

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 31, 2017
FIFTY-SECOND DAY

Friday, March 31, 2017

FIFTY-SECOND 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 30, 2017, being the first order of business, when the further reading thereof was dispensed with and the same approved.

At the request of Delegate Cowles, and by unanimous consent, the House of Delegates proceeded to the Seventh Order of Business for the purpose of introduction of a resolution.

Resolutions Introduced

Delegates R. Miller, A. Evans, Hamilton, Hornbuckle, Iaquinta, Pushkin, R. Romine, Rowe, Cowles and Hamrick offered the following resolution, which was read by the Clerk as follows:

H. R. 17 – “Expressing support for Taiwan’s signing of a Free Trade Agreement (FTA) with the United States, reaffirming support for Taiwan’s meaningful participation and contribution in international organizations, and expressing a desire for strengthening and expanding sister-state ties between the State of West Virginia and Taiwan.”

Whereas, Taiwan shares the common values of freedom, democracy, human rights and the rule of law with the United States and the State of West Virginia. In 2016, Taiwan held its sixth direct presidential-election and inaugurated Dr. Tsai Ing-wen as its first woman president in a peaceful transition of power, demonstrating the strength and vitality of its democratic system and showcasing Taiwan as a beacon of democracy for Asia and beyond. August 4, 2017, will mark the 37th anniversary of the sister-state relationship between West Virginia and Taiwan. This sister-state relationship with Taiwan has been strengthened through the efforts of the Taipei Economic and Cultural Representative Office (TECRO), resulting in better mutual understanding and enhancing the friendship, trust, and cooperation between West Virginia and Taiwan; and

Whereas, The United States is Taiwan’s second-largest trading partner and second-largest destination of Taiwan outward investment; Taiwan is the tenth-largest trading partner of the United States, with bilateral trade reaching \$65.3 billion in 2016, and eighth largest export destination for U.S. agricultural goods, and overall the fourteenth-largest export market. Also, in 2016, West Virginia exported more than \$29.6 million to Taiwan, making it our seventh-largest Asian export market and eighteenth-largest export market in the world, demonstrating that Taiwan is not only a friendly sister-state of West Virginia but also an important trading partner; and

Whereas, By working together with Taiwan, West Virginia welcomes all opportunities for an even closer economic partnership to increase the trade and investment through the signing of a United States-Taiwan Free Trade Agreement, to boost greater West Virginia exports to Taiwan and to

enhance the special sister-state bond between West Virginia and Taiwan, resulting in further cultural, educational, and business exchanges between the citizens of both nations; and

Whereas, Taiwan and the United States have combined efforts to address regional and global challenges under the mechanism of United States -Taiwan Global Cooperation and Training Framework (GCTF), and jointly conduct capacity building programs for regional experts in areas of public health, women empowerment, energy efficiency and e-commerce. Taiwan has proven to be a valuable contributor in a broad range of global issues, and it is necessary that Taiwan be permitted meaningful participation in various international organizations including the World Health Organization (WHO), International Civil Aviation Organization (ICAO), United Nation Framework Convention on Climate Change (UNFCCC), and International Criminal Police Organization (INTERPOL); therefore, be it

Resolved by the House of Delegates:

That the West Virginia House of Delegates reaffirms its commitment to the strengthening and deepening of the sister-state relationship between Taiwan and the State of West Virginia; commends Taiwan's vibrant full-fledged democracy with yet another peaceful transition of government; endorses Taiwan's efforts to secure the signing of Free Trade Agreement with the United States; and continues to support Taiwan's meaningful participation and contribution in international organizations which impact the health, safety and well-being of its people, and supports its aspiration to make more contribution in international societies; and, be it

Further Resolved, That the Clerk forward a certified copy of this resolution to the Governor of West Virginia and to Mr. Stanley Kao, the Representative of the Taipei Economic and Cultural Representative Office in the United States.

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the resolution (H. R. 17) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

Committee Reports

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:

Com. Sub. for S. B. 402, Relating to covenants not to compete between physicians and hospitals,

And,

Com. Sub. for S. B. 428, Relating to partial filling of prescriptions,

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 (Com. Sub. for S. B. 402 and Com. Sub. for S. B. 428) were each 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:

S. B. 486, Relating to health care provider taxes,

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 (S. B. 486) was referred to the Committee on Finance.

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:

Com. Sub. for S. B. 60, Relating to eligibility and fraud requirements for public assistance,

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 (Com. Sub. for S. B. 60) was referred to the Committee on the Judiciary.

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

Your Committee on Finance has had under consideration:

S. B. 364, Incorporating changes to Streamlined Sales and Use Tax Agreement,

S. B. 365, Maintaining solvency of Unemployment Compensation Fund,

S. B. 392, Relating to Municipal Police Officers and Firefighters Retirement System,

And,

S. B. 566, Claims against state,

And reports the same back with the recommendation that they each do pass.

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

Your Committee on Finance has had under consideration:

S. B. 321, Reporting requirements of employee information to CPRB,

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

Delegate Espinosa, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

S. B. 621, Providing certain rules inapplicable after county board of education notifies state board of possible closing or consolidations,

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

Messages from the Executive

Mr. Speaker, Mr. Armstead, presented a communication from His Excellency, the Governor, advising that on March 30, 2017, he approved **H. B. 2300, Com. Sub. for H. B. 2678 and H. B. 2766.**

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. 501 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §31-15-5a, relating to creating the Minority Economic Development Advisory Council; providing for composition and duties of the Minority Economic Development Advisory Council; requiring members first appointed be appointed to staggered terms; prohibiting appointed members from serving more than two consecutive terms; providing that an appointed member may continue to serve until his or her successor is appointed; prohibiting members from receiving compensation other than reimbursement for reasonable expenses; and requiring quarterly meetings"; 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. 507 - "A Bill to amend and reenact §30-5-10 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-5-12a, all relating to expanding permissible scope of practice for licensed pharmacists; permitting pharmacists to inform customers about lower cost alternatives for their prescriptions, dispense and deliver those alternatives and to inform customers if their copay exceeds the cost for their prescriptions; and declaring public policy"; 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. 526 - "A Bill to amend and reenact §5-16-7 and §5-16-9 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §5-16B-6f; to amend said code by adding thereto a new section, designated §9-5-25; to amend said code by adding thereto a new section, designated §33-15-4o; to amend said code by adding thereto a new section, designated §33-16-3bb; to amend said code by adding thereto a new section, designated §33-24-7q; to amend said code by adding thereto a new section, designated §33-25-8n; and to amend said code by adding thereto a new section, designated §33-25A-8p, all relating to mandatory insurance coverage, up to the age of twenty, for certain medical foods for amino acid-based formulas; providing a list of diagnosed conditions for which insurance coverage should extend; providing that coverage extends to medically necessary foods for home use when prescribed by a

physician; defining terms; and providing for exclusions”; 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. 563 - “A Bill to amend and reenact §46A-2-105, §46A-2-122 and §46A-2-128 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §46A-2-140; to amend and reenact §46A-5-10 and §46A-5-102 of said code; to amend said code by adding thereto a new section, designated §46A-5-108; and to amend and reenact §46A-8-101 of said code, all relating to the Consumer Credit and Protection Act; modifying requirements for contracts allowing for balloon payments; establishing that agreements allowing for balloon payments shall contain certain language in form and substance substantially similar to existing requirements; modifying and clarifying definitions; excluding attorneys from the definition of ‘debt collector’ under certain circumstances; changing the time period where direct contact with a consumer must cease after receipt of notice of representation from seventy-two hours to three business days; establishing means of notice to a debt collector of a consumer’s representation by legal counsel; requiring notice of representation to a debt collector be sent by certified mail, return receipt requested; establishing that contents of a pleading do not provide the basis for a claim of a violation of the Consumer Credit and Protection Act under certain circumstances; establishing exceptions for when a pleading may form the basis of a claim under the Consumer Credit Protection Act; providing for statutes of limitation in foreclosure matters; providing that counterclaims are subject to the appropriate statute of limitations; adopting a right to cure under articles two, three, four and five of this chapter; establishing procedures and remedies for the right to cure; addressing awards of attorney fees in certain circumstances involving the right to cure; and providing for applicability and effective dates of these amendments to the Consumer Credit Protection Act”; 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. 576 - “A Bill to amend and reenact §37-7-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new chapter, designated §37B-1-1, §37B-1-2, §37B-1-3, §37B-1-4, §37B-1-5, §37B-1-6, §37B-1-7, §37B-1-8, §37B-1-9 and §37B-1-10, all relating generally to real property; providing an exception to waste for certain oil and gas development; providing a short title; providing declarations of public policy and legislative findings; providing definitions; providing that consent for the lawful use of the oil and gas mineral property by three fourths of the royalty interests in oil and gas mineral property is permissible, not waste and not trespass; allowing nonconsenting cotenants to elect a production royalty interest or a working interest share of production; providing for the joint development of multiple contiguous oil and gas leases by horizontal drilling unless development is expressly prohibited by agreement; limiting jointly developed leases to six hundred forty acres with a ten percent tolerance; requiring a \$100,000 payment, as indexed to the consumer price index, to a surface owner whose surface tract is damaged by horizontal drilling; allowing for a net acreage fractional share royalty interest, free of post-production expenses, for multiple contiguous leases jointly developed; providing for timely payment of royalties and requiring specified information to be remitted with such payments; requiring quarterly reporting of production data for horizontal wells drilled pursuant to the provisions herein; providing that cotenants are not liable for damages as a result of the lawful use of oil and gas mineral property; requiring surface use agreements in specified circumstances and preserving common law rights; and providing for severability of provisions”; which was referred to the Committee on the Judiciary.

Special Calendar**Third Reading**

Com. Sub. for S. B. 36, Permitting school nurses to possess and administer opioid antagonists; 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. 274**), 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: Kelly.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 36) passed.

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

S. B. 41, Extending time person may be subject to probation; 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. 275**), and there were--yeas 97, nays 2, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Fluharty and Sponaule.

Absent and Not Voting: Kelly.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 41) passed.

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

S. B. 164, Relating to traffic regulations and special load limits; 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. 276**), 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: Kelly.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 164) passed.

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

Com. Sub. for S. B. 233, Excluding from protection oral communications uttered in child care center under Wiretapping and Electronic Surveillance 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. 277**), and there were--yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Fast.

Absent and Not Voting: Kelly.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 233) 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 S. B. 247, Authorizing prosecuting attorney designate and deliver grand jury records for investigative purposes; 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. 278**), and there were--yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Fluharty.

Absent and Not Voting: Kelly.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 247) passed.

Delegate Cowles moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 279**), 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: Kelly.

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 S. B. 247) takes effect from its passage.

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 S. B. 248, Clarifying composition and chairmanship of Commission on Special Investigations; 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. 280**), 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: Kelly.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 248) 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 S. B. 338, Relating to medical professional liability; on third reading, coming up in regular order, was read a third time.

Delegate Wilson requested to be excused from voting on the passage of Com. Sub. for S. B. 338 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. 281**), and there were--yeas 87, nays 12, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Caputo, Eldridge, Ferro, Fluharty, Hicks, Isner, Marcum, Miley, Robinson, Rowe, Sponaugle and Thompson.

Absent and Not Voting: Kelly.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 338) passed.

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

Com. Sub. for S. B. 347, Relating to modernization of Physician Assistant Practice 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. 282**), 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: Kelly.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 347) passed.

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

Com. Sub. for S. B. 347 – “A Bill to repeal §30-3E-8 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-5-19 of said code; to amend and reenact §30-3-5 of said code; to amend and reenact §30-3E-1, §30-3E-2, §30-3E-3, §30-3E-4, §30-3E-6, §30-3E-7, §30-3E-9, §30-3E-10, §30-3E-11, §30-3E-12, §30-3E-15, §30-3E-16 and §30-3E-17 of said code; to amend said code by adding thereto a new section, designated §30-3E-12a; and to amend and reenact §33-15-14 of said code, all relating to Physician Assistants; modifying board membership; substituting ‘collaborating physician’ for ‘supervising physician’; defining terms; modifying the prescriptive authority of physician assistants; eliminating certain recertification requirements; eliminating the continuous national certification requirement; prohibiting an insurance plan from limiting the practice

of physician assistants; adding requirements to the practice agreement; granting physician assistants signatory authority on certain forms; and making conforming amendments.”

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 S. B. 437, Discontinuing WV Greyhound Breeding Development Fund; on third 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 S. B. 442, Relating generally to crimes against persons; 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. 283**), and there were--yeas 96, nays 3, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: G. Foster, Isner and Marcum.

Absent and Not Voting: Kelly.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 442) passed.

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

Com. Sub. for S. B. 455, Relating generally to commitment of persons to custody of Commissioner of Corrections; 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. 284**), 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: Kelly.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 455) 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 S. B. 473, Permitting collection and sale of naturally shed deer antlers; 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. 285**), and there were--yeas 94, nays 5, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Bates, E. Evans, Fleischauer, Love and Rowe.

Absent and Not Voting: Kelly.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 473) passed.

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

Com. Sub. for S. B. 497, Relating to liability for health care providers who provide services at school athletic events; 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. 286**), and there were--yeas 91, nays 8, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Caputo, Fleischauer, Fluharty, Miley, Rowe, Sponaugle, Walters and Williams.

Absent and Not Voting: Kelly.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 497) passed.

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

Com. Sub. for S. B. 531, Relating to renewal date for apiary certificates of registration; 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. 287**), 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: Kelly.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 531) passed.

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

Com. Sub. for S. B. 634, Relating generally to certain agreements between DHHR and state's medical schools; on third 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.

S. B. 684, Relating generally to WV State Police; 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. 288**), 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: Kelly.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 684) passed.

Delegate Cowles moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 289**), 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: Kelly and Thompson.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 684) takes effect from its passage.

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. 5, Disqualifying CDL for DUI conviction in certain cases; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 151, Authorizing Department of Administration promulgate legislative rules; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 206, Expanding definition of "kidnapping" to include taking or gaining custody of, confining or concealing person by force; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted, amending the bill on page one, section fourteen-a, line six, by reinserting the word "or".

The bill was ordered to third reading.

Com. Sub. for S. B. 214, Adopting Uniform Electronic Legal Material Act; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted, amending the bill on page four, section eight, line three, after the phrase "on a permanent basis" by adding the following "at no cost".

The bill was ordered to third reading.

S. B. 222, Relating to disqualification for unemployment benefits; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted, amending the bill

On page four, section three, lines eighty to eighty-one, by striking out the words "and identified that he or she was reporting for and prepared to work".

The bill was ordered to third reading.

Com. Sub. for S. B. 225, Allowing magistrates to conduct proceeding for temporary emergency protective order dealing with temporary custody by family court; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 256, Relating to prohibiting aiding and abetting of sexual abuse by school personnel; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted, amending the bill on page one, section twenty-two, line two, after the word "agency", by adding a comma and the following "public or private" and a comma.

The bill was ordered to third reading.

Com. Sub. for S. B. 261, Relating to increasing salary or wages of judgment debtor; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 386, Creating WV Medical Cannabis Act; on second reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Shott, and by unanimous consent, the bill was postponed until April 3, 2017.

Com. Sub. for S. B. 445, Amending definition of "abused child"; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 456, Relating to standards for termination of parental rights in child abuse and neglect cases; on second reading, coming up in regular order, was read a second time and ordered to third reading.

First Reading

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

Com. Sub. for S. B. 125, Authorizing DHHR promulgate legislative rules,

S. B. 172, Eliminating salary for Water Development Authority board members,

S. B. 173, Relating generally to autocycles,

Com. Sub. for S. B. 204, Requiring persons appointed to fill vacancy by Governor have same qualifications for vacated office and receive same compensation and expenses,

Com. Sub. for S. B. 224, Repealing requirement for employer's bond for wages and benefits,

Com. Sub. for S. B. 230, Relating to certain WV officials carrying concealed firearm nationwide,

Com. Sub. for S. B. 239, Limiting use of wages by employers and labor organizations for political activities,

S. B. 349, Repealing outdated code related to Division of Corrections,

S. B. 400, Regarding appointments to WV Infrastructure and Jobs Development Council,

Com. Sub. for S. B. 522, Relating to pharmacy audits,

S. B. 554, Relating to false swearing in legislative proceeding,

And,

Com. Sub. for S. B. 575, Limiting nuisance actions against shooting ranges for noise.

Leaves of Absence

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

At 12:32 p.m., on motion of Delegate Cowles, the House of Delegates recessed until 5:00 p.m.

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Evening Session

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The House of Delegates was called to order by the Honorable Tim Armstead, Speaker.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

H. B. 3106, Relating to increasing the number of limited video lottery terminals.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

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

Delegate Cowles moved that the House concur in the following Senate amendments:

On page one, by striking out everything after the enacting section and inserting in lieu thereof the following:

“ARTICLE 2. CLAIMS AGAINST THE STATE.

§14-2-3. Definitions.

For the purpose of this article:

~~‘Court’ means the state Court of Claims established by section four of this article.~~

‘Commission’ means the West Virginia Legislative Claims Commission established by section four of this article.

'Claim' means a claim authorized to be heard by the ~~court~~ commission in accordance with this article.

'Approved claim' means a claim found by the ~~court~~ commission to be one that should be paid under the provisions of this article.

'Award' means the amount recommended by the ~~court~~ commission to be paid in satisfaction of an approved claim.

'Clerk' means the clerk of the ~~Court of Claims~~ West Virginia Legislative Claims Commission.

'State agency' means a state department, board, commission, institution, or other administrative agency of state government: *Provided*, That a 'state agency' shall not be considered to include county ~~courts~~ commissions, county boards of education, municipalities, or any other political or local subdivision of the state regardless of any state aid that might be provided.

§14-2-4. Creation of Court of Claims Court of Claims to be continued and renamed the West Virginia Legislative Claims Commission; appointment and terms of judges commissioners; vacancies.

The 'Court of Claims' is hereby ~~created~~ renamed the West Virginia Legislative Claims Commission. It shall consist of three ~~judges~~ commissioners, to be appointed by the President of the Senate and the Speaker of the House of Delegates, ~~by and with the advice and consent of the Senate,~~ one of whom shall be appointed presiding ~~judge~~ commissioner. The judges of the Court of Claims sitting on the effective date of the amendments to this article enacted during the 2017 Regular Session of the Legislature will continue their existing terms as commissioners. Each appointment to the ~~court~~ commission shall be made from a list of three qualified nominees furnished by the Board of Governors of the West Virginia State Bar. The President of the Senate and the Speaker of the House of Delegates may jointly terminate the appointment of any commissioner appointed under this section at any time.

The terms of the ~~judges of this court~~ commissioners shall be six years. ~~except that the first members of the court commission shall be appointed as follows: One judge for two years, one judge for four years and one judge for six years. As these appointments expire, all appointments shall be for six-year terms~~ Not more than two of the ~~judges~~ commissioners shall be of the same political party. An appointment to fill a vacancy shall be for the unexpired term.

§14-2-4a. Interim judges commissioners.

(a) If at any time two or more of the ~~judges~~ commissioners appointed under section four of this article are temporarily unable, due to illness or other incapacity, to perform their responsibilities the President of the Senate and the Speaker of the House of Delegates may appoint one or two interim ~~judges~~ commissioners to serve under the conditions specified in this section.

(b) Appointments made under this section are temporary. An interim ~~judge~~ commissioner serves under this section until the ~~judge~~ commissioner for whom the interim ~~judge~~ commissioner is temporarily replacing can resume his or her duties. In no event may the interim ~~judge~~ commissioner serve for more than three months unless reappointed.

(c) Appointments made under this section shall be made from a list furnished to the President of the Senate and the Speaker of the House of Delegates by the Board of Governors of the West Virginia State Bar. The Board of Governors of the West Virginia State Bar shall annually, on or before January

15, submit a list of twenty qualified nominees. ~~In two thousand four, the list shall be submitted before April 4~~

(d) An interim judge commissioner:

(1) Is entitled to the same compensation and expense reimbursement a judge commissioner is entitled to under the provisions of section eight of this article;

(2) Shall take the oath of office as required in section nine of this article;

(3) Has all the authority given to a judge commissioner under this article; and

(4) Is required to possess the qualifications required of a judge commissioner in section ten of this article.

(e) The President of the Senate and the Speaker of the House of Delegates may jointly terminate the appointment of any interim judge commissioner appointed under this section at any time.

§14-2-5. Court Commission clerk and other personnel.

~~The court~~ The President of the Senate and the Speaker of the House of Delegates may appoint a clerk, chief deputy clerk and deputy clerks. The salaries of the clerk, the chief deputy clerk and the deputy clerks shall be fixed by the Joint Committee on Government and Finance, and shall be paid out of the regular appropriation for the ~~court~~ commission. The clerk shall have custody of and maintain all records and proceedings of the ~~court~~ commission, shall attend meetings and hearings of the ~~court~~ commission, shall administer oaths and affirmations and shall issue all official summonses, subpoenas, orders, statements and awards. The chief deputy clerk or another deputy clerk shall act in the place and stead of the clerk in the clerk's absence.

~~The Joint Committee on Government and Finance~~ President of the Senate and the Speaker of the House of Delegates may employ other persons whose services are necessary to the orderly transaction of the business of the ~~court~~ commission and fix their compensation.

§14-2-7. Meeting place of the court commission.

The regular meeting place of the ~~court~~ commission shall be at the State Capitol, and the Joint Committee on Government and Finance shall provide adequate quarters therefor. ~~When deemed advisable,~~ In order to facilitate the full hearing of claims arising elsewhere in the state, the ~~court~~ commission may convene at any county seat or other location in the state, including a correctional institution: *Provided*, That the ~~court~~ commission will make reasonable efforts to meet in appropriate public or private buildings in keeping with the dignity and decorum of the State.

§14-2-8. Compensation of judges commissioners; expenses.

Each ~~judge of the court~~ commissioner shall receive \$210 for each day actually served and expenses incurred in the performance of his or her duties paid at the same per diem rate as members of the Legislature: *Provided*, That the ~~chief judge presiding~~ commissioner shall receive an additional \$50 for each day actually served. In addition to the expense per diem, each commissioner may, when using his or her own vehicle, be reimbursed for mileage. ~~at the mileage rate equal to the amount paid by the travel management office of the Department of Administration~~ The number of days served by each judge commissioner shall not exceed one hundred twenty in any fiscal year, except by authority of the ~~Joint Committee on Government and Finance~~ President of the Senate and the Speaker of the House of Delegates: *Provided*, That in computing the number of days served, days utilized solely for

the exercise of duties assigned to ~~judges and~~ commissioners by this article and the provisions of article two-a of this chapter shall be disregarded. For the purpose of this section, time served shall include time spent in the hearing of claims, in the consideration of the record, in the preparation of opinions and in necessary travel.

§14-2-9. Oath of office.

Each ~~judge~~ commissioner shall before entering upon the duties of his or her office, take and subscribe to the oath prescribed by section 5, article IV of the Constitution of the State. The oath shall be filed with the clerk.

§14-2-10. Qualifications of ~~judges~~ commissioners.

Each ~~judge~~ commissioner appointed to the ~~Court of Claims~~ West Virginia Legislative Claims Commission shall be an attorney at law, licensed to practice in this state, and shall have been so licensed to practice law for a period of not less than ten years prior to his or her appointment as ~~judge~~ commissioner. A ~~judge~~ commissioner shall not be an officer or an employee of any branch of state government, except in his or her capacity as a member of the ~~court~~ commission and shall receive no other compensation from the state or any of its political subdivisions. A ~~judge~~ commissioner shall not hear or participate in the consideration of any claim in which he or she is interested personally, either directly or indirectly.

§14-2-11. Attorney General to represent state.

Unless expressly exempted in the code, the Attorney General shall represent the interests of the State in all claims coming before the ~~court~~ commission.

§14-2-12. General powers of the ~~court~~ commission.

The ~~court~~ commission shall, in accordance with this article, consider claims which, but for the Constitutional immunity of the state from suit, or for some statutory restrictions, inhibitions or limitations, could be maintained in the regular courts of the state. No liability shall be imposed upon the state or any state agency by a determination of the ~~Court of Claims~~ commission approving a claim and recommending an award, unless the claim is: (1) Made under an existing appropriation, in accordance with section nineteen of this article; or (2) a claim under a special appropriation, as provided in section twenty of this article. The ~~court~~ commission shall consider claims in accordance with the provisions of this article.

Except as is otherwise provided in this article, a claim shall be instituted by the filing of notice with the clerk. In accordance with rules promulgated by the ~~court~~ commission, each claim shall be considered by the ~~court~~ commission as a whole, or by a ~~judge~~ commissioner sitting individually, and if, after consideration, the ~~court~~ commission finds that a claim is just and proper, it shall so determine and shall file with the clerk a brief statement of its reasons. A claim so filed shall be an approved claim. The ~~court~~ commission shall also determine the amount that should be paid to the claimant, and shall itemize this amount as an award, with the reasons therefor, in its statement filed with the clerk. In determining the amount of a claim, interest shall not be allowed unless the claim is based upon a contract which specifically provides for the payment of interest.

§14-2-13. Jurisdiction of the ~~court~~ commission.

The jurisdiction of the ~~court~~ commission, except for the claims excluded by section fourteen, shall extend to the following matters:

(1) Claims and demands, liquidated and unliquidated, ex contractu and ex delicto, against the state or any of its agencies, which the state as a sovereign commonwealth should in equity and good conscience discharge and pay; and

(2) Claims and demands, liquidated and unliquidated, ex contractu and ex delicto, which may be asserted in the nature of set-off or counterclaim on the part of the state or any state agency.

§14-2-14. Claims excluded.

The jurisdiction of the ~~court~~ commission shall not extend to any claim:

1. For loss, damage, or destruction of property or for injury or death incurred by a member of the militia or National Guard when in the service of the state.

2. For a disability or death benefit under chapter twenty-three of this code.

3. For unemployment compensation under chapter twenty-one-a of this code.

4. For relief or public assistance under chapter nine of this code.

5. With respect to which a proceeding may be maintained against the state, by or on behalf of the claimant in the courts of the state.

§14-2-15. Rules of practice and procedure.

The ~~court~~ commission shall adopt and may from time to time amend rules of procedure, in accordance with the provisions of this article, governing proceedings before the ~~court~~ commission. Rules shall be designed to assure a simple, expeditious and inexpensive consideration of claims. Rules shall permit a claimant to appear in his or her own behalf or be represented by counsel.

Discovery may be used in a case pending before the ~~court~~ commission in the same manner that discovery is conducted pursuant to the Rules of Civil Procedure for trial courts of record, Rules 26 through 36. The ~~court~~ commission may compel discovery and impose sanctions for a failure to make discovery, in the same manner as a court is authorized to do under the provisions of Rule 37 of the Rules of Civil Procedure for trial courts of record: *Provided*, That the ~~Court of Claims~~ commission shall not find a person in contempt for failure to comply with an order compelling discovery.

The ~~court~~ commission, upon its own motion or upon motion of a party, may strike a pleading, motion or other paper which: (1) Is not well-grounded in fact; (2) is not warranted by existing law, or is not based on a good faith argument for the extension, modification, or reversal of existing law; or (3) is interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in costs. An order striking a pleading, motion, or paper may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading, motion, or other paper, including a reasonable attorney's fee.

Under its rules, the ~~court~~ commission shall not be bound by the usual common law or statutory rules of evidence. The ~~court~~ commission may accept and weigh, in accordance with its evidential value, any information that will assist the ~~court~~ commission in determining the factual basis of a claim.

§14-2-16. Regular procedure.

The regular procedure for the consideration of claims shall be substantially as follows:

(1) The claimant shall give notice to the clerk that he or she desires to maintain a claim. Notice shall be in writing and shall be in sufficient detail to identify the claimant, the circumstances giving rise to the claim, and the state agency concerned, if any. The claimant shall not otherwise be held to any formal requirement of notice.

(2) The clerk shall transmit a copy of the notice to the state agency concerned. The state agency may deny the claim, or may request a postponement of proceedings to permit negotiations with the claimant. If the ~~court~~ commission finds that a claim is prima facie within its jurisdiction, it shall order the claim to be placed upon its regular docket for hearing.

(3) During the period of negotiations and pending hearing, the state agency, represented by the Attorney General, shall, if possible, reach an agreement with the claimant regarding the facts upon which the claim is based so as to avoid the necessity for the introduction of evidence at the hearing. If the parties are unable to agree upon the facts an attempt shall be made to stipulate the questions of fact in issue.

(4) The ~~court~~ commission shall so conduct the hearing as to disclose all material facts and issues of liability and may examine or cross-examine witnesses. The ~~court~~ commission may call witnesses or require evidence not produced by the parties; the ~~court~~ commission may call expert witnesses and compensate those experts for their services in an amount not to exceed \$3,500 per expert; the ~~court~~ commission may stipulate the questions to be argued by the parties; and the ~~court~~ commission may continue the hearing until some subsequent time to permit a more complete presentation of the claim.

(5) After the close of the hearing the ~~court~~ commission shall consider the claim and shall conclude its determination, if possible, within sixty days.

§14-2-17. Shortened procedure.

The shortened procedure authorized by this section shall apply only to a claim possessing all of the following characteristics:

1. The claim does not arise under an appropriation for the current fiscal year.
2. The state agency concerned concurs in the claim.
3. The amount claimed does not exceed ~~\$1,000~~ \$3,000.
4. The claim has been approved by the Attorney General as one that, in view of the purposes of this article, should be paid.

The state agency concerned shall prepare the record of the claim consisting of all papers, stipulations and evidential documents required by the rules of the ~~court~~ commission and file the same with the clerk. The ~~court~~ commission shall consider the claim informally upon the record submitted. If the ~~court~~ commission determines that the claim should be entered as an approved claim and an award made, it shall so order and shall file its statement with the clerk. If the ~~court~~ commission finds that the record is inadequate, or that the claim should not be paid, it shall reject the claim. The rejection of a claim under this section shall not bar its resubmission under the regular procedure.

§14-2-19. Claims under existing appropriations.

A claim arising under an appropriation made by the Legislature during the fiscal year to which the appropriation applies, and falling within the jurisdiction of the ~~court~~ commission, may be submitted by:

1. A claimant whose claim has been rejected by the state agency concerned or by the State Auditor.
2. The head of the state agency concerned in order to obtain a determination of the matters in issue.
3. The State Auditor in order to obtain a full hearing and consideration of the merits.

When such submittal is made, the clerk shall give a copy of the submittal to the Joint Committee on Government and Finance. If the Joint Committee on Government and Finance shall so direct, the clerk shall place such claim on its docket. Upon its placement on the docket, the regular procedure, so far as applicable, shall govern the consideration of the claim by the ~~court~~ commission. If the ~~court~~ commission finds that the claimant should be paid, it shall certify the approved claim and award to the head of the appropriate state agency, the State Auditor and to the Governor. The Governor may thereupon instruct the Auditor to issue his or her warrant in payment of the award and to charge the amount thereof to the proper appropriation. The Auditor shall forthwith notify the state agency that the claim has been paid. Such an expenditure shall not be subject to further review by the Auditor upon any matter determined and certified by the ~~court~~ commission.

§14-2-20. Claims under special appropriations.

Whenever the Legislature makes an appropriation for the payment of claims against the state, then accrued or arising during the ensuing fiscal year, the determination of claims and the payment thereof may be made in accordance with this section. However, this section shall apply only if the Legislature in making its appropriation specifically so provides and only after specific direction to hear the claim is given by the Joint Committee on Government and Finance.

The claim shall be considered and determined by the regular or shortened procedure, as the case may be, and the amount of the award shall be fixed by the ~~court~~ commission. The clerk shall certify each approved claim and award, and requisition relating thereto, to the Auditor. The Auditor thereupon shall issue his or her warrant to the Treasurer in favor of the claimant. The Auditor shall issue his or her warrant without further examination or review of the claim except for the question of a sufficient unexpended balance in the appropriation.

§14-2-21. Periods of limitation made applicable.

The ~~court~~ commission shall not take jurisdiction of any claim, whether accruing before or after the effective date of this article (July 1, 1967), unless notice of such claim be filed with the clerk within such period of limitation as would be applicable under the pertinent provisions of the Code of West Virginia, 1931, as amended, if the claim were against a private person, firm or corporation and the Constitutional immunity of the state from suit were not involved and such period of limitation may not be waived or extended. The foregoing provision shall not be held to limit or restrict the right of any person, firm or corporation who or which had a claim against the state or any state agency, pending before the Attorney General on the effective date of this article (July 1, 1967), from presenting such claim to the ~~Court of Claims~~ West Virginia Legislative Claims Commission, nor shall it limit or restrict the right to file such a claim which was, on the effective date of this article (July 1, 1967), pending in any court of record as a legal claim and which, after such date was or may be adjudicated in such court to be invalid as a claim against the state because of the Constitutional immunity of the state from suit.

§14-2-22. Compulsory process.

In all hearings and proceedings before the ~~court~~ commission, the evidence and testimony of witnesses and the production of documentary evidence may be required. Subpoenas may be issued by the ~~court~~ commission for appearance at any designated place of hearing. In case of disobedience to a subpoena or other process, the ~~court~~ commission may invoke the aid of any circuit court in requiring the evidence and testimony of witnesses, and the production of books, papers and documents. Upon proper showing, the circuit court shall issue an order requiring witnesses to appear before the ~~Court of Claims~~ West Virginia Legislative Claims Commission; produce books, papers and other evidence; and give testimony touching the matter in question. A person failing to obey the order may be punished by the circuit court as for contempt.

§14-2-23. Inclusion of awards in budget.

The clerk shall certify to the department of finance and administration, on or before November 20, of each year, a list of all awards recommended by the ~~court~~ commission to the Legislature for appropriation. The clerk may certify supplementary lists to the Governor to include subsequent awards made by the ~~court~~ commission. The Governor shall include all awards so certified in his or her proposed budget bill transmitted to the Legislature. Any other provision of this article or of law to the contrary notwithstanding, the clerk shall not certify any award which has been previously certified.

§14-2-24. Records to be preserved.

The record of each claim considered by the ~~court~~ commission, including all documents, papers, briefs, transcripts of testimony and other materials, shall be preserved by the clerk for a period of ten years from the date of entry of the ~~court's~~ commission's last order and shall be made available to the Legislature or any committee thereof for the reexamination of the claim. When any such documents, papers, briefs, transcripts and other materials have been so preserved by the clerk for such ten-year period, the same shall be transferred to the state records administrator for preservation or disposition in accordance with the provisions of article eight, chapter five-a of this code without cost, either to the ~~court~~ commission or the Legislature.

§14-2-25. Reports of the ~~court~~ commission.

The clerk shall be the official reporter of the ~~court~~ commission. He or she shall collect and edit the approved claims, awards and statements, shall prepare them for submission to the Legislature in the form of an annual report and shall prepare them for publication.

Claims and awards shall be separately classified as follows:

- (1) Approved claims and awards not satisfied but referred to the Legislature for final consideration and appropriation.
- (2) Approved claims and awards satisfied by payments out of regular appropriations.
- (3) Approved claims and awards satisfied by payment out of a special appropriation made by the Legislature to pay claims arising during the fiscal year.
- (4) Claims rejected by the ~~court~~ commission with the reasons therefor.

The ~~court~~ commission may include any other information or recommendations pertaining to the performance of its duties.

The ~~court~~ commission shall transmit its annual report to the presiding officer of each house of the Legislature, and a copy shall be made available to any member of the Legislature upon request therefor. The reports of the ~~court~~ commission shall be published biennially by the clerk as a public document. The biennial report shall be filed with the clerk of each house of the Legislature, the Governor and the Attorney General.

§14-2-26. Fraudulent claims.

A person who knowingly and willfully presents or attempts to present a false or fraudulent claim, or a state officer or employee who knowingly and willfully participates or assists in the preparation or presentation of a false or fraudulent claim, shall be guilty of a misdemeanor. A person convicted, in a court of competent jurisdiction, of violation of this section shall be fined not more than \$1,000 or ~~imprisoned~~ confined for not more than one year, or both, in the discretion of such court. If the convicted person is a state officer or employee, he or she shall, in addition, forfeit his or her office or position of employment, as the case may be.

§14-2-27. Conclusiveness of determination.

Any final determination against the claimant on any claim presented as provided in this article shall forever bar any further claim in the ~~court~~ commission arising out of the rejected claim

§14-2-28. Award as condition precedent to appropriation.

(a) It is the policy of the Legislature to make no appropriation to pay any claims against the state, cognizable by the ~~court~~ commission, unless the claim has first been passed upon by the ~~court~~ commission.

(b) Because a decision of the ~~court~~ commission is a recommendation to the Legislature based upon a finding of moral obligation, and the enactment process of passage of legislation authorizing payments of claims recommended by the ~~court~~ commission is at legislative discretion, no right of appeal exists to findings and award recommendations of the ~~Court of Claims~~ West Virginia Legislative Claims Commission and they are not subject to judicial review.

ARTICLE 2A. COMPENSATION AWARDS TO VICTIMS OF CRIMES.

§14-2A-5. Jurisdiction.

Any ~~judge~~ commissioner of the ~~Court of Claims~~ West Virginia Legislative Claims Commission individually, or the ~~Court of Claims~~ West Virginia Legislative Claims Commission en banc, ~~or any Court of Claims commissioner appointed pursuant to section six of this article,~~ shall have jurisdiction to approve awards of compensation arising from criminally injurious conduct, in accordance with the provisions of this article, if satisfied by a preponderance of the evidence that the requirements for an award of compensation have been met.

§14-2A-6. ~~Appointment and Compensation of commissioners and judges serving under this article.~~

~~(a) The Court of Claims with the approval of the President of the Senate and the Speaker of the House of Delegates, may appoint Court of Claims commissioners to hear claims for awards of compensation and to approve awards of compensation pursuant to the provisions of this article. Each commissioner shall serve at the pleasure of the Court of Claims and under the supervision of the judges of the Court of Claims.~~

~~(b) The Court of Claims shall fix the compensation of the Court of Claims commissioners in an amount not exceeding the compensation for judges of the Court of Claims Compensation of judges and commissioners for services performed under this article, and actual expenses incurred in the performance of duties as judges and commissioners under this article, shall be paid out of the crime victims compensation fund.~~

~~(c) The limitation period of one hundred days in section eight, article two of this chapter pertaining to time served by the judges of the Court of Claims shall not apply to the provisions of this article.~~

§14-2A-9. Claim investigators; compensation and expenses; paralegals and support staff.

~~The Court of Claims West Virginia Legislative Claims Commission, with the approval of the President of the Senate and the Speaker of the House of Delegates, is hereby authorized to hire not more than four claim investigators to be employed within the Office of the clerk of the State West Virginia Legislative Claims Commission, who shall carry out the functions and duties set forth in section twelve of this article. Claim investigators shall serve at the pleasure of the Court of Claims President of the Senate and the Speaker of the House of Delegates and under the administrative supervision of the Clerk of the Court of Claims West Virginia Legislative Claims Commission. The compensation of claim investigators shall be fixed by the court President of the Senate and the Speaker of the House of Delegates, and such compensation, together with travel, clerical and other expenses of the Clerk of the Court of Claims West Virginia Legislative Claims Commission relating to a claim investigator carrying out his or her duties under this article, including the cost of obtaining reports required by the investigator in investigating a claim, shall be payable from the crime victims compensation fund as appropriated for such purpose by the Legislature.~~

~~The Court of Claims West Virginia Legislative Claims Commission, with the approval of the President of the Senate and the Speaker of the House of Delegates, is hereby authorized to hire as support staff such paralegal or paralegals and secretary or secretaries to be employed within the Office of the Clerk of the Court of Claims West Virginia Legislative Claims Commission, necessary to carry out the functions and duties of this article. Such support staff shall serve at the will and pleasure of the Court of Claims West Virginia Legislative Claims Commission and under the administrative supervision of the Clerk of the Court of Claims West Virginia Legislative Claims Commission.~~

§14-2A-10. Filing of application for compensation award; contents.

(a) A claim for an award of compensation shall be commenced by filing an application for an award of compensation with the clerk of the Court of Claims West Virginia Legislative Claims Commission. The application shall be in a form prescribed by the clerk of the Court of Claims West Virginia Legislative Claims Commission and shall contain the information specified in subdivisions (1) through (6) of this subsection and, to the extent possible, the information in subdivisions (7) through (10) of this subsection:

(1) The name and address of the victim of the criminally injurious conduct, the name and address of the claimant and the relationship of the claimant to the victim;

(2) The nature of the criminally injurious conduct that is the basis for the claim and the date on which the conduct occurred;

(3) The law-enforcement agency or officer to whom the criminally injurious conduct was reported and the date on which it was reported;

(4) Whether the claimant is the spouse, parent, child, brother or sister of the offender, or is similarly related to an accomplice of the offender who committed the criminally injurious conduct;

(5) A release authorizing the ~~Court of Claims, the Court of Claims commissioners~~ West Virginia Legislative Claims Commission and the claim investigator to obtain any report, document or information that relates to the determination of the claim for an award of compensation;

(6) If the victim is deceased, the name and address of each dependent of the victim and the extent to which each is dependent upon the victim for care and support;

(7) The nature and extent of the injuries that the victim sustained from the criminally injurious conduct for which compensation is sought, the name and address of any person who gave medical treatment to the victim for the injuries, the name and address of any hospital or similar institution where the victim received medical treatment for the injuries, and whether the victim died as a result of the injuries;

(8) The total amount of the economic loss that the victim, a dependent or the claimant sustained or will sustain as a result of the criminally injurious conduct, without regard to the financial limitation set forth in subsection (g), section fourteen of this article;

(9) The amount of benefits or advantages that the victim, a dependent or other claimant has received or is entitled to receive from any collateral source for economic loss that resulted from the criminally injurious conduct, and the name of each collateral source;

(10) Any additional relevant information that the ~~Court of Claims~~ West Virginia Legislative Claims Commission may require. The ~~Court of Claims~~ West Virginia Legislative Claims Commission may require the claimant to submit, with the application, materials to substantiate the facts that are stated in the application.

(b) All applications for an award of compensation shall be filed within two years after the occurrence of the criminally injurious conduct that is the basis of the application. Any application so filed which contains the information specified in subdivisions (1) through (6), subsection (a) of this section may not be excluded from consideration on the basis of incomplete information specified in subdivisions (7) through (10) of said subsection if such information is completed after reasonable assistance in the completion thereof is provided under procedures established by the ~~Court of Claims~~ West Virginia Legislative Claims Commission.

(c) A person who knowingly and willfully presents or attempts to present a false or fraudulent application, or who knowingly and willfully participates, or assists in the preparation or presentation of a false or fraudulent application, shall be guilty of a misdemeanor. A person convicted, in a court of competent jurisdiction, of a violation of this section shall be fined not more than \$1,000 or imprisoned for not more than one year, or both, in the discretion of such court. If the convicted person is a state officer or employee, he or she shall, in addition, forfeit his or her office or position of employment, as the case may be.

§14-2A-11. Procedure for filing of application.

The clerk of the ~~Court of Claims~~ West Virginia Legislative Claims Commission shall establish a procedure for the filing, recording and processing of applications for an award of compensation.

§14-2A-12. Investigation and recommendations by claim investigator.

(a) The clerk of the ~~Court of Claims~~ West Virginia Legislative Claims Commission shall transmit a copy of the application to the claim investigator within seven days after the filing of the application.

(b) The claim investigator, upon receipt of an application for an award of compensation from the clerk of the ~~Court of Claims~~ West Virginia Legislative Claims Commission, shall investigate the claim. After completing the investigation, the claim investigator shall make a written finding of fact and recommendation concerning an award of compensation. He or she shall file with the clerk the finding of fact and recommendation and all information or documents that he or she used in his or her investigation: *Provided*, That the claim investigator shall not file information or documents which have been the subject of a protective order entered under the provisions of subsection (c) of this section.

(c) The claim investigator, while investigating the claim, may require the claimant to supplement the application for an award of compensation with any further information or documentary materials, including any medical report readily available, which may lead to any relevant facts aiding in the determination of whether, and the extent to which, a claimant qualifies for an award of compensation.

The claim investigator, while investigating the claim, may also require law-enforcement officers and prosecuting attorneys employed by the state or any political subdivision thereof, to provide him or her with reports, information, witness statements or other data gathered in the investigation of the criminally injurious conduct that is the basis of any claim to enable him or her to determine whether, and the extent to which, a claimant qualifies for an award of compensation. The prosecuting attorney and any officer or employee of the prosecuting attorney or of the law-enforcement agency shall be immune from any civil liability that might otherwise be incurred as the result of providing such reports, information, witness statements or other data relating to the criminally injurious conduct to the claim investigator.

The claim investigator, while investigating the claim, may obtain autopsy reports including results from the Office of the State Medical Examiner to be used solely for determining eligibility for compensation awards.

Upon motion of any party, court or agency from whom such reports, information, witness statements or other data is sought, and for good cause shown, the court may make any order which justice requires to protect a witness or other person, including, but not limited to, the following: (1) That the reports, information, witness statements or other data not be made available; (2) that the reports, information, witness statements or other data may be made available only on specified terms and conditions, including a designation of time and place; (3) that the reports, information, witness statements or other data be made available only by a different method than that selected by the claim investigator; (4) that certain matters not be inquired into, or that the scope of the claim investigator's request be limited to certain matters; (5) that the reports, information, witness statements or other data be examined only by certain persons designated by the court; (6) that the reports, information, witness statements or other data, after being sealed, be opened only by order of the court; and (7) that confidential information or the identity of confidential witnesses or informers not be disclosed, or disclosed only in a designated manner.

However, in any case wherein the claim investigator has reason to believe that his or her investigation may interfere with or jeopardize the investigation of a crime by law-enforcement officers, or the prosecution of a case by prosecuting attorneys, he or she shall apply to the ~~Court of Claims~~ West Virginia Legislative Claims Commission, or a ~~judge~~ commissioner thereof, for an order granting leave to discontinue his or her investigation for a reasonable time in order to avoid such interference or jeopardization. When it appears to the satisfaction of the ~~court~~ commission, or ~~judge~~ commissioner, upon application by the claim investigator or in its own discretion, that the investigation of a case by the claim investigator will interfere with or jeopardize the investigation or prosecution of a crime, the ~~court~~ commission, or ~~judge~~ commissioner, shall issue an order granting the claim investigator leave to discontinue his or her investigation for such time as the ~~court~~ commission, or ~~judge~~ commissioner, deems reasonable to avoid such interference or jeopardization.

(d) The finding of fact that is issued by the claim investigator pursuant to subsection (b) of this section shall contain the following:

(1) Whether the criminally injurious conduct that is the basis for the application did occur, the date on which the conduct occurred and the exact nature of the conduct;

(2) If the criminally injurious conduct was reported to a law-enforcement officer or agency, the date on which the conduct was reported and the name of the person who reported the conduct; or the reasons why the conduct was not reported to a law-enforcement officer or agency; or the reasons why the conduct was not reported to a law-enforcement officer or agency within seventy-two hours after the conduct occurred;

(3) The exact nature of the injuries that the victim sustained as a result of the criminally injurious conduct;

(4) If the claim investigator is recommending that an award be made, a specific itemization of the economic loss that was sustained by the victim, the claimant or a dependent as a result of the criminally injurious conduct;

(5) If the claim investigator is recommending that an award be made, a specific itemization of any benefits or advantages that the victim, the claimant or a dependent has received or is entitled to receive from any collateral source for economic loss that resulted from the conduct;

(6) Whether the claimant is the spouse, parent, child, brother or sister of the offender, or is similarly related to an accomplice of the offender who committed the criminally injurious conduct;

(7) Any information which might be a basis for a reasonable reduction or denial of a claim because of contributory misconduct of the claimant or of a victim through whom he or she claims;

(8) Any additional information that the claim investigator deems to be relevant to the evaluation of the claim.

(e) The recommendation that is issued by the claim investigator pursuant to subsection (b) of this section shall contain the following:

(1) Whether an award of compensation should be made to the claimant and the amount of the award;

(2) If the claim investigator recommends that an award not be made to the claimant, the reason for his or her decision.

(f) The claim investigator shall file his or her finding of fact and recommendation with the clerk within six months after the filing of the application: *Provided*, That where there is active criminal investigation or prosecution of the person or persons alleged to have committed the criminally injurious conduct which is the basis for the claimant's claim, the claim investigator shall file his or her finding of fact and recommendation within six months after the first of any final convictions or other final determinations as to innocence or guilt, or any other final disposition of criminal proceedings. In any case, an additional time period may be provided by order of any ~~Court of Claims judge or~~ commissioner upon good cause shown.

§14-2A-13. Notice to claimant of claim investigator's recommendation; evaluation of claim by ~~judge or~~ commissioner.

(a) The clerk of the ~~Court of Claims~~ West Virginia Legislative Claims Commission, upon receipt of the claim investigator's finding of fact and recommendation, shall forward a copy of the finding of fact and recommendation to the claimant with a notice informing the claimant that any response, in the form of objections or comments directed to the finding of fact and recommendation, must be filed with the clerk within thirty days of the date of the notice. After the expiration of such thirty-day period, the clerk shall assign the claim to a ~~judge or~~ commissioner. ~~of the court.~~

(b) The ~~judge or~~ commissioner to whom the claim is assigned shall review the finding of fact and recommendation and any response submitted by the claimant and, if deemed appropriate, may request the claim investigator to comment in writing on the claimant's response. The ~~judge or~~ commissioner shall, within forty-five days after assignment by the clerk, evaluate the claim without a hearing and either deny the claim or approve an award of compensation to the claimant.

§14-2A-14. Grounds for denial of claim or reduction of awards; maximum awards.

(a) Except as provided in subsection (b), section ten of this article, the ~~judge or~~ commissioner may not approve an award of compensation to a claimant who did not file his or her application for an award of compensation within two years after the date of the occurrence of the criminally injurious conduct that caused the injury or death for which he or she is seeking an award of compensation.

(b) The ~~judge or~~ commissioner may not approve an award of compensation if the criminally injurious conduct upon which the claim is based was not reported to a law-enforcement officer or agency or, in the case of sexual offense, the claimant did not undergo a forensic medical examination, within ninety-six hours after the occurrence of the conduct, unless it is determined that good cause existed for the failure to report the conduct or undergo a forensic medical examination within the 96-hour period: *Provided*, That no reporting to a law-enforcement officer or agency or a forensic medical examination is required if the claimant is a juvenile in order for a ~~judge or~~ commissioner to approve an award of compensation.

(c) The ~~judge or~~ commissioner may not approve an award of compensation to a claimant who is the offender or an accomplice of the offender who committed the criminally injurious conduct, nor to any claimant if the award would unjustly benefit the offender or his or her accomplice.

(d) A ~~judge or~~ commissioner, upon a finding that the claimant or victim has not fully cooperated with appropriate law-enforcement agencies or the claim investigator, may deny a claim, reduce an award of compensation or reconsider a claim already approved.

(e) A ~~judge or~~ commissioner may not approve an award of compensation if the injury occurred while the victim was confined in any state, county or regional jail, prison, private prison or correctional facility.

(f) After reaching a decision to approve an award of compensation, but prior to announcing the approval, the ~~judge or~~ commissioner shall require the claimant to submit current information as to collateral sources on forms prescribed by the Clerk of the ~~Court of Claims~~ West Virginia Legislative Claims Commission. The ~~judge or~~ commissioner shall reduce an award of compensation or deny a claim for an award of compensation that is otherwise payable to a claimant to the extent that the economic loss upon which the claim is based is or will be recouped from other persons, including collateral sources, or if the reduction or denial is determined to be reasonable because of the contributory misconduct of the claimant or of a victim through whom he or she claims. If an award is reduced or a claim is denied because of the expected recoupment of all or part of the economic loss

of the claimant from a collateral source, the amount of the award or the denial of the claim shall be conditioned upon the claimant's economic loss being recouped by the collateral source: *Provided*, That if it is thereafter determined that the claimant will not receive all or part of the expected recoupment, the claim shall be reopened and an award shall be approved in an amount equal to the amount of expected recoupment that it is determined the claimant will not receive from the collateral source, subject to the limitation set forth in subsection (g) of this section.

(g) (1) Except in the case of death, or as provided in subdivision (2) of this subsection, compensation payable to a victim and to all other claimants sustaining economic loss because of injury to that victim may not exceed \$35,000 in the aggregate. Compensation payable to all claimants because of the death of the victim may not exceed \$50,000 in the aggregate.

(2) In the event the victim's personal injuries are so severe as to leave the victim with a disability, as defined in Section 223 of the Social Security Act, as amended, as codified in 42 U. S. C. §423, the ~~court~~ commissioner may award an additional amount, not to exceed \$100,000, for special needs attributable to the injury.

(h) If an award of compensation of \$5,000 or more is made to a minor, a guardian shall be appointed pursuant to the provisions of article ten, chapter forty-four of this code to manage the minor's estate.

§14-2A-15. Hearings.

(a) If either the claim investigator or the claimant disagrees with the approval of an award or the denial of a claim in the summary manner set forth in the preceding sections of this article, the claim investigator or the claimant, or both, shall file with the clerk a request for hearing. Such request shall be filed within twenty-one days after notification by the ~~judge or~~ commissioner of his or her decision.

(b) Upon receipt of a request for hearing, the clerk shall ~~place the claim upon the regular docket of the court~~ set a date and time for hearing, shall advise the Attorney General and the claimant of the receipt of the request and docketing of the claim, and shall request the Attorney General to commence negotiations with the claimant.

(c) During the period of negotiations and pending hearing, the Attorney General, shall, if possible, reach an agreement with the claimant regarding the facts upon which the claim is based so as to avoid the necessity for the introduction of evidence at the hearing. If the parties are unable to agree upon the facts, an attempt shall be made to stipulate the questions of fact in issue.

(d) The hearing held in accordance with this section shall be before a single ~~judge or~~ commissioner to whom the claim has not been previously assigned. Hearings before a ~~judge or~~ commissioner may, in the discretion of such hearing officer, be held at such locations throughout the state as will facilitate the appearance of the claimant and witnesses.

(e) The hearing shall be conducted so as to disclose all material facts and issues. The ~~judge or~~ commissioner may examine or cross-examine witnesses. The ~~judge and~~ commissioner may call witnesses or require evidence not produced by the parties; may stipulate the questions to be argued by the parties; and may continue the hearing until some subsequent time to permit a more complete presentation of the claim.

(f) After the close of the hearing the ~~judge or~~ commissioner shall consider the claim and shall conclude his or her determination, if possible, within thirty days.

(g) The ~~court~~ commission shall adopt and may from time to time amend rules of procedure to govern proceedings before the ~~court~~ commission in accordance with the provisions of this article. The rules shall be designed to assure a simple, expeditious and inexpensive consideration of claims. The rules shall permit a claimant to appear in his or her own behalf or be represented by counsel and provide for interests of the state to be represented by the Attorney General in any hearing under this section at no additional cost to the fund or the state.

Under its rules, the ~~court~~ commission shall not be bound by the usual common law or statutory rules of evidence. The ~~court~~ commission may accept and weigh, in accordance with its evidential value, any information that will assist the ~~court~~ commission in determining the factual basis of a claim.

§14-2A-16. Evidence.

(a) There is no privilege, except the privilege arising from the attorney-client relationship, as to communications or records that are relevant to the physical, mental or emotional condition of the claimant or victim in a proceeding under this article in which that condition is an element.

(b) If the mental, physical or emotional condition of a victim or claimant is material to a claim for an award of compensation, the ~~court, judge~~ commission or a commissioner may order the victim or claimant to submit to a mental or physical examination by a physician or psychologist, and may order an autopsy of a deceased victim. The order may be made for good cause shown and upon notice to the person to be examined and to the claimant and the claim investigator. The order shall specify the time, place, manner, conditions and scope of the examination or autopsy and the person by whom it is to be made, and shall require the person who performs the examination or autopsy to file with the clerk of the ~~Court of Claims~~ West Virginia Legislative Claims Commission a detailed written report of the examination or autopsy. The report shall set out the findings, including the results of all tests made, diagnosis, prognosis and other conclusions and reports of earlier examinations of the same conditions. On request of the person examined, the clerk of the ~~Court of Claims~~ West Virginia Legislative Claims Commission shall furnish him or her a copy of the report. If the victim is deceased, the clerk of the ~~Court of Claims~~ West Virginia Legislative Claims Commission, on request, shall furnish the claimant a copy of the report.

(c) The ~~court, or a judge~~ commission, or a commissioner thereof, may order law-enforcement officers employed by the State or any political subdivision thereof to provide it or the claim investigator with copies of any information or data gathered in the investigation of the criminally injurious conduct that is the basis of any claim to enable it to determine whether, and the extent to which, a claimant qualifies for an award of compensation.

(d) The ~~court, judge~~ commission or a commissioner thereof, may require the claimant to supplement the application for an award of compensation with any reasonably available medical or psychological reports relating to the injury for which the award of compensation is claimed.

(e) The ~~court, judge~~ commission or a commissioner thereof, or the claim investigator, in a claim arising out of a violation of article eight-b, chapter sixty-one of this code, shall not request the victim or the claimant to supply any evidence of specific instances of the victim's activity, or reputation evidence of the victim's sexual activity, unless it involves evidence of the victim's past sexual activity with the offender, and then only to the extent that the ~~court, the judge, the commissioner or the claim investigator~~ finds that the evidence is relevant to a fact at issue in the claim.

(f) Notwithstanding any provision of this code to the contrary relating to the confidentiality of juvenile records, the ~~Court of Claims~~ West Virginia Legislative Claims Commission, ~~a judge or a~~ commissioner thereof, or the claim investigator shall have access to the records of juvenile

proceedings which bear upon an application for compensation under this article. The ~~Court of Claims West Virginia Legislative Claims Commission, a judge or a commissioner thereof,~~ and the claim investigator, shall, to the extent possible, maintain the confidentiality of juvenile records.

§14-2A-17. Contempt sanction not available.

If a person refuses to comply with an order under this article, or asserts a privilege, except privileges arising from the attorney-client relationship, so as to withhold or suppress evidence relevant to a claim for an award of compensation, the ~~court, judge~~ commission or a commissioner thereof may make any just order, including denial of the claim, but shall not find the person in contempt. If necessary to carry out any of his or her powers and duties, the claim investigator may petition the ~~Court of Claims West Virginia Legislative Claims Commission~~ for an appropriate order, including an order authorizing the investigator to take the depositions of witnesses by oral examination or written interrogatory, but the ~~Court of Claims West Virginia Legislative Claims Commission~~ shall not find a person in contempt for refusal to submit to a mental or physical examination.

§14-2A-18. Effect of no criminal charges being filed or conviction of offender.

The ~~court, or a judge~~ commission or a commissioner thereof, may approve an award of compensation whether or not any person is convicted for committing the conduct that is the basis of the award. The filing of a criminal charge shall be a prerequisite for receipt of compensation unless it is determined that no charges were filed due to the identity of the perpetrator being unknown: *Provided*, That no criminal charges need be filed if: (1) The claimant is an adult at the time the conduct giving rise to the claim occurred and no criminal charges were filed for reasons other than the desire of the claimant and a law-enforcement agency confirms that the available evidence supports a finding that a crime occurred; or (2) the claimant was a juvenile at the time the conduct giving rise to the claim occurred. Proof of conviction of a person whose conduct gave rise to a claim is conclusive evidence that the crime was committed, unless an application for rehearing, an appeal of the conviction or certiorari is pending, or a rehearing or new trial has been ordered.

The ~~court, or a judge~~ commission or a commissioner thereof, shall suspend, upon a request of the claim investigator, the proceedings in any claim for an award of compensation pending disposition of a criminal prosecution that has been commenced or is imminent.

§14-2A-19. Attorney and witness fees.

(a) By separate order, the ~~court, or a judge~~ commission or a commissioner thereof, shall determine and award reasonable attorney's fees, commensurate with services rendered and reimbursement for reasonable and necessary expenses actually incurred shall be paid from the Crime Victims Compensation Fund to the attorney representing a claimant in a proceeding under this article at the same rates as set forth in section thirteen-a, article twenty-one, chapter twenty-nine of this code. Attorney's fees and reimbursement may be denied upon a finding that the claim or appeal is frivolous. Awards of attorney's fees and reimbursement shall be in addition to awards of compensation, and attorney's fees and reimbursement may be awarded whether or not an award of compensation is approved. An attorney shall not contract for or receive any larger sum than the amount allowed under this section. In no event may a prosecuting attorney or assistant prosecuting attorney represent any victim seeking compensation under this article.

(b) Each witness called by the ~~court~~ commission to appear in a hearing on a claim for an award of compensation shall receive compensation and expenses in an amount equal to that received by witnesses in civil cases as provided in section sixteen, article one, chapter fifty-nine of this code to be paid from the Crime Victims Compensation Fund.

§14-2A-19a. Effect on physician, hospital and healthcare providers filing an assignment of benefits; tolling of the statute of limitations.

(a) As part of the order, the ~~court, or a judge~~ commission or a commissioner thereof, shall determine whether fees are due and owing for health care services rendered by a physician, hospital or other health care provider stemming from an injury received as defined under this article, and further, whether or not the physician, hospital or other health care provider has been presented an assignment of benefits, signed by the crime victim, authorizing direct payments of benefits to the health care provider. If such fees are due and owing and the health care provider has presented a valid assignment of benefits, the ~~court, or a judge~~ commission or a commissioner thereof, shall determine the amount or amounts and shall cause such reasonable fees to be paid out of the amount awarded the crime victim under this article directly to the physician, hospital or other health care provider. The requirements of this section shall be applicable to, and any such unpaid fees shall be determined and payable from, the awards made by the Legislature at regular session, ~~one thousand nine hundred eighty-seven~~ 1987, and subsequently: *Provided*, That when a claim is filed under this section, the ~~court~~ commission shall determine the total damages due the crime victim, and where the total damages exceed the maximum amount which may be awarded under this article, the amount paid the health care provider shall be paid in the same proportion to which the actual award bears to the total damages determined by the ~~court~~ commission. In any case wherein an award is made which includes an amount for funeral, cremation or burial expenses, or a combination thereof, the ~~court~~ commission shall provide for the payment directly to the provider or providers of such services, in an amount deemed proper by the ~~court~~ commission, where such expenses are unpaid at the time of the award.

(b) If the health care provider has filed an assignment of benefits, the provider shall aid the crime victim in the development of his or her claim by providing the ~~court~~ commission with the amount of such fees as well as the amount of any portion of the fees paid the provider by the crime victim directly or paid the provider for the crime victim by a collateral source.

(c) Whether or not a health care provider has filed an assignment of benefits, the ~~court~~ commission shall disclose no information regarding the status of the claim to the provider: *Provided*, That the ~~court~~ commission shall promptly notify the provider of the final disposition of the claim, if the provider is known to the ~~court~~ commission.

(d) Whenever a person files a claim under this article, the statute of limitations for the collection of unpaid fees paid for such health care services shall be tolled during the pendency of the claim before the ~~court~~ commission.

§14-2A-19b. Rates and limitations for health care services.

The ~~court~~ commission may establish by ~~court~~ rule or ~~court~~ order maximum rates and service limitations for reimbursement of health care services rendered by a physician, hospital, or other health care provider. An informational copy of the maximum rates and service limitations shall be filed with the Joint Committee on Government and Finance upon adoption by the ~~court~~ commission. Any change in the maximum rates or service limitations shall be effective sixty days after the adoption of the changes. A provider who accepts payment from the ~~court~~ commission for a service shall accept the ~~court's~~ commission's rates as payment in full and may not accept any payment on account of the service from any other source if the total of payments accepted would exceed the maximum rate set by the ~~court~~ commission for that service. A provider may not charge a claimant for any difference between the cost of a service provided to a claimant and the ~~court's~~ commission's payment for that service. To ensure service limitations are uniform and appropriate to the levels of treatment required

by the claimant, the ~~court~~ commission may review all claims for these services as necessary to ensure their medical necessity.

§14-2A-20. Budget preparation; procedure for payment of claims.

(a) The Legislative Auditor shall submit to the Department of Administration, on or before November 20, of each year, an anticipated budget for the Crime Victims Compensation Program provided in this article for the next fiscal year, which shall include:

- (1) An estimate of the balance and receipts anticipated in the Crime Victims Compensation Fund;
- (2) Amounts anticipated to be sufficient for the payment of all administrative expenses necessary for the administration of this article; and
- (3) Amounts anticipated to be sufficient for the payment of awards, attorney fees, witness fees and other authorized fees, costs or expenses that may arise under this article during the next fiscal year.

(b) The Governor shall include in his or her proposed budget bill and revenue estimates the amounts submitted by the Legislative Auditor under subsection (a) of this section.

(c) The clerk shall certify each authorized award and the amount of the award and make requisition upon the Crime Victims Compensation Fund to the Auditor. Notwithstanding any provision of chapter twelve of this code to the contrary, the Auditor shall issue a warrant to the Treasurer without further examination or review of the claim if there is a sufficient unexpended balance in the Crime Victims Compensation Fund.

(d) The ~~court~~ commission may provide that payment be made to a claimant or to a third party for economic losses of the claimant and the order may provide an award for the payment for actual economic losses which are prospective as well as those which have already been incurred.

§14-2A-21. Annual report of ~~Court of Claims~~ West Virginia Legislative Claims Commission.

The ~~Court of Claims~~ West Virginia Legislative Claims Commission shall prepare and transmit annually to the Governor and the Legislature a report of the activities of the ~~Court of Claims~~ West Virginia Legislative Claims Commission under this article. The report shall include the number of claims filed, the number of awards made and the amount of each award, and a statistical summary of claims and awards made and denied; the balance in the Crime Victims Compensation Fund with a listing by source and amount of the moneys that have been deposited in the fund; the amount that has been withdrawn from the fund, including separate listings of the administrative costs incurred by the ~~Court of Claims~~ West Virginia Legislative Claims Commission, compensation of judges, commissioners and ~~court~~ commission personnel, the amount awarded as attorneys' fees.

§14-2A-25. Publicity.

(a) The clerk of the ~~Court of Claims~~ West Virginia Legislative Claims Commission shall prepare an information brochure for the benefit of the general public, outlining the rights of claimants and procedures to be followed under this article. Copies of such brochure shall be distributed to law-enforcement agencies in the state, and be made available to other interested persons.

(b) Any law-enforcement agency that investigates an offense committed in this state involving personal injury shall make reasonable efforts to provide information to the victim of the offense and his or her dependents concerning the availability of an award of compensation and advise such

persons that an application for an award of compensation may be obtained from the clerk of the ~~Court of Claims~~ West Virginia Legislative Claims Commission.

§14-2A-26. ~~Rules and regulations~~ Rule-making.

(a) The ~~Court of Claims~~ West Virginia Legislative Claims Commission may promulgate rules and regulations to implement the provisions of this article.

(b) The ~~Court of Claims~~ West Virginia Legislative Claims Commission shall promulgate rules and regulations to govern the award of compensation to the spouse of, person living in the same household with, parent, child, brother or sister of the offender or his or her accomplice in order to avoid an unjust benefit to or the unjust enrichment of the offender or his or her accomplice.

§14-2A-28. Retroactive effect of amendments.

Amendments made to the provisions of this article during the regular session of the Legislature in the year ~~one thousand nine hundred eighty-four~~ 1984, shall be of retroactive effect to the extent that such amended provisions shall apply to all cases pending before the ~~Court of Claims~~ West Virginia Legislative Claims Commission on the effective date of the act of the Legislature which effects such amendment.”

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 2447- “A Bill to repeal §14-2-6 and §14-2-18 of the Code of West Virginia, 1931, as amended; to repeal §14-2A-7 of said code; to amend and reenact §14-2-3, §14-2-4, §14-2-4a, §14-2-5, §14-2-7, §14-2-8, §14-2-9, §14-2-10, §14-2-11, §14-2-12, §14-2-13, §14-2-14, §14-2-15, §14-2-16, §14-2-17, §14-2-19, §14-2-20, §14-2-21, §14-2-22, §14-2-23, §14-2-24, §14-2-25, §14-2-26, §14-2-27 and §14-2-28 of said code; and to amend and reenact §14-2A-5, §14-2A-6, §14-2A-9, §14-2A-10, §14-2A-11, §14-2A-12, §14-2A-13, §14-2A-14, §14-2A-15, §14-2A-16, §14-2A-17, §14-2A-18, §14-2A-19, §14-2A-19a, §14-2A-19b, §14-2A-20, §14-2A-21, §14-2A-25, §14-2A-26 and §14-2A-28 of said code, all relating to certain claims against the state generally; renaming the West Virginia Court of Claims the West Virginia Legislative Claims Commission; renaming judges commissioners; clarifying that commissioners are not judicial officers; modifying definitions; providing explicit power of removal of commissioners to the President of the Senate and the Speaker of the House of Delegates; providing authority to the President of the Senate and the Speaker of the House of Delegates for the hiring of a clerk, chief deputy clerk, deputy clerks, and support staff and setting salaries for said positions; increasing the monetary limit for agency agreed to claims from \$1,000 to \$3,000; and updating and modifying and clarifying procedures and practices of the commission.”

Delegate Cowles subsequently withdrew his motion to concur in the Senate amendments.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with a title amendment, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 2486, Providing that when a party’s health condition is at issue in a civil action, medical records and releases for medical information may be requested and required without court order.

On motion of Delegate Cowles, the House concurred in the following Senate title amendment:

Com. Sub. for H. B. 2486 – “A Bill to amend and reenact §33-6F-1 of the Code of West Virginia, 1931, as amended, relating to medical records and medical billing records obtained by insurers in connection with insurance claims or civil litigation; providing that such records shall be confidentially maintained by insurers in accordance with state and federal law, including the provisions of Title 114, Series 57 of the Code of State Rules; prohibiting additional restrictions or conditions on medical records and medical billing records obtained by insurers in connection with insurance claims or civil litigation that contradict or are inconsistent with any applicable policy of insurance or the performance of insurance functions permitted or authorized by state and federal law; requiring the State Insurance Commissioner to review the provisions of Title 114, Series 57 of the Code of State Rules and to propose new rules or modify existing rules to the extent deemed necessary; requiring the State Insurance Commissioner to propose any such new rules or modification to existing rules by December 31, 2017; and setting forth areas to be addressed in any new rules or modified existing rules in the provisions of Title 114, Series 57 of the Code of State Rules.”

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 290**), and there were--yeas 78, nays 17, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Barrett, Canestraro, Caputo, Diserio, E. Evans, Fleischauer, Hornbuckle, Isner, Lynch, Marcum, Miley, Pushkin, Robinson, Rowe, Sponaugle, Thompson and Upson.

Absent and Not Voting: Deem, Kelly, Moye, Pyles and Statler.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2486) passed.

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

Delegate Cowles announced that Com. Sub. for S. B. 576 was incorrectly referred when received earlier today. Upon motion of Delegate Cowles, and by unanimous consent, the House returned to the Message from the Senate regarding Com. Sub. for S. B. 576.

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. 576 - “A Bill to amend and reenact §37-7-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new chapter, designated §37B-1-1, §37B-1-2, §37B-1-3, §37B-1-4, §37B-1-5, §37B-1-6, §37B-1-7, §37B-1-8, §37B-1-9 and §37B-1-10, all relating generally to real property; providing an exception to waste for certain oil and gas development; providing a short title; providing declarations of public policy and legislative findings; providing definitions; providing that consent for the lawful use of the oil and gas mineral property by three fourths of the royalty interests in oil and gas mineral property is permissible, not waste and not trespass; allowing nonconsenting cotenants to elect a production royalty interest or a working interest share of production; providing for the joint development of multiple contiguous oil and gas leases by horizontal drilling unless development is expressly prohibited by agreement; limiting jointly developed leases to six hundred forty acres with a ten percent tolerance; requiring a \$100,000 payment, as indexed to the consumer price index, to a surface owner whose surface tract is damaged by horizontal drilling; allowing for a net acreage fractional share royalty interest, free of post-production expenses, for multiple contiguous leases jointly developed; providing for timely payment of royalties and requiring specified information to be remitted with such payments; requiring quarterly reporting of

production data for horizontal wells drilled pursuant to the provisions herein; providing that cotenants are not liable for damages as a result of the lawful use of oil and gas mineral property; requiring surface use agreements in specified circumstances and preserving common law rights; and providing for severability of provisions.”

The bill was referred to the Committee on Energy.

At the request of Delegate Cowles and by unanimous consent, the House of Delegates returned to the Third Order of Business for the purpose of receiving committee reports.

Committee Reports

Delegate Espinosa, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

S. B. 186, Adjusting date when children become eligible for certain school programs and school attendance requirements,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, and with the recommendation that second reference to the Committee on Finance be dispensed with.

In the absence of objection, reference of the bill (S. B. 186) to the Committee on Finance was abrogated.

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

S. B. 180, Relating to PSC jurisdiction over certain telephone company and internet services,

S. B. 350, Allowing licensed professional counselors be issued temporary permit,

And,

S. B. 495, Relating to regulation of events by State Athletic Commission,

And reports the same back with the recommendation that they each do pass.

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

Com. Sub. for S. B. 412, Relating to WV Jobs Act reporting requirements,

And,

S. B. 564, Relating to Statewide Independent Living Council,

And reports the same back, with amendment, with the recommendation that each do pass, as amended.

Delegate Cooper, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

Com. Sub. for S. B. 280, Moving administration of Civil Air Patrol to Adjutant General,

And reports the same back with the recommendation that it do pass, and with the recommendation that second reference to the Committee on Government Organization be dispensed with.

In the absence of objection, reference of the bill (Com. Sub. for S. B. 280) to the Committee on Government Organization was abrogated.

Delegate Shott, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

Com. Sub. for S. B. 563, Relating to Consumer Credit and Protection Act,

Com. Sub. for S. B. 581, Relating generally to administration of trusts,

And,

Com. Sub. for S. B. 398, Creating Emergency Volunteer Health Practitioners Act,

And reports the same back with the recommendation that they each do pass.

Delegate Shott, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

Com. Sub. for S. B. 505, Providing five-year reclamation period following completion of well pads for horizontal wells,

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

Delegate Shott, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

Com. Sub. for S. B. 358, Relating generally to trustee sale of timeshare estates,

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

Delegate Shott, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

Com. Sub. for S. B. 4, Allowing licensed professionals donate time to care of indigent and needy in clinical setting,

And,

S. B. 344, Relating to application of payments on consumer credit sale and loans,

And reports the same back, with amendment, with the recommendation that they each do pass, as amended.

Delegate Hanshaw, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 31st day of March, 2017, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

Com. Sub. for S. B. 127, Authorizing Department of Revenue to promulgate legislative rules,

And,

Com. Sub. for S. B. 306, Supplemental appropriation of federal funds from Treasury to Workforce West Virginia.

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

S. B. 28, Creating new system for certain contiguous counties to establish regional recreation authorities,

Com. Sub. for S. B. 221, Relating to composition of PEIA Finance Board,

And,

Com. Sub. for S. B. 588, Relating to reproduction, distribution and sale of tax maps,

And reports the same back, with amendment, with the recommendation that they each do pass, as amended.

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

Com. Sub. for S. B. 499, Creating Debt Resolution Services Division in Auditor's office,

And,

Com. Sub. for S. B. 671, Relating to WV Anatomical Board,

And reports the same back with the recommendation that they each do pass.

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

Your Committee on Finance has had under consideration:

S. B. 169, Repealing article providing assistance to Korea and Vietnam veterans exposed to certain chemical defoliants,

S. B. 170, Repealing state hemophilia program,

S. B. 171, Repealing Programs of All-Inclusive Care for Elderly,

And,

S. B. 198, Expanding Health Sciences Program to allow certain medical practitioners in underserved areas,

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

Miscellaneous Business

At 5:42 p.m., the House of Delegates adjourned until 9:00 a.m., Saturday, April 1, 2017.

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

SPECIAL CALENDAR

Saturday, April 1, 2017

53rd Day

9:00 A. M.

UNFINISHED BUSINESS

ACTION ON SENATE MESSAGE

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

THIRD READING

Com. Sub. for S. B. 5 - Disqualifying CDL for DUI conviction in certain cases (SHOTT)
(REGULAR)

Com. Sub. for S. B. 151 - Authorizing Department of Administration promulgate legislative
rules (SHOTT) (EFFECTIVE FROM PASSAGE)

Com. Sub. for S. B. 206 - Expanding definition of "kidnapping" to include taking or gaining
custody of, confining or concealing person by force (SHOTT)
(REGULAR)

Com. Sub. for S. B. 214 - Adopting Uniform Electronic Legal Material Act (SHOTT)
(REGULAR)

S. B. 222 - Relating to disqualification for unemployment benefits (SHOTT)
(REGULAR)

Com. Sub. for S. B. 225 - Allowing magistrates to conduct proceeding for temporary
emergency protective order dealing with temporary custody by
family court (SHOTT) (EFFECTIVE FROM PASSAGE)

S. B. 256 - Relating to prohibiting aiding and abetting of sexual abuse by
school personnel (SHOTT) (REGULAR)

Com. Sub. for S. B. 261 - Relating to increasing salary or wages of judgment debtor (SHOTT)
(REGULAR)

Com. Sub. for S. B. 437 - Discontinuing WV Greyhound Breeding Development Fund
(NELSON) (REGULAR)

- Com. Sub. for S. B. 445 - Amending definition of “abused child” (SHOTT) (REGULAR)
- Com. Sub. for S. B. 456 - Relating to standards for termination of parental rights in child abuse and neglect cases (SHOTT) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 634 - Relating generally to certain agreements between DHHR and state’s medical schools (ESPINOSA) (REGULAR)

SECOND READING

- Com. Sub. for S. B. 125 - Authorizing DHHR promulgate legislative rules (SHOTT) (EFFECTIVE FROM PASSAGE) (JUDICIARY COMMITTEE AMENDMENT PENDING)
- S. B. 172 - Eliminating salary for Water Development Authority board members (HOWELL) (JULY 1, 2017) (GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING)
- S. B. 173 - Relating generally to autocycles (SHOTT) (REGULAR) (JUDICIARY COMMITTEE AMENDMENT PENDING)
- Com. Sub. for S. B. 204 - Requiring persons appointed to fill vacancy by Governor have same qualifications for vacated office and receive same compensation and expenses (SHOTT) (REGULAR) (JUDICIARY COMMITTEE AMENDMENT PENDING)
- Com. Sub. for S. B. 224 - Repealing requirement for employer’s bond for wages and benefits (SHOTT) (REGULAR) (JUDICIARY COMMITTEE AMENDMENT PENDING)
- Com. Sub. for S. B. 230 - Relating to certain WV officials carrying concealed firearm nationwide (SHOTT) (REGULAR) (JUDICIARY COMMITTEE AMENDMENT PENDING)
- Com. Sub. for S. B. 239 - Limiting use of wages by employers and labor organizations for political activities (SHOTT) (REGULAR) (JUDICIARY COMMITTEE AMENDMENT PENDING)
- S. B. 349 - Repealing outdated code related to Division of Corrections (HOWELL) (REGULAR)
- S. B. 400 - Regarding appointments to WV Infrastructure and Jobs Development Council (HOWELL) (REGULAR)

- Com. Sub. for S. B. 522 - Relating to pharmacy audits (WESTFALL) (REGULAR) (BANKING AND INSURANCE COMMITTEE AMENDMENT PENDING)
- S. B. 554 - Relating to false swearing in legislative proceeding (SHOTT) (REGULAR) (JUDICIARY COMMITTEE AMENDMENT PENDING)
- Com. Sub. for S. B. 575 - Limiting nuisance actions against shooting ranges for noise (SHOTT) (REGULAR) (JUDICIARY COMMITTEE AMENDMENT PENDING)

FIRST READING

- Com. Sub. for S. B. 4 - Allowing licensed professionals donate time to care of indigent and needy in clinical setting (SHOTT) (REGULAR) (JUDICIARY COMMITTEE AMENDMENT PENDING)
- S. B. 28 - Creating new system for certain contiguous counties to establish regional recreation authorities (HOWELL) (REGULAR) (GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING)
- S. B. 169 - Repealing article providing assistance to Korea and Vietnam veterans exposed to certain chemical defoliants (NELSON) (REGULAR)
- S. B. 170 - Repealing state hemophilia program (NELSON) (REGULAR)
- S. B. 171 - Repealing Programs of All-Inclusive Care for Elderly (NELSON) (REGULAR)
- Com. Sub. for S. B. 180 - Relating to PSC jurisdiction over certain telephone company and internet services (HOWELL) (REGULAR)
- S. B. 186 - Adjusting date when children become eligible for certain school programs and school attendance requirements (ESPINOSA) (REGULAR) (EDUCATION COMMITTEE AMENDMENT PENDING)
- S. B. 198 - Expanding Health Sciences Program to allow certain medical practitioners in underserved areas (NELSON) (REGULAR)
- Com. Sub. for S. B. 221 - Relating to composition of PEIA Finance Board (HOWELL) (REGULAR) (GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING)

- Com. Sub. for S. B. 280 - Moving administration of Civil Air Patrol to Adjutant General (COOPER) (JULY 1, 2017)
- S. B. 321 - Reporting requirements of employee information to CPRB (NELSON) (REGULAR) (FINANCE COMMITTEE AMENDMENT PENDING)
- S. B. 344 - Relating to application of payments on consumer credit sale and loans (SHOTT) (REGULAR) (JUDICIARY COMMITTEE AMENDMENT PENDING)
- Com. Sub. for S. B. 350 - Allowing licensed professional counselors be issued temporary permit (HOWELL) (REGULAR)
- Com. Sub. for S. B. 358 - Relating generally to trustee sale of timeshare estates (SHOTT) (EFFECTIVE FROM PASSAGE) (JUDICIARY COMMITTEE AMENDMENT PENDING)
- S. B. 364 - Incorporating changes to Streamlined Sales and Use Tax Agreement (NELSON) (REGULAR)
- S. B. 365 - Maintaining solvency of Unemployment Compensation Fund (NELSON) (REGULAR)
- S. B. 392 - Relating to Municipal Police Officers and Firefighters Retirement System (NELSON) (REGULAR)
- Com. Sub. for S. B. 398 - Creating Emergency Volunteer Health Practitioners Act (SHOTT) (REGULAR)
- Com. Sub. for S. B. 412 - Relating to WV Jobs Act reporting requirements (HOWELL) (REGULAR) (GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING)
- S. B. 495 - Relating to regulation of events by State Athletic Commission (HOWELL) (REGULAR)
- Com. Sub. for S. B. 499 - Creating Debt Resolution Services Division in Auditor's office (HOWELL) (REGULAR)
- Com. Sub. for S. B. 505 - Providing five-year reclamation period following completion of well pads for horizontal wells (SHOTT) (REGULAR)

- Com. Sub. for S. B. 563 - Relating to Consumer Credit and Protection Act (SHOTT) (REGULAR)
- S. B. 564 - Relating to Statewide Independent Living Council (HOWELL) (REGULAR) (GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING)
- S. B. 566 - Claims against state (NELSON) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 581 - Relating generally to administration of trusts (SHOTT) (REGULAR)
- Com. Sub. for S. B. 588 - Relating to reproduction, distribution and sale of tax maps (HOWELL) (REGULAR) (GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING)
- S. B. 621 - Providing certain rules inapplicable after county board of education notifies state board of possible closing or consolidations (ESPINOSA) (EFFECTIVE FROM PASSAGE) (EDUCATION COMMITTEE AMENDMENT PENDING)
- Com. Sub. for S. B. 671 - Relating to WV Anatomical Board (HOWELL) (REGULAR)

HOUSE CALENDAR

Saturday, April 1, 2017

53rd Day

9:00 A. M.

THIRD READING

- Com. Sub. for H. B. 2817 - Providing for the reduction of the unfunded liability in the teachers retirement system over a 30 year period (NELSON) (JULY 1, 2017)
- H. B. 3107 - Relating generally to horse and dog racing lottery (NELSON) (EFFECTIVE FROM PASSAGE) [AMENDMENTS PENDING]
- H. B. 3109 - Relating to establishing a Board of Nursing and Health Services (HOWELL) (REGULAR) [AMENDMENTS PENDING]

SECOND READING

- Com. Sub. for H. B. 2538 - Relating to the licensure of physician assistants (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2871 - Eliminating the mandated employer versus employee cost share of eighty percent employer, twenty percent employee for Public Employee Insurance Agency (NELSON) (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**

SATURDAY, APRIL 1, 2017

HOUSE CONVENES AT 9:00 A.M.

**COMMITTEE ON GOVERNMENT ORGANIZATION
8:00 A.M. – ROOM 215E**

**COMMITTEE ON FINANCE
8:30 A.M. & ONE HOUR AFTER MORNING SESSION – ROOM 460M**

**COMMITTEE ON RULES
8:45 A.M. – BEHIND CHAMBER**

**COMMITTEE ON THE JUDICIARY
30 MINUTES AFTER FLOOR SESSION – ROOM 418M**

**COMMITTEE ON HEALTH & HUMAN RESOURCES
IMMEDIATELY FOLLOWING FLOOR SESSION – ROOM 215E**

MONDAY, APRIL 3, 2017

PUBLIC HEARING – COMMITTEE ON ENERGY

8:00 A.M. – HOUSE CHAMBER

**S. B. 687, RELATING GENERALLY TO COAL MINING, SAFETY
AND ENVIRONMENTAL PROTECTION.**

PUBLIC HEARING – COMMITTEE ON ENERGY

9:00 A.M. – HOUSE CHAMBER

**COM. SUB. FOR S. B. 576, PROVIDING EXCEPTION TO WASTE
FOR CERTAIN OIL AND GAS DEVELOPMENT.**

COMMITTEE ON THE JUDICIARY

9:00 A.M. – ROOM 418M

PUBLIC HEARING – COMMITTEE ON THE JUDICIARY

10:00 A.M. – HOUSE CHAMBER

**S. B. 60, RELATING TO ELIGIBILITY AND FRAUD REQUIREMENTS
FOR PUBLIC ASSISTANCE.**

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