controlled substances and establishing applicable conditions; increasing period of ineligibility for parole for transporting certain controlled substances into the state and establishing applicable conditions; prohibiting application of alternative sentences; and increasing the penalties for transporting controlled substances into the state”; to the Committee on the Judiciary.

By Delegates Rowe and Lynch:

H. B. 2921 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-1-9, relating to establishing a website clearinghouse for sharing information about potential sources of revenue, financial, technical and legal assistance for government agencies; requiring state agencies to provide information based upon the experience and knowledge of the agency; and authorizing rule-making to facilitate and clarify the process for submitting information”; to the Committee on Government Organization.

By Delegates Barrett, Phillips, Blair, Summers, Maynard, Overington, Paynter, Eldridge and Householder:

H. B. 2922 - “A Bill to amend and reenact §61-7-4 and §61-7-4a of the Code of West Virginia, 1931, as amended, all relating to reducing the cost of the fee for a state license to carry a concealed weapon”; to the Committee on Finance.

By Delegates Boggs, Nelson, A. Evans, Miley, Cowles and Caputo:

H. B. 2923 - “A Bill to amend and reenact §17-4-19 of the Code of West Virginia, 1931, as amended, relating to requiring the Commissioner of Highways to verify legal employment status of contractors and vendor’s employees for certain road and bridge contracts”; to the Committee on Roads and Transportation then the Judiciary.

By Delegates Walters, Boggs, Miley, Ambler, Nelson, Blair, Hamrick, Queen, Fast, Hill and Moore:

H. B. 2924 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-4-17e, relating to installation of conduit for fiber optic cable on state highway construction projects”; to the Committee on Roads and Transportation then Finance.

By Delegates Phillips, Westfall, Hollen, Walters, Hanshaw, Lane, R. Miller and Rohrbach:

H. B. 2925 - “A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new section, designated §48-9-605, relating to domestic relations; and permitting a child sixteen years of age or older to petition for a change of parental custody”; to the Committee on the Judiciary.

By Delegates Walters and Fast:

H. B. 2926 - “A Bill to amend and reenact §18-2E-5 of the Code of West Virginia, 1931, as amended, relating to the comprehensive statewide student assessment; and requiring ACT and ACT Aspire to be used as the comprehensive statewide student assessment”; to the Committee on Education.

By Delegates Walters, Frich and Butler:

H. B. 2927 - “A Bill to amend and reenact §19-23-10, §19-23-12b, §19-23-13 and §19-23-13c of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §19-23-10a; to amend and reenact §29-22-18a of said code; to amend and reenact §29-22A-7, §29-22A-10, §29-22A-10b, §29-22A-10d and §29-22A-10e of said code; and to amend and reenact §29-22C-8, §29-22C-27 and §29-22C-27a of said code, all relating to transferring certain revenues derived from racetrack video lottery and racetrack table games from the special fund established for greyhound racetrack licensees to the State Excess Lottery Revenue Fund; defunding the West Virginia Greyhound Breeding Development Fund and transferring money dedicated to the

Greyhound Breeding Development Fund to the State Excess Lottery Revenue Fund for appropriation by the Legislature; and eliminating the requirement that video lottery licensee must hold a racing license to renew video lottery license or racetrack table games license”; to the Committee on Finance.

By Delegates Walters, Boggs, Wilson, Fast and Maynard:

H. B. 2928 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18C-8-1, relating to creating a low-interest student loan refinancing program for teachers; creating a special fund; establishing allocations to the fund; making legislative findings; establishing eligibility requirements; establishing refinancing rate; and providing for rulemaking”; to the Committee on Education then Finance.

By Delegates Zatezalo, Storch and McGeehan:

H. B. 2929 - “A Bill to amend and reenact §11-21-12d of the Code of West Virginia, 1931, as amended, relating to allowing an adjustment to gross income for calculating the personal income tax liability of certain retirees receiving pensions from defined-benefit pension plans that have been terminated with a consequent reduced benefit and extending the effective period of the allowed adjustment”; to the Committee on Finance.

By Delegates Shott and Lane:

H. B. 2930 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-22-15a; and to amend and reenact §29B-1-4 of said code, all relating to allowing powerball winners to remain anonymous; and providing for an exemption under the Freedom of Information Act for powerball winner information”; to the Committee on the Judiciary.

By Delegates Walters and Deem:

H. B. 2931 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-6-33a, relating to authorizing shut-in of oil and gas wells in West Virginia; providing for payment of shut-in royalty or shut-in payments; and providing for deferment of certain charges or fees in certain circumstances”; to the Committee on Energy then the Judiciary.

By Delegates Walters and Frich:

H. B. 2932 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-12-9, relating to providing owner of conservation easement be given the right of first refusal to purchase the land upon which it enjoys a conservation easement when a landowner intends to sell land upon which the easement exists”; to the Committee on the Judiciary.

By Delegates Moore, Ambler, G. Foster, C. Miller, Arvon, Maynard and Shott:

H. B. 2933 - “A Bill to repeal §11-15-9k of the Code of West Virginia, 1931, as amended; to amend and reenact §11-15-2, §11-15-3, §11-15-3c, §11-15-8, §11-15-8a, §11-15-9 and §11-15-9i of said code; to amend said code by adding thereto a new section, designated §11-15-3d; and to amend and reenact §11-15A-2 and §11-15A-3 of said code, all relating to the consumers sales and service taxes and use taxes generally; reducing the general rate of taxation; providing for further reductions to the general rate of taxation in certain circumstances; eliminating exemption for the rental of passenger vehicles by daily rental vehicle business; imposing tax on sales of telecommunications services and ancillary services; eliminating exemption for sales of personal services; eliminating exemption for sales of professional services; eliminating exemption for sales of contracting services; clarifying that sales of hookup, connection and installation services incidental to the sale of tangible property are not exempt from tax; removing outdated language from the code regarding an obsolete exemption related to contracting services; eliminating reduced rate of taxation for sales of mobile homes and imposing tax on such sales at the general rate; providing an exemption for sales of tangible property or services directly used or consumed by contractor providing contracting services; eliminating exemption for sales of services by day care centers; eliminating exemption for sales of electronic

data processing services and related software when purchased by an ultimate consumer; eliminating exemption for tuition to attend educational summer camps; eliminating exemption for sales of services for opening or closing a burial lot; eliminating exemption for sales of membership or services provided by health and fitness organizations and related programs; eliminating exemption for sales of primary opinion research when purchased by an ultimate consumer; eliminating exemption for sales of instructional services by a music teacher and certain artistic services; eliminating exemption for sales of services providing evaluations for compliance with certain environmental laws when purchased by an ultimate consumer; and deleting outdated language in the code relating to an obsolete annual sales tax holiday for energy efficient products"; to the Committee on Finance.

By Delegates Nelson and Householder:

H. B. 2934 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-4g, relating to eliminating the tax brackets under the personal income tax and changing the rate of the tax"; to the Committee on Finance.

By Mr. Speaker (Mr. Armstead), and Delegates Hanshaw, Ambler, Hill, Boggs and Baldwin:

H. B. 2935 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-30-1, §29-30-2, §29-30-3 and §29-30-4, all relating to state flood protection planning; providing legislative findings; defining terms; establishing the state Flood Protection Planning Council and authorizing certain duties; and establishing a Joint Legislative Committee on Flooding"; to the Committee on Government Organization.

Special Calendar

Third Reading

Com. Sub. for H. B. 2526, Classifying additional drugs to Schedules I, II, IV and V of controlled substances; 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. 77**), 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: Anderson and Ellington.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2526) passed.

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

Com. Sub. for H. B. 2554, West Virginia Contractor Licensing Act; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 78**), and there were—yeas 72, nays 26, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Baldwin, Boggs, Brewer, Byrd, Canestraro, Caputo, Diserio, Eldridge, Ferro, Fleischauer, Fluharty, Hamilton, Hornbuckle, Isner, Lovejoy, Lynch, Marcum, Miley, R. Miller, Pethtel, Pushkin, Robinson, Rowe, Sobonya, Sponaugle and Williams.

Absent and Not Voting: Anderson and Ellington.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2554) passed.

Delegate Cowles moved that the bill take effect July 1, 2017.

On this question, the yeas and nays were taken (**Roll No. 79**), and there were—yeas 83, nays 15, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Boggs, Byrd, Caputo, Diserio, Eldridge, Fleischauer, Fluharty, Isner, Longstreth, Lynch, Miley, Pushkin, Robinson, Sponaugle and Williams.

Absent and Not Voting: Anderson and Ellington.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2554) takes effect July 1, 2017.

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

Com. Sub. for H. B. 2571, Developing a resource for use by parents to monitor and track deaf and hard-of-hearing children's expressive and receptive language acquisition; 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. 80**), 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: Anderson and Ellington.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2571) passed.

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

H. B. 2675, Relating to primary elections and nominating procedures; 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. 81**), 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: Anderson and Ellington.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2675) passed.

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

H. B. 2706, Authorizing legislative rules regarding higher education; 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. 82**), and there were—yeas 96, nays 2, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Butler and Folk.

Absent and Not Voting: Anderson and Ellington.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2706) passed.

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

Com. Sub. for H. B. 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; 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. 83**), and there were—yeas 96, nays 2, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Folk and McGeehan.

Absent and Not Voting: Anderson and Ellington.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2726) passed.

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

Com. Sub. for H. B. 2731, Clarifying civil actions heard in circuit court; 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. 84**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Rowe.

Absent and Not Voting: Anderson and Ellington.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2731) passed.

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

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. 2007, Eliminating courtesy patrol programs,

H. B. 2119, Repealing West Virginia Health Benefit Exchange Act,

H. B. 2518, Creating a legislative rule to permit a pharmacist or pharmacy intern to administer certain immunizations,

And,

Com. Sub. for H. B. 2538, Relating to the licensure of physician assistants.

Leaves of Absence

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

Miscellaneous Business

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

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

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

Delegate Lovejoy filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2821.

Delegate Moore filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2934.

Delegate Longstreth filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2729.

Delegate Frich filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2876.

Delegate Robinson filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2842.

Mr. Speaker (Mr. Armstead), and Delegates Ambler, Arvon, Atkinson, Baldwin, Barrett, Blair, Boggs, Brewer, Butler, Byrd, Canestraro, Cooper, Criss, Dean, Deem, Diserio, Eldridge, Espinosa, A. Evans, E. Evans, Ferro, Folk, G. Foster, Gearheart, Hamilton, Hamrick, Hartman, Higginbotham, Hill, Hornbuckle, Howell, Iaquina, Isner, Kelly, Lane, Lewis, Love, Lovejoy, Martin, Maynard, McGeehan, Miley, C. Miller, R. Miller, Moore, Moye, O'Neal, Overington, Paynter, Pushkin, Queen, Rodighiero, Rohrbach, C. Romine, R. Romine, Rowan, Rowe, Shott, Sponaugle, Storch, Sypolt, Thompson, Wagner, Ward, Westfall and White filed a form with the Clerk's Office per House Rule 94b to be added as cosponsors of H. C. R. 26.

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

Delegate Eldridge filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. R. 8.

Delegate Longstreth filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. R. 8.

At 12:17 p.m., the House of Delegates adjourned until 11:00 a.m., Monday, March 13, 2017.

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

SPECIAL CALENDAR

Monday, March 13, 2017

34th Day

11:00 A. M.

SECOND READING

- Com. Sub. for H. B. 2007 - Eliminating courtesy patrol programs (NELSON) (REGULAR)
- H. B. 2119 - Repealing West Virginia Health Benefit Exchange Act (NELSON) (REGULAR)
- H. B. 2518 - Creating a legislative rule to permit a pharmacist or pharmacy intern to administer certain immunizations (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2538 - Relating to the licensure of physician assistants (HOWELL) (REGULAR)

FIRST READING

- Com. Sub. for H. B. 2618 - Relating to body mass index (SUMMERS) (REGULAR)

HOUSE CALENDAR

Monday, March 13, 2017

34th Day

11:00 A. M.

FIRST READING

- H. B. 2500 - Supplementary appropriation to the Department of Health and Human Resources, Division of Human Services (NELSON)
(EFFECTIVE FROM PASSAGE)
- H. B. 2501 - Supplementary appropriation to the Department of Education, State Board of Education – School Lunch Program (NELSON)
(EFFECTIVE FROM PASSAGE)

**WEST VIRGINIA
HOUSE OF DELEGATES**

MONDAY, MARCH 13, 2017

HOUSE CONVENES AT 11:00 A.M.

**COMMITTEE ON JUDICIARY
8:00 A.M. – HOUSE CHAMBER
PUBLIC HEARING - H. B. 2811, Relating to the definition of above ground storage tanks.**

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

**JOINT COMMITTEE ON FINANCE
9:00 A.M. – HOUSE CHAMBER**

**COMMITTEE ON ROADS & TRANSPORTATION
1:00 P.M. – ROOM 215E**

**COMMITTEE ON FINANCE
1:30 P.M. – ROOM 460M**

**COMMITTEE ON EDUCATION
2:30 P.M. – ROOM 434M**

**COMMITTEE ON GOVERNMENT ORGANIZATION
3:00 P.M. – ROOM 215E**

TUESDAY, MARCH 14, 2017

**COMMITTEE ON HEALTH & HUMAN RESOURCES
2:00 P.M. – ROOM 215E
PUBLIC HEARING - Com. Sub. for S. B. 347, Relating to modernization of
Physician Assistant Practice Act.**

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