

West Virginia Legislature

JOURNAL
of the
HOUSE of DELEGATES

Eighty-Third Legislature
First Regular Session

Held at Charleston
Published by the Clerk of the House



March 17, 2017
THIRTY-EIGHTH DAY

Friday, March 17, 2017

THIRTY-EIGHTH 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 16, 2017, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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

Your Committee on Finance has had under consideration:

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

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

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. 3020, Relating to criminal penalties for the offenses of hunting, trapping or fishing on the lands of another person,

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. 3020) was referred to the Committee on the Judiciary.

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

By Delegates Atkinson, Harshbarger, Love, Lynch, R. Romine, Sponaugle and A. Evans:

H. B. 3101 - "A Bill to amend and reenact §20-2-5 of the Code of West Virginia, 1931, as amended, relating to catching, taking, killing or attempting to catch, take or kill any fish by any means within two hundred feet of agency personnel stocking fish into public waters; creating a misdemeanor for violations thereof; and providing for criminal penalties."

The bill (H. B. 3101) 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. 3027, Imposing a tax on cattle which is to be used to help fund the U. S. Department of Agriculture's Wildlife Services Fund,

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. 3027) 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. 2851, Updating fee structure provisions for broker-dealers,

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. 2851) was referred to the Committee on Finance.

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. 2871, Eliminating the mandated employer versus employee cost share of eighty percent employer, twenty percent employee for Public Employee Insurance Agency,

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. 2871) was referred to the Committee on Finance.

Chairman Howell, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

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

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

Com. Sub. for 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,”

With the recommendation that the committee substitute do pass, and with the recommendation that second reference of the bill to the Committee on Finance be dispensed with.

In the absence of objection, reference of the bill (Com. Sub. for H. B. 2840) to the Committee on Finance was abrogated.

Delegate Ellington, 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. 2827, Updating the all payor claims database,

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

Com. Sub. for 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 all payor claims database; defining terms; providing sole authority to the Secretary of the Department of Health and Human Resources; removing memorandum of understanding requirements,”

With the recommendation that the committee substitute do pass.

The bill was referred to the Committee on Finance.

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. 2948, Establishing timelines for taking final action on certain permits,

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. 2948) was referred to the Committee on the Judiciary.

Still being in possession of the Clerk, Delegate Cowles asked and obtained unanimous consent that Com. Sub. for H. B. 2827 be taken up for further consideration.

Delegate Cowles then asked and obtained unanimous consent that reference of the bill to the Committee on Finance be dispensed with.

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. 3037, Removing the Division of Energy as an independent agency,

And reports the same back with the recommendation that it do pass, 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. 3037) was referred to the Committee on Government Organization.

Delegate Ellington, 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. 2002, Relating to parental notification of abortions performed on unemancipated minors,

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. 2002) was referred to the Committee on the Judiciary.

Delegate Ellington, 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. 2498, Creating a rebuttable presumption that development of certain cancers by professional or volunteer firefighters arose out of the course of employment,

And,

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

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

In accordance with the former direction of the Speaker, the bills (H. B. 2498 and H. B. 3009) were each referred to the Committee on the Judiciary.

Messages from the Executive

The following communication was laid before the House of Delegates, which was reported by the Clerk as follows:

State of West Virginia
OFFICE OF THE GOVERNOR
Charleston, WV

March 16, 2017

The Honorable Mitch Carmichael
President of the Senate
State Capitol, Building 1, Room 229-M
Charleston, West Virginia 25305

The Honorable Tim Armstead
Speaker of the House of Delegates
State Capitol, Building 1, Room 228-M
Charleston, West Virginia 25305

Dear President Carmichael and Speaker Armstead:

After submission of my recommended FY 2018 Executive Budget on February 8, 2017, there have been a few areas that require adjustments.

These changes, in coordination with my revised revenue proposals, will result in a FY 2018 surplus in the General Revenue Fund of over \$54 million.

Therefore, pursuant to Section 51, Article VI of the Constitution of the State of West Virginia, I submit revisions to the FY 2018 Budget Bill for the TITLE II – APPROPRIATIONS as follows:

Section 1. Appropriations from general revenue.

Executive

Governor's Office, Fund 0101, Fiscal Year 2018, Org 0100

(To rename the Herbert Henderson Office of Minority Affairs per SB 425/HB 2724.)

- Rename appropriation 13400 "Herbert Henderson Office of Inclusion".
- Change the references in the directive language to reflect the renamed appropriation and special revenue fund.

Department of Commerce

Division of Forestry, Fund 0250, Fiscal Year 2018, Org 0305

(To allow for rehiring of previously laid off Forester positions.)

- Increase "Personal Services and Employee Benefits" Appropriation 00100 by \$550,000.

West Virginia Development Office, Fund 0256, Fiscal Year 2018, Org 0307

(To spread funding for the Save Our State program over three years.)

- Decrease "Save Our State (SOS)" Appropriation 05050 by \$70,505,000.

Division of Miners' Health, Safety and Training, Fund 0277, Fiscal Year 2018, Org 0314

(To realign funding to reflect departmental reorganization and to allow for rehiring of previously laid off Forester positions.)

- Decrease "Personal Services and Employee Benefits" Appropriation 00100 by \$605,000.

Department of Commerce – Office of the Secretary, Fund 0606, Fiscal Year 2018, Org 0327

(To realign funding to reflect departmental reorganization.)

- Increase "Personal Services and Employee Benefits" Appropriation 00100 by \$55,000.

Department of Education

State Board of Education – State Aid to Schools, Fund 0317, Fiscal Year 2018, Org 0402

(To adjust the State Aid Formula Teachers' Retirement System Unfunded Liability appropriation to reflect a smoothing methodology for actuarial gains and losses adopted by the Retirement Board.)

- Decrease "Retirement Systems – Unfunded Liability" Appropriation 77500 by \$43,213,000.

(To adjust School Aid Formula based on final local share numbers.)

- Increase "Less Local Share" line by \$703,080 from (\$453,783,878) to (\$454,486,958).

State Board of Education – Division of Education Performance Audits, Fund 0573, Fiscal Year 2018, Org 0402

(To reflect elimination of the Office of Performance Audits per SB 420/HB 2711.)

- Delete fund 0573 in its entirety, a reduction of \$1,171,798.

Department of Education and the Arts

Educational Broadcasting Authority, Fund 0300, Fiscal Year 2018, Org 0439

(To restore funding for the Educational Broadcasting Authority to permit the agency to enter into a transition phase with a land-grant institution of higher education.)

- Add "Personal Services and Employee Benefits" Appropriation 00100 for \$4,245,141.
- Add "Current Expense" Appropriation 13000 for \$20,146.
- Add "Mountain Stage" Appropriation 24900 for \$300,000.
- Add "Capital Outlay and Maintenance" Appropriation 75500 for \$10,000.
- Add "BRIM Premium" Appropriation 91300 for \$45,283.

Department of Transportation

State Rail Authority, Fund 0506, Fiscal Year 2018, Org 0804

(To combine agencies into the Division of Multimodal Transportation per SB 414/HB 2717.)

- Delete fund 0506 in its entirety.

Aeronautics Commission, Fund 0582, Fiscal Year 2018, Org 0807

(To combine agencies into the Division of Multimodal Transportation per SB 414/HB 2717.)

- Delete fund 0582 in its entirety.

Division of Multimodal Transportation, Fund _____, Fiscal Year 2018, Org _____

(To create Division of Multimodal Transportation per SB 414/ HB 2717.)

- Add "Personal Services and Employee Benefits" Appropriation 00100 for \$525,832.
- Add "Current Expenses" Appropriation 13000 for \$998,946.
- Add "Repairs and Alterations" Appropriation 06400 for \$100.
- Add "Civil Air Patrol" Appropriation 23400 for \$129,219.
- Add "Other Assets" Appropriation 69000 for \$1,335,760.
- Add "BRIM Premium" Appropriation 91300 for \$192,504.
- Add the language, "Any unexpended balances remaining in the appropriations for Unclassified (fund 0582, appropriation 09900), Current Expenses (fund 0582, appropriation 13000), and Other Assets (fund 0506, appropriation 69000), at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018, with the exception of fund 0506, fiscal year 2017, appropriation 69000 (\$32,483) which shall expire on June 30, 2017. The specified unexpended balances attributable to the former separate agencies combined into the Division of Multimodal Transportation

shall be transferred and reassigned to the fund and organization number assigned to the Division of Multimodal Transportation. From the above appropriation for Current Expenses (fund _____, appropriation 13000), the sum of \$120,000 shall be distributed equally to each of the twelve local Civil Air Patrol Squadrons.”

Section 3. Appropriations from other funds.

Executive

Governor’s Office – Minority Affairs Fund, Fund 1058, Fiscal Year 2018, Org 0100
(To rename the Herbert Henderson Office of Minority Affairs per SB 425/HB 2724.)

- Rename fund 1058 “Governor’s Office – Office of Inclusion”.

Department of Administration

Division of Information Services and Communications, Fund 2220, Fiscal Year 2018, Org 0210
(To combine the Office of Technology and Division of Information Services and Communications per SB 557/HB 2900.)

- Rename fund “Office of Technology – Information Services and Communication Fund”.
- Increase “Personal Services and Employee Benefits” Appropriation 00100 by \$399,911.
- Increase “Unclassified” Appropriation 09900 by \$6,949.
- Increase “Current Expenses” Appropriation 13000 by \$227,116.
- Increase “Repairs and Alterations” Appropriation 06400 by \$1,000.
- Increase “Equipment” Appropriation 07000 by \$50,000.
- Increase “Other Assets” Appropriation 69000 by \$10,000.

Office of Technology – Chief Technology Officer Administration Fund, Fund 2531, Fiscal Year 2018, Org 0231

(To combine the Office of Technology and Division of Information Services and Communications per SB 557/HB 2900.)

- Delete fund 2531 in its entirety.

Miscellaneous Boards and Commissions

WV Board of Examiners for Registered Professional Nurses – Registered Professional Nurses, Fund 8520, Fiscal Year 2018, Org 0907

(To correcting a drafting error.)

- Decrease “Directed Transfer” Appropriation 70000 by \$500,000.
- Delete the directive language following fund 8520.

Board of Medicine – Medical Licensing Board Fund, Fund 9070, Fiscal Year 2018, Org 0945

(To allow for hiring of an investigator and part-time attorney position.)

- Increase “Personal Services and Employee Benefits” Appropriation 00100 by \$140,000.

Section 4. Appropriations from lottery net profits.

Department of Commerce

West Virginia Development Office – Division of Tourism, Fund 3067, Fiscal Year 2018, Org 0304
(To rename the Division of Tourism per SB 535/HB 2899.)

- Rename fund 3067 “West Virginia Tourism Office”.

Section 6. Appropriations of federal funds.

Department of Transportation

Public Port Authority, Fund 8830, Fiscal Year 2018, Org 0806

(To combine agencies into the Division of Multimodal Transportation per SB 414/HB 2717.)

- Delete fund 8830 in its entirety.

Division of Multimodal Transportation, Fund _____, Fiscal Year 2018, Org _____

(To create Division of Multimodal Transportation per SB 414/ HB 2717.)

- Add “Current Expenses” Appropriation 13000 for \$200,000.

Miscellaneous Boards and Commissions

Public Service Commission – Motor Carrier Division, Fund 8743, Fiscal Year 2018, Org 0926

(To allow for expenditure of federal funds for equipment purchases.)

- Add “Equipment” Appropriation 07000 for \$750,000.

Thank you for your prompt attention of this matter. Your cooperation is always appreciated. Should you have any questions or require additional information, please call me at any time.

Sincerely,

Jim Justice,
Governor.

Messages from the Senate

A message from the Senate, by

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

Com. Sub. for S. B. 186 - “A Bill to amend and reenact §18-5-18 and §18-5-44 of the Code of West Virginia, 1931, as amended, and to amend and reenact §18-8-1a of said code, all relating to adjusting the date upon which children become eligible for certain school programs and school attendance requirements; changing the kindergarten age attainment requirement from age five prior to September 1 to age five prior to July 1, with the July 1 date to become enforceable with the 2019-2020 school year; changing the early childhood education program age attainment date requirement from age four prior to September 1 to age four prior to July 1, with the July 1 date becoming enforceable with the 2018-2019 school year; and changing the age for which compulsory attendance begins to those who attain age six by July 1 of each year, with the July 1 date becoming enforceable with the 2019-2020 school year”; which was referred to the Committee on Education then Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 192 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §37-12-3, relating generally to licensed surveyors; and providing that licensed surveyors may not be held liable for defamation or slander of title while performing their professional duties, except in cases of professional negligence, incompetence, malicious intent, fraud or deceit”; 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. 413 - "A Bill to amend and reenact §5-22-1 of the Code of West Virginia, 1931, as amended, relating to the solicitation for bids for government construction contracts; submitting bids on government construction contracts; defining the term "alternates"; limiting the number of alternates that may be included on any solicitation of bids for government construction contracts; establishing procedures for acceptance of alternate bids and determination of the lowest qualified responsible bidder; and providing procedures for the required submission of a list of subcontractors who will perform more than \$25,000 of work on certain projects"; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

Com. Sub. for S. B. 471 - "A Bill to amend and reenact §20-2-3 of the Code of West Virginia, 1931, as amended, relating to state ownership of wildlife; and making technical clarifications"; 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. 474 - "A Bill to amend and reenact §20-2-27 of the Code of West Virginia, 1931, as amended, relating to hunting licenses; and exempting the list of names, addresses and contact information for license holders from public disclosure with certain exceptions"; 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. 495 - "A Bill to amend and reenact §29-5A-1, §29-5A-6, §29-5A-15, §29-5A-16, §29-5A-20 and §29-5A-24 of the Code of West Virginia, 1931, as amended, all relating to regulation of events by the State Athletic Commission; authorizing the commission in limited circumstances to approve certain event changes in writing; providing for the designation and payment of a scorekeeper; clarifying the authority of the commission to designate inspectors for an event; and providing for licensing and rules regarding the regulation of amateur mixed martial arts"; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

Com. Sub. for S. B. 531 - "A Bill to amend and reenact §19-13-4 of the Code of West Virginia, 1931, as amended, relating to the renewal date for apiary certificates of registration"; 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. 536 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-5i; and to amend and reenact §20-2-16 of said code, all relating to hunting; using leashed dogs to track mortally wounded deer or bear; and clarifying the handling of dogs caught chasing deer"; 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. 575 - "A Bill to amend and reenact §61-6-23 of the Code of West Virginia, 1931, as amended, relating generally to shooting ranges; limiting applicability of municipal and county noise ordinances for shooting ranges to those ordinances in effect at the time construction of a shooting range is begun or operation of a shooting range is begun, whichever is earlier in time; declaring that shooting ranges taken by eminent domain which reopen within two years of the final order of condemnation in the same municipality or county are subject to the noise control standards in effect at the time construction or operation of the condemned shooting range began, whichever occurred earlier in time; and declaring legislative intent that amendments to the section enacted during the 2017 regular session are retroactive"; which was referred to the Committee on the Judiciary.

Resolutions Introduced

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

H. C. R. 89 – "Requesting the Division of Highways to name bridge number 17-50/59-0.01 (17A227) (39.28756, -80.34876), locally known as Northview Overpass, carrying County Route 50/59 over US 50 in Harrison County, the 'Michael Angiulli Memorial Bridge'."

Whereas, Michael "Mike" Angiulli was born in North View in Harrison County, West Virginia, on September 1, 1924, the son of the late John and Mary Agnes Checchia Angiulli; and

Whereas, In 1942, he graduated from Victory High School; and

Whereas, Mike was married to Roanna Gay Snyder and had five children: John Michael Angiulli, Michael "Mike" Angiulli, Mary Ann Preston, Cheryl Angiulli and Kenneth Snyder; and

Whereas, In 1943, Mike joined the Marine Corps and began serving in the E Company, 9th Marine Regiment, 3rd Marine Division. During his time with the Marine Corps, he attained the rank of Platoon Sergeant. While serving during World War II in the Pacific, he took part in three beach landings - Guam, Bougainville and Iwo Jima; and

Whereas, In 1945, upon returning from World War II, Mike became a Clarksburg Firefighter and later retired due to an injury; and

Whereas, In 1957, he and a small group formed the North View Athletic Club ("NVAC") and at one time had three playgrounds in North View. Mike was awarded the Clarksburg Man of the Year Award in 1958 and remained active in the NVAC his entire life; and

Whereas, In the early 1980's, Mike built one of the first signs entering the North View community with the help of Roger Diaz; and

Whereas, In the 1990's Mike worked with Pete Iquinto and Liberty baseball. Mike was given the name "The Grass Doctor" by Pete; and

Whereas, Also in the 1990's and early 2000's, Mike made notebooks of World War II which he gave to area high schools and colleges, and also gave talks about World War II; and

Whereas, Mike fell ill in 2006 and was cared for by his family until he entered the West Virginia Veterans Nursing Facility in 2012; and

Whereas, Mike passed away on Thursday, July 23, 2015, at the Louis A. Johnson Veterans Administration Hospital in Clarksburg; and

Whereas, Mr. Angiulli was preceded in death by his wife, Roanna Gay Snyder Angiulli, on February 14, 2004, and son, Kenneth Snyder; and

Whereas, It is fitting that an enduring memorial be established to commemorate his service to his community and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 17-50/59-0.01 (17A227) (39.28756, -80.34876), locally known as Northview Overpass, carrying County Route 50/59 over US 50 in Harrison County, the "Michael Angiulli Memorial Bridge"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge proclaiming it the "Michael Angiulli 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 Caputo, Ferro, Ward, Paynter, Maynard, Lane, Sponaugle, Miley, Pethtel, Hornbuckle, Thompson, Ambler, Atkinson, Baldwin, Barrett, Bates, Blair, Boggs, Brewer, Byrd, Canestraro, Diserio, Eldridge, E. Evans, Fast, Fleischauer, Fluharty, Hamilton, Hartman, Hicks, Hill, Iaquina, Isner, Longstreth, Love, Lovejoy, Lynch, Marcum, R. Miller, Moye, Phillips, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sobonya, Walters and Williams offered the following resolution, which was read by its title and referred to the Committee on Energy then Rules:

H. R. 13 – "Urging the United States Congress to keep America's promise to our retired coal miners and widows and to pass the Miners Protection Act as soon as possible and provide the full measure of benefits these retirees were promised and have earned."

Whereas, In 1946, faced with the prospect of a long strike that could hamper post-war economic recovery, President Harry Truman issued an Executive Order directing the Secretary of the Interior to take possession of all bituminous coal mines in the United States and to negotiate with the United Mine Workers of America "appropriate changes in the terms and conditions of employment". After a week of negotiations, the historic Krug-Lewis agreement was announced and signed in the White House with Truman as a witness. The agreement created a welfare and retirement fund that guaranteed lifetime payments to miners and their dependents and survivors in cases of sickness, permanent disability, death or retirement and the agreement also created a separate medical and hospital fund. In 1947, the government returned control of the mines back to their owners and a new collective bargaining agreement was reached with the companies that guaranteed retirement benefits to miners and their dependents and survivors for life. For the next seventy years miners bargained for money to be dedicated to their health care in retirement, because they knew when they retired they would be sicker than the average senior citizen, with more nagging injuries and a greater risk of black lung or some other cardio-pulmonary disease. The federal government has repeatedly

confirmed its role in guaranteeing retirement benefits for coal miners. In 1992, Congress passed and President George H. W. Bush signed into law the Coal Act, which established an industry-funded mechanism for paying for the health care of retirees whose companies had gone out of business. In 2006, Congress and President George W. Bush amended the Coal Act to expand the financial resources available to the Fund; and

Whereas, A depression reigns in America's coalfields today, with tens of thousands of jobs eliminated. Multiple companies have filed for bankruptcy, and received approval from bankruptcy courts to shed their retiree obligations, leaving more than 26,000 retirees confronting the loss of their health care benefits. Like many other multiemployer pension funds, the UMWA 1974 Pension Fund lost a significant portion of its value in the 2008-09 recession and due to the devastation of the coal industry will not receive enough contributions from the employers to make up the shortfall, leading the fund to likely become insolvent by 2022. On December 9, 2016, Congress passed a Continuing Resolution (C.R.) to continue funding for federal programs and services until April 28, 2017, including a provision providing \$45 million for continued health care benefits for these retirees and their families until April 30, 2017. Senators Joe Manchin (D-W.Va.) and Shelley Moore Capito (R-W.Va.) have introduced legislation, SR. 175, the Miners Protection Act, co-sponsored by Republicans and Democrats that would amend the Coal Act to allow retirees from recently bankrupt companies to get health care coverage from the UMWA Health and Retirement Funds and would repurpose the balance of an existing appropriation to provide funding to shore up the Pension Plan. Rep. David McKinley (R-W.Va.) has introduced the Miners Protection Act in the House as H.R. 179, co-sponsored by both Republicans and Democrats; and

Whereas, America's coal miners have sacrificed much for our nation, with more than 105,000 killed on the job in the last century and more than 100,000 having died from coal workers' pneumoconiosis, or Black Lung. Knowing those risks, miners have continued to go to work every day to provide for their families, build a secure future for themselves and produce the fuel that has allowed America to become the most powerful nation on earth. America has an obligation to our retired coal miners for the sacrifices they have made for our nation; therefore, be it

Resolved by the Legislature of West Virginia:

That the United States Congress is urged to keep America's promise to our retired coal miners and widows and to pass the Miners Protection Act as soon as possible and provide the full measure of benefits these retirees were promised and have earned; and, be it.

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this Resolution to the members of the United States Senate and House of Representatives.

Petitions

Delegates Sponaugle, A. Evans, R. Romine and Hamilton presented a petition signed by constituents requesting continued funds for the Wildlife Services Predator Control Program for the 2018 fiscal year; which was referred to the Committee on Finance.

Bills Introduced

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

**By Mr. Speaker (Mr. Armstead), and Delegate Miley
[By Request of the Executive]:**

H. B. 3103 – "A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2017 in the amount of \$2,700,000 from the

Department of Revenue, Office of the Secretary – Revenue Shortfall Reserve Fund, fund 7005, fiscal year 2017, organization 0701, and making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Health and Human Resources, Division of Health – Central Office, fund 0407, fiscal year 2017, organization 0506, and to the Department of Health and Human Resources, Division of Human Services, fund 0403, fiscal year 2017, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2017”; to the Committee on Finance.

Special Calendar

Third Reading

Com. Sub. for H. B. 2546, Allowing replacement costs of employer provided property to be deducted from an employee’s final paycheck if the property is not returned; on third reading, coming up in regular order, was read a third time.

Delegates Howell and Moye requested to be excused from voting on the passage of Com. Sub. for H. B. 2546 under the provisions of House Rule 49.

The Speaker replied that any impact on the Delegates would be as a member of a class of persons possibly to be affected by the passage of the bill, and refused to excuse the Members from voting.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 111**), and there were—yeas 59, nays 40, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Baldwin, Barrett, Bates, Boggs, Brewer, Butler, Byrd, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hamilton, Hartman, Hicks, Hornbuckle, Iaquina, Isner, Lewis, Longstreth, Love, Lovejoy, Lynch, Marcum, Martin, Miley, R. Miller, Moye, Pethel, 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 Speaker declared the bill (Com. Sub. for H. B. 2546) 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. 2555, Relating to tax credits for apprenticeship training in construction trades; 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. 112**), and there were—yeas 69, nays 30, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Baldwin, Bates, Boggs, Brewer, Byrd, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hornbuckle, Iaquina, Isner, Longstreth, Love, Lovejoy, Lynch, Miley, R. Miller, Pethel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaugle and Thompson.

Absent and Not Voting: 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. 2555) 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. 2586, Relating to required minimum distribution of retirement benefits of plans administered by the Consolidated Public Retirement Board; 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. 113**), 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 Nelson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2586) 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. 2676, Transferring the Security office under the Division of Culture and History to the Division of Protective Services; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 114**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: 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. 2676) 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. 2694, Relating to the development and implementation of a program to facilitate commercial sponsorship of rest areas; 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. 115**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Love.

Absent and Not Voting: Ellington and R. Romine.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2694) 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. 2739, Relating to supplemental Medicaid provider reimbursement; 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. 116**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: 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. 2739) 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. 2766, Establishing a new special revenue fund, designated the Adult Drug Court Participation Fund; 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. 117**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Ellington and Pyles.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2766) 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. 2811, Relating to the definition of above ground storage tanks; on third reading, coming up in regular order, was read a third time.

Delegates Capito and Harshbarger requested to be excused from voting on the passage of Com. Sub. for H. B. 2811 under the provisions of House Rule 49.

The Speaker replied that any impact on the Delegates would be as a member of a class of persons possibly to be affected by the passage of the bill, and refused to excuse the Members from voting.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 118**), and there were—yeas 94, nays 5, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Byrd, Capito, Pushkin, Robinson and White.

Absent and Not Voting: 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. 2811) 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. 2839, Updating the procedures for legislative review of departments and licensing boards; 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. 119**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: 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. 2839) 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. 2852, Relating to the preparation of a comprehensive annual financial report; 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. 120**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: 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. 2852) 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. 2868, Relating generally to Uniform Unclaimed Property Act; on third reading, coming up in regular order, was read a third time.

Delegate Byrd requested to be excused from voting on the passage of Com. Sub. for H. B. 2868 under the provisions of House Rule 49.

The Speaker replied that any impact on the Delegate would be as a member of a class of persons possibly to be affected by the passage of the bill, and refused to excuse the Member from voting.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 121**), and there were—yeas 85, nays 14, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Bates, Byrd, Canestraro, Fleischauer, Fluharty, Hicks, Hornbuckle, Lovejoy, Marcum, Pushkin, Robinson, Rowe, Sponaule and Thompson.

Absent and Not Voting: 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. 2868) passed.

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

Com. Sub. for H. B. 2868 – “A Bill to amend and reenact §36-8-2 of the Code of West Virginia, 1931, as amended, relating generally to the Uniform Unclaimed Property Act; clarifying that policies or annuities payable upon proof of death in which the insured has not been listed in the Death Master file are presumed abandoned if they remain unclaimed three years after the insurer has learned of the death of the insured; clarifying that policies and annuities payable upon proof of death in which the insured has been listed on the Death Master file are presumed abandoned if they remain unclaimed two years after the date of the death of the insured as indicated on the death master list; and providing that at the time the proceeds owed by the insurer are presumed to be abandoned, those proceeds are then subject to other provisions of the Unclaimed Property Act and administration by the State Treasurer.”

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

Second Reading

Com. Sub. for S. B. 302, Supplemental appropriation of federal funds from Treasury to Division of Human Services; on second reading, coming up in regular order, was read a second time and ordered to third reading.

H. B. 2833, Specifying the contents and categories of information for inclusion in annual reports; 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. 2898, Authorizing the Joint Committee on Government and Finance to request and obtain criminal background checks of employees of the Legislature; 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. 2916, Authorizing certain first responders to carry firearms; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Hanshaw, the bill was amended on page three, section nineteen, line two, by striking out the words “member of an ambulance crew” and inserting in lieu thereof “emergency medical service personnel”.

And,

On page four, section twenty-four, line one, immediately following the word “contrary”, by striking out the words “a department” and inserting in lieu thereof “an emergency medical service agency”.

The bill was then ordered to engrossment and third reading.

First Reading

Com. Sub. for H. B. 2402, Relating to abandoned antique vehicles; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 2471, Relating to insurance coverage for breast cancer screening; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 2637, Relating to employment of retired teachers and prospective employable professional personnel in areas of critical need and shortage; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 2702, Relating to excused absences for personal illness from school; on first reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Cowles, and by unanimous consent, the bill was postponed one day.

Com. Sub. for H. B. 2738, Providing flexibility in the transfer process of school personnel; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 2767, Authorizing the Secretary of State to transmit electronic versions of undeliverable mail to the circuit clerks; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 2797, Codifying statutory immunity for government agencies and officials from actions of third-parties using documents or records; on first reading, coming up in regular order, was read a first time and ordered to second reading.

H. B. 2798, Clarifying provisions relating to candidates unaffiliated with a political party; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 2828, Changing the number of strikes in jury selection in felony cases; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 3030, Relating to appeals as a matter of right in the West Virginia Supreme Court of Appeals; on first reading, coming up in regular order, was read a first time and ordered to second reading.

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 Nelson noted to the Clerk that he was absent on today when the vote was taken on Roll No. 113, and that had he been present, he would have voted "Yea" thereon.

Delegate R. Romine noted to the Clerk that he was absent on today when the vote was taken on Roll No. 115, and that had he been present, he would have voted "Yea" thereon.

Delegate Pyles noted to the Clerk that he was absent on today when the vote was taken on Roll No. 117, and that had he been present, he would have voted "Yea" thereon.

Delegate Williams asked and obtained unanimous consent that the remarks of his Frasure-Singleton Intern, Mr. Sam Brown, be printed in the Appendix to the Journal.

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

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

Delegate Wagner filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2494.

Delegate White filed forms with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2650 and H. B. 3059.

Delegate Baldwin filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 3061.

Delegates Robinson and White filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 3073.

Delegate Folk filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 3089.

Delegates Fluharty, Foster, Frich, Lane and Zatezalo filed forms with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 3093.

Delegate Rowe filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. C. R. 66.

At 1:44 p.m., the House of Delegates adjourned until 11:00 a.m., Monday, March 20, 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 20, 2017

41st Day

11:00 A. M.

THIRD READING

- Com. Sub. for S. B. 302 - Supplemental appropriation of federal funds from Treasury to Division of Human Services (NELSON) (EFFECTIVE FROM PASSAGE)
- H. B. 2833 - Specifying the contents and categories of information for inclusion in annual reports (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2898 - Authorizing the Joint Committee on Government and Finance to request and obtain criminal background checks of employees of the Legislature (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2916 - Authorizing certain first responders to carry firearms (SHOTT) (REGULAR)

SECOND READING

- Com. Sub. for H. B. 2402 - Relating to abandoned antique vehicles (NELSON) (REGULAR)
- Com. Sub. for H. B. 2471 - Relating to insurance coverage for breast cancer screening (NELSON) (REGULAR)
- Com. Sub. for H. B. 2637 - Relating to employment of retired teachers and prospective employable professional personnel in areas of critical need and shortage (NELSON) (REGULAR)
- Com. Sub. for H. B. 2738 - Providing flexibility in the transfer process of school personnel (ESPINOSA) (REGULAR)
- Com. Sub. for H. B. 2767 - Authorizing the Secretary of State to transmit electronic versions of undeliverable mail to the circuit clerks (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2797 - Codifying statutory immunity for government agencies and officials from actions of third-parties using documents or records (SHOTT) (REGULAR)

- H. B. 2798 - Clarifying provisions relating to candidates unaffiliated with a political party (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2828 - Changing the number of strikes in jury selection in felony cases (SHOTT) (REGULAR)
- Com. Sub. for H. B. 3030 - Relating to appeals as a matter of right in the West Virginia Supreme Court of Appeals (SHOTT) (REGULAR)

FIRST READING

- Com. Sub. for H. B. 2702 - Relating to excused absences for personal illness from school (ESPINOSA) (REGULAR)
- Com. Sub. for H. B. 2827 - Updating the all payor claims database (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 2840 - Reorganizing the departments, agencies and commissions within the executive branch of state government (HOWELL) (REGULAR)
- H. B. 2856 - Declaring public policy and legislative intent for improving the marketing, quality and frequency of passenger rail service of the Cardinal Passenger Train (NELSON) (REGULAR)

HOUSE CALENDAR

Monday, March 20, 2017

41st Day

11:00 A. M.

SECOND READING

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

FIRST READING

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

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

**WEST VIRGINIA
HOUSE OF DELEGATES**

MONDAY, MARCH 20, 2017

HOUSE CONVENES AT 11:00 A.M.

COMMITTEE ON THE JUDICIARY – PUBLIC HEARING

8:30 A.M. – HOUSE CHAMBER

**H. B. 2002, RELATING TO PARENTAL NOTIFICATION OF ABORTIONS PERFORMED ON
UNEMANCIPATED MINORS.**

COMMITTEE ON THE JUDICIARY

9:30 A.M. – ROOM 418M

COMMITTEE ON RULES

10:45 A.M. – BEHIND CHAMBER

COMMITTEE ON FINANCE

2:00 P.M. – ROOM 460M

COMMITTEE ON EDUCATION

2:30 P.M. – ROOM 434M

COMMITTEE ON GOVERNMENT ORGANIZATION

3:00 P.M. – ROOM 215E

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