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FIFTY-SEVENTH DAY

Wednesday, April 5, 2017

FIFTY-SEVENTH DAY

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

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

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

The Clerk proceeded to read the Journal of Tuesday, April 4, 2017, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Messages from the Executive

Mr. Speaker, Mr. Armstead, presented a communication from His Excellency, the Governor, advising that on April 4, 2017, he approved **Com. Sub. for H. B. 2811**.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, with amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 5, U. S. Navy Rear Admiral Frederick Burdett Warder Memorial Bridge.

On motion of Delegate Cowles, the House of Delegates concurred in the following Senate amendments:

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

“Whereas, Frederick Burdett Warder was born on March 19, 1904, in Grafton, Taylor County, West Virginia, the son of Hugh and Anna (Moran) Warder; and

Whereas, The Warder family was one of the first families to settle the Upper Monongahela region in the latter 1700s, and Hugh Warder was a prominent attorney in Grafton and counsel for the B&O Railroad; and

Whereas, Frederick Burdett Warder was the first of eight children born to Anna and Hugh Warder; and

Whereas, Frederick Burdett Warder graduated from Grafton High School, Class of 1921, as Salutatorian; and

Whereas, Frederick Burdett Warder graduated from the U. S. Naval Academy, Class of 1925, and married Mary Brydon of Grafton in January of 1926 in New York City; and

Whereas, Frederick Burdett Warder was a U. S. Naval Officer, Submarine Service, and early hero in World War II, commanding the USS Seawolf (SS 197); and

Whereas, Fred Warder Day was celebrated in Grafton, April 1942; and

Whereas, Frederick Burdett Warder achieved the rank of Rear Admiral in 1952, was assistant chief of naval operations for undersea warfare in 1955, commanded the Submarine Force Atlantic Fleet in 1957, and retired in 1962 after two years as commandant of the 8th Naval District in New Orleans; and

Whereas, Frederick Burdett Warder received numerous military decorations that included a Navy Cross for action during WW II, a Gold Star in lieu of a second Navy Cross for extraordinary heroism, the Legion of Merit with three Gold Stars, and Bronze Star; and

Whereas, Frederick Burdett Warder, throughout his active years in the Navy, kept 706 Maple Avenue, Grafton, as his permanent address and returned to Grafton whenever he was ashore to visit family and to attend class reunions at Grafton High School until 1984; and

Whereas, Frederick Burdett Warder was named an honorary Colonel of West Virginia; and

Whereas, Frederick Burdett Warder died on February 1, 2000, in Ocala, Florida and was buried in Arlington National Cemetery with full honors on March 28, 2000; and

Whereas, Frederick Burdett Warder was predeceased by his wife Mary, his daughter Mary and son Frederick Jr., and his survivors include two daughters, Grace Warder Harde and Susan Warder Savard, ten grandchildren and nine great-grandchildren; and

Whereas, Naming Bridge Number 46-9-0.03 (46A094) (39.33990, -80.01680), locally known as New Bridge Street Bridge, carrying County Route 9 over Three Fork Creek and CSX Railroad in Grafton, Taylor County, the "U. S. Navy Rear Admiral Frederick Burdett Warder Memorial Bridge" is an appropriate recognition of the contributions to his country, state, community and Taylor County; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name Bridge Number 46-9-0.03 (46A094) (39.33990, -80.01680), locally known as New Bridge Street Bridge, carrying County Route 9 over Three Fork Creek and CSX Railroad in Grafton, Taylor County, the "U. S. Navy Rear Admiral Frederick Burdett Warder Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is requested to have made and be placed signs identifying the bridge as the "U. S. Navy Rear Admiral Frederick Burdett Warder Memorial Bridge"; and, be it

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

And,

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

H. C. R. 5 – "Requesting the Division of Highways to name Bridge Number 46-9-0.03 (46A094) (39.33990, -80.01680), locally known as New Bridge Street Bridge, carrying County Route 9 over

Three Fork Creek and CSX Railroad in Grafton, Taylor County, the 'U. S. Navy Rear Admiral Frederick Burdett Warder Memorial Bridge'."

The resolution, as amended by the Senate, was then adopted.

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

A message from the Senate, by

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

H. C. R. 8, Dr. Roy and Marian Eshenaur Bridge.

On motion of Delegate Cowles, the House of Delegates concurred in the following Senate amendments:

On page two, in the first *Further Resolved* clause, after the word "Eshenaur", by inserting the word "Memorial".

And,

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

H. C. R. 8 – "Requesting the Division of Highways to name Bridge Number 27-35-17.37 (27A117) (38.83117, -82.14255), locally known as US 35-WV 2 Overpass Bridge, carrying US 35 over WV Route 2 in Mason County, the 'Dr. Roy and Marian Eshenaur Memorial Bridge'."

The resolution, as amended by the Senate, was then adopted.

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

A message from the Senate, by

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

H. C. R. 10, John Cameron Brown Bridge.

On motion of Delegate Cowles, the House of Delegates concurred in the following Senate amendments:

On page two, in the *Resolved* clause, by striking out the word "Howards" and inserting in lieu thereof the word "Howard";

On page two, in the *Resolved* clause, after the word "Brown", by inserting the word "Memorial";

On page two, in the first *Further Resolved* clause, after the word "Brown", by inserting the word "Memorial";

And,

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

H. C. R. 10 - Requesting the Commissioner of the Division of Highways to rename bridge number 13-60-39.43, locally known as Airport Bridge, carrying United States Route 60 over Howard Creek, the 'John Cameron Brown Memorial Bridge'."

The resolution, as amended by the Senate, was then adopted.

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

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 13, U.S. Army SSG Brian Curtis Rogers Memorial Bridge.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 20, US Army PVT James Earl Pelfrey Memorial Bridge.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 22, U.S. Air Force MSgt Johnny Baxter Clark and U.S. Air Force MSgt Carl Richard (Dick) Clark Memorial Bridge.

A message from the Senate, by

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

H. C. R. 24, SGT. Eugene E. Arbogast Memorial Bridge.

On motion of Delegate Cowles, the House of Delegates concurred in the following Senate amendments:

On page one, in the sixth *Whereas* clause, by striking out "SGT."

On page one, in the *Resolved* clause, by striking out "SGT." and inserting in lieu thereof the words "U.S. Army SGT".

On page two, in the first *Further Resolved* clause, by striking out "SGT." and inserting in lieu thereof the words "U. S. Army SGT".

On page two, in the second *Further Resolved* clause, by striking out the words "SGT. Eugene" and inserting in lieu thereof the words "U. S. Army SGT Eugene E."

And,

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

H. C. R. 24 – “Requesting the Division of Highways to name Bridge Number: 49-9-11.77 (49A133) (38.85693, -80.13636), locally known as Queens Spread Box Beam Bridge, carrying County Route 9 over Right Fork of Middle Fork River in Upshur County the ‘U.S. Army SGT Eugene E. Arbogast Memorial Bridge’.”

The resolution, as amended by the Senate, was then adopted.

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

A message from the Senate, by

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

H. C. R. 27, U.S. Army 1LT Patricia Simon Bridge.

On motion of Delegate Cowles, the House of Delegates concurred in the following Senate amendments:

On page one, in the *Resolved* clause, after the word “Simon”, by inserting the word “Memorial”.

On page one, in the first *Further Resolved* clause, after the word “Simon”, by inserting the word “Memorial”.

And,

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

H. C. R. 27 - “Requesting the Division of Highways to name the bridge on West Virginia Route 10 over Buffalo Creek in Logan County, Bridge Number 23-10-25.88 (23A041), latitude 37.89636, longitude -81.99435, locally known as the Chief Logan Box Culvert, the ‘U.S. Army 1LT Patricia Simon Memorial Bridge’.”

The resolution, as amended by the Senate, was then adopted.

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

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 36, U.S. Army PFC John Ira Pinkerman Memorial Bridge.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 49, U.S. Army PFC Donald Ray Cochran Memorial Bridge.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 51, Toby Runyon Memorial Bridge.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 54, U.S. Army PVT Preston D. Vanscoy Memorial Bridge.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 60, William "Bill" R. VanGilder Memorial Bridge.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 82, U.S. Marine Sergeant David Paul McCord Memorial Bridge.

A message from the Senate, by

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

S. C. R. 33 – "Requesting the Division of Highways to name bridge number 20-77-90.32 (20A627), (38.25068, -81.57285), locally known as the Marmet Bridge over 85th Street, carrying West Virginia Turnpike I-77 over 85th Street, Marmet, in Kanawha County, as the 'U. S. Army Ranger SGT Richard E. Arden Memorial Bridge'."

Whereas, U. S. Army Ranger Sergeant Richard Elton Arden was born on October 26, 1949, in Charleston, to Richard and Imogene Arden of Marmet; and

Whereas, Sergeant Arden grew up in Marmet, as the oldest of eight children, with four brothers and three sisters. He graduated from East Bank High School in 1967. Sergeant Arden went to work for C&P Telephone Company (later Lucent/AT&T), where he started as a janitor, became a cable splicer and then went into management as a Communications Representative. Eventually, Sergeant Arden became a manager of Technical Sales and Engineering for Lucent/AT&T, and was later transferred to Washington, D. C. and Columbus. He retired in 2007 with 35 years of service; and

Whereas, Sergeant Arden was a decorated veteran of the United States Army. He was a Team Leader, Company H Rangers, 75th in Airborne with the 1st Cavalry Division, serving two tours of duty in Vietnam from 1968 to 1970. A true hero, Sergeant Arden received medals of commendation for bravery and heroism, including a Silver Star for Gallantry in Action, two Bronze Stars for Heroism, three Commendations for Heroism and two Purple Hearts; and

Whereas, Sergeant Arden was a devoted and loving husband, father, son, brother, son-in-law, brother-in-law, uncle, cousin and friend survived by his loving wife Janelle (Poling) Arden, whom he described to others as the love of his life, his mother, Imogene C. (Asbury) Arden, currently of Hurricane, with whom he had a special bond and loved dearly. He is also survived by his children and grandchildren whom he loved dearly and was extremely proud of: Brian Arden (Janey Kent) of Cincinnati, Ohio, Tim (Kara) Arden and granddaughter Emma of Charleston, and Paige (John) Ricci

and granddaughter Emma of Charleston, and Paige (John) Ricci and granddaughter Nola of Jacksonville, Florida; and

Whereas, Sergeant Arden gained a second family when he married Janelle, and he loved them dearly as well. His father and mother-in-law Calvin and Marilou Poling, sister-in-law Janene (Poling) Addonizio, her husband Jim and his children, Erica and Christopher. He was also loved by Janelle's aunts, uncles and cousins; and

Whereas, Sergeant Arden was a member of Peace Lutheran Church in Canal Winchester, Ohio. His hobbies were woodworking, golf and spending time with his many friends; and

Whereas, Sergeant Arden passed from this life to the next life on Wednesday, April 20, 2016, in his home, surrounded by his loving wife Janelle, sons Brian and Tim, and other close family members; and

Whereas, It is fitting and proper, to honor the life of Sergeant Arden for his dedicated service to his community, state and country by naming this bridge in his memory; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 20-77-90.32 (20A627), (38.25068, -81.57285), locally known as the Marmet Bridge over 85th Street, carrying West Virginia Turnpike I-77 over 85th Street, Marmet, in Kanawha County, as the "U. S. Army Ranger SGT Richard E. Arden Memorial Bridge"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U. S. Army Ranger SGT Richard E. Arden Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways; to his wife Janelle Arden and his mother Imogene C. Arden.

A message from the Senate, by

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

S. C. R. 42 – "Requesting the Division of Highways to name bridge number 12-48-1.74, EB-WB (12A120,12A121), (39.21219, -79.26886), locally known as US 48 over Stony River Bridge, carrying US 48 over the Stony River in Grant County, the 'Five Champ Brothers Bridge'."

Whereas, The five sons of Quinten and Bessie Champ, were born in Medley, Grant County and each served in the armed forces of the United States. Carl E. Champ, P.O. Box 62, Old Fields, West Virginia, 26845, Date of Service: 1964 to 10/16/1968, Discharge Rank E4. Awards: Combat Infantry Badge, Parachute Badge, Bronze Star Vietnam: 1 Tour. Gary Dean Champ, Purgisville, West Virginia, Date of Service: 2/18/65 to 1/23/67, 5 years Active Reserves, Discharge Date 2/10/71 from Reserves, Discharge Rank: E5. Roger D. Champ, P.O. Box 395, Moorefield, West Virginia, 26836, Date of Service: 3/12/64 to 2/25/66 and 8/23/68 to 1971, Vietnam, served two tours, 1969 to 1971. Awards: Silver Star for Gallantry in Action and Bronze Star Wounded in Vietnam. John Champ, Purgisville, West Virginia, Dates of Service: 9/21/67 to 7/05/68 Medical Discharge, Discharge Rank: E5O; and Charles E. Champ, Old Fields, West Virginia, Date of Service: 7/1961 to 10/1964, Stations: Fort Knox, Kentucky; Fort Riley, Kansas; and Germany, Rank: E4; and

Whereas, Naming this bridge is an appropriate recognition of the five Champ brothers and their service to their country and state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 12-48-1.74, EB-WB (12A120,12A121), (39.21219, -79.26886), locally known as US 48 over Stony River Bridge, carrying US 48 over the Stony River in Grant County, the "Five Champ Brothers Bridge"; and, be it

Further Resolved, That the Division of Highways is requested to have made and be placed signs identifying the bridge as the "Five Champ Brothers Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

A message from the Senate, by

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

S. C. R. 49 – "Requesting the Division of Highways to erect a sign along each side of US Route 60, at the St. Albans bridge near Amandaville in Kanawha County, proclaiming 'Home of Ralph Maddox - 1980 NHPA Hall of Fame Inductee'."

Whereas, Ralph Eugen Maddox was born October 23, 1922; and

Whereas, Ralph Maddox won his first Horseshoe Pitching Virginia State Championship in 1934 at the age of twelve years. He is the youngest player to win a state championship ever; and

Whereas, Ralph Maddox was hired at Union Carbide because of his superior fast-pitching softball arm. He, however, pursued his horseshoe career; and

Whereas, Ralph Maddox went on to win 36 state championships and was a member of the Horseshoe Pitchers Association for 69 years. Ralph qualified for the Men's World Tournament Championship Class 21 times, winning 411 games and a career average of 77.57 % ringers. His high finish was in 1961, he placed 3rd on a 30-5 record and an 80.9 % ringers average. Ralph was one of the 13 famed 80% pitchers in the 1964 World Tournament, placed 9th on 25-10 record while pitching 83.5% ringers; and

Whereas, Sadly, Ralph Maddox passed away on November 13, 2007 following a lengthy illness; and

Whereas, Ralph Maddox having won numerous state and world tournament championships, was inducted into the Horseshoe Hall of Fame in April 1980 and was known as "Mr. Horseshoe"; and

Whereas, It is most fitting that the West Virginia Legislature pay tribute to the accomplishments of Ralph Maddox; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to erect a sign along each side of US Route 60 at the St. Albans bridge near Amandaville, in Kanawha County proclaiming, "Home of Ralph Maddox - 1980 NHSPA Hall of Fame Inductee"; and, be it

Further Resolved, that the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

Reordering of the Calendar

Delegate Cowles announced that the Committee on Rules had transferred Com. Sub. for S. B. 239, on Third Reading, Special Calendar, to the House Calendar, and Com. Sub. for S. B. 412, on Second Reading, to the House Calendar.

Special Calendar

Third Reading

Com. Sub. for S. B. 4, Allowing licensed professionals donate time to care of indigent and needy in clinical setting; 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. 376**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 4) passed.

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

Com. Sub. for S. B. 4 - "A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new section, designated §30-1-21; to amend and reenact §30-3-10a of the Code of West Virginia, 1931, as amended; to amend and reenact §30-3E-14; to amend and reenact §30-4-15 of said code; to amend and reenact §30-5-17 of said code; to amend and reenact §30-7-6a of said code; to amend said code by adding thereto a new section, designated §30-7A-6b; to amend and reenact §30-8-16 of said code; to amend and reenact §30-14-12b of said code; to amend said code by adding thereto a new section, designated §30-16-7a; to amend and reenact §30-20-13 of said code; to amend and reenact §30-21-17 of said code; and to amend and reenact §30-28-8a of said code, all relating to allowing professionals to donate time to the care of indigent and needy; permitting persons who hold an unrestricted license, certificate, registration or permit granted by another state or jurisdiction to serve as a volunteer without compensation for a charitable function for a period not to exceed ten days; permitting specific professionals who are actively practicing and whose license is in good standing to donate their expertise for the care and treatment of indigent and needy patients under an arrangement with a clinic organized, in whole or in part, for the delivery of health care services without charge to the patient and providing that such services may be performed in either the professional's office or in the clinical setting; and providing for special volunteer license for licensed practical nurses and chiropractors.

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. 300, Supplemental appropriation from unappropriated balance in Treasury to Division of Personnel; 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. 377**), and there were—yeas 100, nays none, absent and not voting none.

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 S. B. 300) passed.

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

On this question, the yeas and nays were taken (**Roll No. 378**), and there were—yeas 100, nays none, absent and not voting none.

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. 300) takes effect from its passage.

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

Com. Sub. for S. B. 303, Supplemental appropriation of public moneys from Treasury to DHHR; 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. 379**), and there were—yeas 100, nays none, absent and not voting none.

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 S. B. 303) passed.

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

On this question, the yeas and nays were taken (**Roll No. 380**), and there were—yeas 100, nays none, absent and not voting none.

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. 303) takes effect from its passage.

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

Com. Sub. for S. B. 305, Supplemental appropriation of public moneys from Treasury to Fire Commission; 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. 381**), and there were—yeas 100, nays none, absent and not voting none.

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 S. B. 305) passed.

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

On this question, the yeas and nays were taken (**Roll No. 382**), and there were—yeas 100, nays none, absent and not voting none.

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. 305) takes effect from its passage.

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

Com. Sub. for S. B. 337, Hiring correctional officers without regard to placement on correctional officer register; 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. 383**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 337) passed.

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

On this question, the yeas and nays were taken (**Roll No. 384**), and there were—yeas 100, nays none, absent and not voting none.

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. 337) takes effect from its passage.

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

Com. Sub. for S. B. 484, Relating generally to taxation; 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. 385**), and there were—yeas 52, nays 48, absent and not voting none, with the nays being as follows:

Nays: Baldwin, Barrett, Bates, Blair, Boggs, Brewer, Butler, Byrd, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Folk, Gearheart, Hartman, Hicks, Hill, Hornbuckle, Iaquinta, Isner, Kessinger, Longstreth, Love, Lovejoy, Lynch, Marcum, Martin, McGeehan, Miley, R. Miller, Moye, Paynter, Pethtel, Phillips, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaule, Thompson, Upson, Williams and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 484) passed.

An amendment to the title of the bill, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the title to read as follows:

Com. Sub. for S. B. 484 - "A Bill to amend and reenact §11-15-3, §11-15-8, §11-15-8a and §11-15-9 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §11-15-3d; and to amend and reenact §11-15A-2 of said code, all relating to the taxes generally; reducing the general rate of consumers sales and service taxes and use taxation; imposing a reduced rate of taxation on sales, purchases and uses of food and food ingredients intended for human consumption and expiration date; imposing tax on sales of telecommunications services and ancillary services; eliminating exemption for sales of certain personal services; imposing tax on portion of consideration paid for contracting services; removing outdated language from the code regarding an obsolete exemption related to contracting services; eliminating exemption for sales of electronic data processing services and related software when purchased by an ultimate consumer; eliminating exemption for sales of membership or services provided by health and fitness organizations and related programs; eliminating exemption for sales of primary opinion research when purchased by an ultimate consumer; eliminating exemption for all sales of services, machinery, supplies and materials directly used or consumed in the business activities of transportation, other than for transportation of coal, or communication; eliminating exemption for sales of construction and maintenance materials acquired by a second party for use in the construction or maintenance of a highway project; and prohibiting future transfers of certain tax collections to the State Road Fund."

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

S. B. 493, Providing increase in compensation for conservation officers; 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. 386**), and there were—yeas 98, nays 2, absent and not voting none, with the nays being as follows:

Nays: McGeehan and Upson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 493) passed.

An amendment to the title of the bill, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the title to read as follows:

S. B. 493 - "A Bill to amend and reenact §20-7-1c of the Code of West Virginia, 1931, as amended, relating to compensation for Natural Resources Police Officers".

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

Com. Sub. S. B. 563, Relating to Consumer Credit and Protection 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. 387**), and there were—yeas 72, nays 28, absent and not voting none, with the nays being as follows:

Nays: Barrett, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Folk, Hornbuckle, Isner, Longstreth, Love, Lynch, Marcum, McGeehan, Miley, R. Miller, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaugle, Thompson, Wagner and Williams.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 563) passed.

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

At 1:57 p.m., on motion of Delegate Cowles, the House of Delegates recessed until 3:30 p.m.

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Afternoon Session

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

Special Calendar**Third Reading**

-continued-

Com. Sub. for H. B. 2018, Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution; on third reading, coming up in regular order, with the right to amend, was reported by the Clerk.

Delegate Gearheart moved to amend the bill on page 7, line 12, by striking “The appropriations for the Senate for the fiscal year 2017 are to remain in full force and effect and are hereby reappropriated to June 30, 2018. Any balances so reappropriated may be transferred and credited to the fiscal year 2017 accounts.”;

And,

On page 9, line 8, by striking “The appropriations for the House of Delegates for the fiscal year 2017 are to remain in full force and effect and are hereby reappropriated to June 30, 2018. Any balances so reappropriated may be transferred and credited to the fiscal year 2017 accounts.”;

And,

On page 10, line 7, by striking “The appropriations for the Joint Expenses for the fiscal year 2017 are to remain in full force and effect and are hereby reappropriated to June 30, 2018. Any balances reappropriated may be transferred and credited to the fiscal year 2017 accounts.”;

And,

On page 12, line 9, by striking “Any unexpended balances remaining in the appropriations for Unclassified (fund 0101, appropriation 09900), Current Expenses (fund 0101, appropriation 13000), and JOBS Fund (fund 0101, appropriation 66500) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.”;

And,

On page 13, line 5, by striking, “Any unexpended balance remaining in the appropriation for Current Expenses (fund 0102, appropriation 13000) at the close of the fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018, with the exception of fund 0102, fiscal year 2017, appropriation 13000 7 (\$20,000) which shall expire June 30, 2017.”;

And,

On page 13, line 1, by striking, “Any unexpended balances remaining in the appropriations for Business and Economic Development Stimulus – Surplus (fund 0105, appropriation 08400), Civil Contingent Fund – Total (fund 0105, appropriation 11400), 2012 Natural Disasters – Surplus (fund 0105, appropriation 13500), Civil Contingent Fund – Total – Surplus (fund 0105, appropriation 23800), Civil Contingent Fund – Surplus (fund 0105, appropriation 26300), Business and Economic Development Stimulus (fund 0105, appropriation 58600), Civil Contingent Fund (fund 0105, appropriation 61400), and Natural Disasters – Surplus (fund 0105, appropriation 76400) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year.”

And,

On page 14, line 5, by striking “Any unexpended balance remaining in the appropriation for Current Expenses (fund 0116, appropriation 13000) at the close of the fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018.”;

And,

On page 15, line 8, by striking “Any unexpended balances remaining in the appropriation for Current Expenses (fund 0126, appropriation 1300) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.”;

And,

On page 16, line 24, by striking, “Any unexpended balances remaining in the appropriations for Unclassified – Surplus (fund 0131, appropriation 09700), Gypsy Moth Program (fund 0131, appropriation 11900), Current Expenses (fund 0131, appropriation 13000), Predator Control (fund 0131, appropriation 47000), and Agricultural Disaster and Mitigation Needs – Surplus (fund 0131, appropriation 85000) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018, with the exception of fund 0131, fiscal year 2017, appropriation 11900 (\$18,859), fund 0131, fiscal year 2017, appropriation 13000 (\$19,343), and fund 0131, fiscal year 2017, appropriation 47000 (\$3,600) which shall expire on June 30, 2017.”;

On page 17, line 8, by striking, “Any unexpended balances remaining in the appropriations for Unclassified (fund 0132, appropriation 09900), Soil Conservation Projects (fund 0132, appropriation 12000), and Current Expenses (fund 0132, appropriation 13000) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018, with the exception of fund 0132, fiscal year, appropriation 12000 (\$157,439) which shall expire on June 30, 2017.”;

And,

On page 19, line 10, by striking “Any unexpended balances remaining in the above appropriations for Personal Services and Employee Benefits (fund 0150, appropriation 00100), Unclassified (fund 0150, appropriation 09900), Current Expenses (fund 0150, appropriation 13000), Criminal Convictions and Habeas Corpus Appeals (fund 0150, appropriation 26000), and Agency Client Revolving Liquidity Pool (fund 0150, appropriation 36200) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018, with the exception of fund 0150, fiscal year 2017, appropriation 09900 (\$20,000), and fund 0150, fiscal year 2017, appropriation 26000 (\$69,575) which shall expire on June 30, 2017.”;

And,

On page 20, line 6 by striking, “Any unexpended balances remaining in the appropriations for Unclassified (fund 0155, appropriation 09900) and Current Expenses (fund 0155, appropriation 13000) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018, with the exception of fund 0155, fiscal year 2017, appropriation 13000 (\$19,613) which shall expire on June 30, 2017.”;

And,

On page 21, line 12, by striking, “Any unexpended balance remaining in the appropriation for Financial Advisor (fund 0186, appropriation 30400) at the close of the fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018, with the exception of fund 0186, fiscal year 2017, appropriation 30400 (\$73,000) which shall expire on June 30, 2017.”;

And,

On page 22, line 10, by striking, "Any unexpended balance remaining in the appropriation for GAAP Project (fund 0203, appropriation 12500) at the close of the fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018.";

And,

On page 23, line 15, by striking, "Any unexpended balances remaining in the above appropriations for Buildings (fund 0230, appropriation 25800), Capital Outlay, Repairs and Equipment (fund 0230, appropriation 58900), Capital Outlay, Repairs and Equipment – Surplus (fund 0230, appropriation 67700), and Land (fund 0230, appropriation 73000) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.";

And

On page 24, line 9, by striking, "Any unexpended balance remaining in the appropriation for Buildings (fund 0615, appropriation 25800) at the close of the fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018.";

And,

On page 25, line 8, by striking, "Any unexpended balance remaining in the above appropriation for Appointed Counsel Fees (fund 0226, appropriation 78800) at the close of the fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018.";

And,

On page 26, line 4, by striking, "Any unexpended balances remaining in the appropriations for Forensic Medical Examinations (fund 0557, appropriation 68300) and Federal Funds/Grant Match (fund 0557, appropriation 74900) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.";

And,

On page 27, line 8, by striking, "Any unexpended balance remaining in the appropriation for Equipment (fund 0250, appropriation 07000) at the close of the fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018.";

And,

On page 28, line 8 by striking, "Any unexpended balance remaining in the appropriation for Mineral Mapping System (fund 0253, appropriation 20700) at the close of the fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018, with the exception of fund 0253, fiscal year 2017, appropriation 20700 (\$57,599) which shall expire on June 30, 2017.";

And,

On page 29, line 13, by striking, "Any unexpended balances remaining in the appropriations for Unclassified – Surplus (fund 0256, appropriation 09700), Partnership Grants (fund 0256, appropriation 13100), Local Economic Development Partnerships (fund 0256, appropriation 13300), Guaranteed Work Force Grant (fund 0256, appropriation 24200), Industrial Park Assistance (fund 0256, appropriation 48000), Small Business Development (fund 0256, appropriation 70300), Local

Economic Development Assistance (fund 0256, appropriation 81900), and 4-H Camp Improvements (fund 0256, appropriation 94100) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.”;

And,

On page 31, line 14, by striking, “Any unexpended balances remaining in the appropriations for Buildings (fund 0265, appropriation 25800), Land (fund 0265, appropriation 73000), and State Park Improvements – Surplus (fund 0265, appropriation 76300) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.”;

And,

On page 32, line 14 by striking, “Any unexpended balances remaining in the appropriations for Unclassified (fund 0293, appropriation 09900), Buildings (fund 0293, appropriation 25800), Capital Outlay, Repairs and Equipment (fund 0293, appropriation 58900), Capital Improvements – Surplus (fund 0293, appropriation 66100), Capital Outlay, Repairs and Equipment – Surplus (fund 0293, appropriation 67700), Land (fund 0293, appropriation 73000), and Capital Outlay and Maintenance (fund 0293, appropriation 75500) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.”;

And,

On page 37, line 42, by striking, “Any unexpended balances remaining in the appropriations for Unclassified (fund 0313, appropriation 09900), Current Expenses (fund 0313, appropriation 13000), National Teacher Certification (fund 0313, appropriation 16100), Buildings (fund 0313, appropriation 25800), High Acuity Special Needs (fund 0313, appropriation 63400), IT Academy (fund 0313, appropriation 72100), Land (fund 0313, appropriation 73000), School Based Truancy Prevention (fund 0313, appropriation 78101), and 21st 46 Century Learners (fund 0313, appropriation 88600) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.”;

And,

On page 39, line 7, by striking, “Any unexpended balance remaining in the appropriation for Education of Institutionalized Juveniles and Adults (fund 0314, appropriation 47200) at the close of the fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018.”;

And,

On page 40, line 13, by striking, “Any unexpended balances remaining in the appropriations for GED Testing (fund 0390, 14 appropriation 33900) and High School Equivalency Diploma Testing (fund 0390, appropriation 72600) at the close of the fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018.”;

And,

On page 41, line 10, by striking “Any unexpended balances remaining in the appropriations for Buildings (fund 0320, appropriation 25800) and Capital Outlay and Maintenance (fund 0320, appropriation 75500) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.”;

And,

On page 42, line 14, by striking, “Any unexpended balances remaining in the appropriations for Center for Professional Development (fund 0294, appropriation 11500), Benedum Professional Development Collaborative (fund 0294, appropriation 42700), Governor’s Honors Academy (fund 0294, appropriation 47800), and S.T.E.M. Education and Grant Program (fund 0294, appropriation 71900) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018, with the exception of fund 0294, fiscal year 2017, appropriation 42700 (\$66,416) which shall expire on June 30, 2017.”;

And,

On page 43, line 14, by striking “Any unexpended balances remaining in the appropriations for Unclassified (fund 0293, appropriation 09900), Buildings (fund 0293, appropriation 25800), Capital Outlay, Repairs and Equipment (fund 0293, appropriation 58900), Capital Improvements – Surplus (fund 0293, appropriation 66100), Capital Outlay, Repairs and Equipment – Surplus (fund 0293, appropriation 67700), Land (fund 0293, appropriation 73000), and Capital Outlay and Maintenance (fund 0293, appropriation 75500) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.”;

And,

On page 44, line 8, by striking, “Any unexpended balance remaining in the appropriation for Capital Outlay and Maintenance (fund 0300, appropriation 75500) at the close of the fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018.”;

And,

On page 47, line 7, by striking, “Any unexpended balance remaining in the appropriation for the Women’s Commission (fund 0400, appropriation 19100) at the close of the fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018.”;

And,

On page 48, line 31 by striking, “Any unexpended balances remaining in the appropriations for Safe Drinking Water Program (fund 0407, appropriation 18700), Statewide EMS Program Support (fund 0407, appropriation 38300), Maternal and Child Health Clinics, Clinicians and Medical Contracts and Fees (fund 0407, appropriation 57500), Capital Outlay and Maintenance (fund 0407, appropriation 75500), Emergency Response Entities – Special Projects (fund 0407, appropriation 82200), Assistance to Primary Health Care Centers Community Health Foundation (fund 0407, appropriation 84500), and Tobacco Education Program (fund 0407, appropriation 90600) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.”;

And,

On page 49, line 11, by striking, “Any unexpended balances remaining in the appropriations for Behavioral Health Program (fund 0525, appropriation 21900), Institutional Facilities Operations (fund 0525, appropriation 33500), Substance Abuse Continuum of Care (fund 0525, appropriation 35400), Capital Outlay (fund 0525, appropriation 51100), Behavioral Health Program – Surplus (fund 0525, appropriation 63100), Institutional Facilities Operations – Surplus (fund 0525, appropriation 63200), Substance Abuse Continuum of Care – Surplus (fund 0525, appropriation 72200), and Capital Outlay and Maintenance (fund 0525, appropriation 75500) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.”;

And,

On page 53, line 37, by striking, “Any unexpended balances remaining in the appropriations for Capital Outlay and Maintenance (fund 0403, appropriation 75500) and Indigent Burials (fund 0403, appropriation 85100) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.”;

And,

On page 55, line 13, by striking, “Any unexpended balances remaining in the appropriations for Unclassified (fund 0430, appropriation 09900), Fusion Center (fund 0430, appropriation 46900), Substance Abuse Program – Surplus (fund 0430, appropriation 69600), Justice Reinvestment Training – Surplus (fund 0430, appropriation 69900), WV Fire and EMS Survivor Benefit (fund 0430, appropriation 93900), and Homeland State Security Administrative Agency (fund 0430, appropriation 95300) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018, with the exception of fund 0430, fiscal year 2017, appropriation 93900 (\$50,000) which shall expire on June 30, 2017.”;

And,

On page 56, line 7, by striking “Any unexpended balance remaining in the appropriations for Unclassified (fund 0433, appropriation 09900) and Military Authority (fund 0433, appropriation 74800) at the close of the fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018.”;

And,

On page 57, line 13, by striking “Any unexpended balances remaining in the appropriations for Federal Funds/Grant Match (fund 0443, appropriation 74900), Early Warning Flood System (fund 0443, appropriation 87700), and Disaster Mitigation (fund 0443, appropriation 95200) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018, with the exception of fund 0443, fiscal year 2017, appropriation 87700 (\$9,500) which shall expire on June 30, 2017.”;

And,

On page 59, line 32, by striking, “Any unexpended balances remaining in the appropriations for Children’s Protection Act (fund 0450, appropriation 09000), Unclassified – Surplus (fund 0450, appropriation 09700), Current Expenses (fund 0450, appropriation 13000), Facilities Planning and Administration (fund 0450, appropriation 38600), Inmate Medical Expenses (fund 0450, appropriation 53500), Capital Improvements – Surplus (fund 0450, appropriation 66100), Capital Outlay, Repairs and Equipment – Surplus (fund 0450, appropriation 67700), Capital Outlay and Maintenance (fund 0450, appropriation 75500), Security System Improvements – Surplus (fund 0450, appropriation 75501), and Operating Expenses – Surplus (fund 0450, appropriation 77900) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018, with the exception of fund 0450, fiscal year 2017, appropriation 09000 (\$100,000) which shall expire on June 30, 2017.”;

And,

On page 61, line 14 by striking “Any unexpended balances remaining in the appropriations for Communications and Other Equipment (fund 0453, appropriation 55800), and Capital Outlay and Maintenance (fund 0453, appropriation 75500) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.”;

And,

On page 62, line 12 by striking, “Any unexpended balances remaining in the appropriations for Child Advocacy Centers (fund 0546, appropriation 45800), Community Corrections (fund 0546, appropriation 56100), and Qualitative Analysis and Training for Youth Services (fund 0546, appropriation 76200) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018, with the exception of fund 0546, fiscal year 2017, appropriation 56100 (\$172,000), and fund 0546, fiscal year 2017, appropriation 76200 (\$29,878) shall expire on June 30, 2017.”;

And,

On page 63, line 17, by striking, “Any unexpended balances remaining in the appropriations for Resident Medical Expenses (fund 0570, appropriation 53501), Capital Outlay and Maintenance (fund 0570, appropriation 75500), and Kenneth Honey Rubenstein Juvenile Center (fund 0570, appropriation 98000) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.”;

And,

On page 64, line 8, by striking “Any unexpended balances remaining in the appropriations for Equipment (fund 0585, appropriation 07000), and Unclassified (fund 0585, appropriation 09900) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.”;

And,

On page 64, line 8, by striking “Any unexpended balance remaining in the appropriation for Unclassified – Total (fund 0465, 9 appropriation 09600) at the close of the fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018.”;

And,

On page 65, line 12, by striking “Any unexpended balances remaining in the appropriations for Personal Services and Employee Benefits (fund 0470, appropriation 00100), Unclassified (fund 0470, appropriation 09900), Current Expenses (fund 0470, appropriation 13000), and GIS Development Project (fund 0470, appropriation 56200) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.”;

And,

On page 65, line 4, by striking “Any unexpended balance remaining in the appropriation for Unclassified (fund 0595, appropriation 09900) at the close of the fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018.”;

And,

On page 66, line 6 by striking, “Any unexpended balance remaining in the appropriation for Current Expenses (fund 0593, appropriation 13000) at the close of the fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018.”;

And,

On page 66, line 6, by striking, “Any unexpended balance remaining in the appropriation for Other Assets (fund 0506, appropriation 69000) at the close of the fiscal year 2017 is hereby reappropriated

for expenditure during the fiscal year 2018, with the exception of fund 0506, fiscal year 2017, appropriation 69000 (\$32,483) which shall expire on June 30, 2017.”;

And,

On 67, line 4, by striking, “Any unexpended balances remaining in the appropriations for Equipment (fund 0510, appropriation 07000), Current Expenses (fund 0510, appropriation 13000), Buildings (fund 0510, appropriation 25800), and Other Assets (fund 0510, appropriation 69000) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018, with the exception of fund 0510, fiscal year 2017, appropriation 07000 (\$22,203), fund 0510, fiscal year 2017, appropriation 25800 (\$5,281), and fund 0510, fiscal year 2017, appropriation 69000 (\$5,000) which shall expire on June 30, 2017.”;

And,

On page 67, line 7, by striking, “Any unexpended balances remaining in the appropriations for Unclassified (fund 0582, appropriation 09900) and Current Expenses (fund 0582, appropriation 13000) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.”;

And,

On page 68, line 17, by striking, “Any unexpended balances remaining in the appropriations for Veterans’ Nursing Home (fund 18 0456, appropriation 28600), Veterans’ Reeducation Assistance (fund 0456, appropriation 32900), Veterans’ Grant Program (fund 0456, appropriation 34200), Veterans’ Bonus – Surplus (fund 0456, appropriation 34400), and Educational Opportunities for Children of Deceased Veterans (fund 0456, appropriation 85400) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018, with the exception of fund 0456, fiscal year 2017, appropriation 28600 (\$8,794), fund 0456, fiscal year 2017, appropriation 32900 (\$1,702), and fund 0456, fiscal year 2017, appropriation 34200 (\$29,000) which shall expire on June 30, 2017.”;

And,

On page 70, line 10, by striking, “Any unexpended balances remaining in the appropriations for West Virginia Council for Community and Technical Education (fund 0596, appropriation 39200), Capital Improvements – 11 Surplus (fund 0596, appropriation 66100), Community College Workforce Development (fund 0596, appropriation 87800), West Virginia Advance Workforce Development (fund 0596, appropriation 89300), and Technical Program Development (fund 0596, appropriation 89400) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018, with the exception of fund 0596, fiscal year 2017, appropriation 39200 (\$14,000), fund 0596, fiscal year 2017, appropriation 89300 (\$69,244), and fund 0596, fiscal year 2017, appropriation 89400 (\$45,964) which shall expire on June 30, 2017.”;

And,

On page 73, line 12, by striking, “Any unexpended balances remaining in the appropriations for Unclassified – Surplus (fund 0589, appropriation 09700), Tuition Contract Program (fund 0589, appropriation 16500), Capital Improvements – Surplus (fund 0589, appropriation 66100), Capital Outlay and Maintenance (fund 0589, appropriation 75500), and HEAPS Grant Program (fund 0589, appropriation 86700) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018, with the exception of fund 0589, fiscal year 2017, appropriation 16500 (\$24,991) which shall expire on June 30, 2017.”;

And,

On page 75, line 7, by striking, “Any unexpended balance remaining in the appropriation for Rural Health Outreach Program (fund 0347, appropriation 37700) at the close of the fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018, with the exception of fund 0347, fiscal year 2017, appropriation 37700 (\$3,352) which shall expire on June 30, 2017.”;

And,

On page 76, line 8, by striking “Any unexpended balances remaining in the appropriations for Vista E-Learning (fund 0348, appropriation 51900), State Priorities – Brownfield Professional Development (fund 0348, appropriation 53100), Marshall University Graduate College Writing Project (fund 0348, appropriation 80700), and WV Autism Training Center (fund 0348, appropriation 93200) at the close of fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018, with the exception of fund 0348, fiscal year 2017, appropriation 51900 (\$4,982), fund 0348, fiscal year 2017, appropriation 53100 (\$6,687), fund 0348, fiscal year 2017, appropriation 80700 (\$415), and fund 0348, fiscal year 2017, appropriation 93200 (\$35,906) which shall expire on June 30, 2017.”;

And,

On page 77, line 7, by striking “Any unexpended balance remaining in the appropriation for Rural Health Outreach Programs (fund 0336, appropriation 37700) at the close of fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018, with the exception of fund 0336, fiscal year 2017, appropriation 37700 (\$3,367) which shall expire on June 30, 2017.”;

And,

On page 94, line 8, by striking “Any unexpended balance remaining in the appropriation for Capital Improvements and Land Purchase (fund 3200, appropriation 24800) at the close of the fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018.” And inserting in lieu thereof, “Any unexpended balance remaining in the appropriation for Capital Improvements and Land Purchase (fund 3200, appropriation 24800) at the close of the fiscal year 2017 shall expire on June 30, 2017.”

And,

On page 100, line 8, by striking “Any unexpended balance remaining in the appropriation for Capital Improvements and Land Purchase (fund 3200, appropriation 24800) at the close of the fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018.”;

And,

On page 117, line 5, by striking “Any unexpended balances remaining in the appropriations for Unclassified (fund 5094, appropriation 09900) and Current Expenses (fund 5094, appropriation 13000) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.”;

And,

On page 120, line 2, by striking “Any unexpended balance remaining in the appropriation for Unclassified – Total (fund 6295, appropriation 09600) at the close of fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018.”;

And,

On page 136, line 1, by striking “Any unexpended balance remaining in the appropriation for Capital Outlay (fund 4906, appropriation 51100) at the close of the fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018.”;

And,

On page 136, line 1, by striking “Any unexpended balance remaining in the appropriation for Capital Improvements – Total (fund 4908, appropriation 95800) at the close of fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018.”;

And,

On page 145, line 5, by striking, “Any unexpended balances remaining in the appropriations for Tourism – Advertising (fund 3067, appropriation 61800), and Tourism – Operations (fund 3067, appropriation 66200) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.”;

And,

On page 145, line 7, by striking “Any unexpended balances remaining in the appropriations for Unclassified (fund 3267, appropriation 09900), Capital Outlay – Parks (fund 3267, appropriation 28800), Non-Game Wildlife (fund 3267, appropriation 52700), and State Parks and Recreation Advertising (fund 3267, appropriation 61900) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.”;

And,

On page 146 line 7, by striking “Any unexpended balances remaining in the appropriations for Unclassified (fund 3951, appropriation 09900), Current Expenses (fund 3951, appropriation 13000), Assessment Program (fund 3951, appropriation 39600), and 21st Century Technology Infrastructure Network Tools and Support (fund 3951, appropriation 93300) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.”;

And,

On page 156, line 235, by striking, “Any unexpended balances remaining in the appropriations for Preservation West Virginia (fund 3534, appropriation 09200), Fairs and Festivals (fund 3534, appropriation 12200), Archeological Curation/Capital Improvements (fund 3534, appropriation 25600), Historic Preservation Grants (fund 3534, appropriation 31100), Grants for Competitive Arts Program (fund 3534, appropriation 62400), and Project ACCESS (fund 3534, appropriation 86500) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.”;

And,

On page 157, line 7, by striking “Any unexpended balance remaining in the appropriation for Libraries – Special Projects (fund 3559, appropriation 62500) at the close of fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018.”;

And,

On page 158, line 17, by striking “Any unexpended balance remaining in the appropriation for Senior Citizen Centers and Programs (fund 5405, appropriation 46200) at the close of the fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018.”;

And,

On page 159, line 13, by striking, “Any unexpended balances remaining in the appropriations for RHI Program and Site Support (fund 4925, appropriation 03600), RHI Program and Site Support – Grad Med Ed and Fiscal Oversight (fund 4925, appropriation 03800), Minority Doctoral Fellowship (fund 4925, appropriation 16600), Health Sciences Scholarship (fund 4925, appropriation 17600), and Vice Chancellor for Health Sciences – Rural Health Residency Program (fund 4925, appropriation 60100) at the close of fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.”;

And,

On page 159, line 2 by striking, “Any unexpended balance remaining in the appropriation for Capital Outlay and Improvements – Total (fund 4908, appropriation 84700) at the close of fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018.”;

And,

On page 160, line 9, by striking, “Any unexpended balances remaining in the appropriations for WVU Health Sciences – RHI Program and Site Support (fund 4185, appropriation 03500), MA Public Health Program and Health Science Technology (fund 4185, appropriation 62300), Health Sciences Career Opportunities Program (fund 4185, appropriation 86900), HSTA Program (fund 4185, appropriation 87000), and Center for Excellence in Disabilities (fund 4185, appropriation 96700) at the close of fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.”;

And,

On page 160, line 6, by striking, “Any unexpended balances remaining in the appropriations for Marshall Medical School – RHI Program and Site Support (fund 4896, appropriation 03300) and Vice Chancellor for Health Sciences – Rural Health Residency Program (fund 4896, appropriation 60100) at the close of fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.”;

And,

On page 163, line 7, by striking, “Any unexpended balances remaining in the above appropriations for Repairs and Alterations (fund 3277, appropriation 06400), Equipment (fund 3277, appropriation 07000), Unclassified – Total (fund 3277, appropriation 09600), Unclassified (fund 3277, appropriation 09900), Current Expenses (fund 3277, appropriation 13000), Buildings (fund 3277, appropriation 25800), and Other Assets (fund 3277, appropriation 69000) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.”;

And,

On page 165, line 1, by striking, “Any unexpended balance remaining in the appropriation for Publication of Papers and Transition Expenses – Lottery Surplus (fund 1046, appropriation 06600) at the close of the fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018.”;

And,

On page 165, line 1, by striking, “Any unexpended balances remaining in the appropriations for Unclassified – Total (fund 3170, appropriation 09600), Recreational Grants or Economic Development Loans (fund 3170, appropriation 25300), and Connectivity Research and Development – Lottery Surplus (fund 3170, appropriation 92300) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.”;

And,

On page 165, line 1, by striking, “Any unexpended balance remaining in the appropriation for Advanced Technology Centers (fund 4932, appropriation 02800) at the close of the fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018.”;

And,

On page 166, line 1, by striking, “Any unexpended balance remaining in the appropriation for Capital Outlay and Maintenance (fund 6283, appropriation 75500) at the close of the fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018.”

On the adoption of the amendment, Delegate Gearheart demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 388**), and there were—yeas 32, nays 67, absent and not voting 1, with the yeas and absent and not voting being as follows:

Yeas: Baldwin, Barrett, Brewer, Butler, Canestraro, Caputo, Diserio, Eldridge, Ellington, E. Evans, Ferro, Fleischauer, Fluharty, Folk, Gearheart, Iaquina, Isner, Longstreth, Marcum, Martin, McGeehan, Miley, R. Miller, Paynter, Pyles, Rodighiero, Rowe, Sponaule, Storch, Thompson, Williams and Wilson.

Absent and Not Voting: Deem.

So, a majority of the members present and voting not having voted in the affirmative, the amendment was rejected.

Delegate Gearheart moved to amend the bill on page 47, line 1, by striking, “12,048,586” and inserting in lieu thereof, “9,048,586”;

And,

On page 48, line 30, by striking, “67,502,349” and inserting in lieu thereof, “64,502,349”;

And,

On page 51, line 1, by striking, “43,080,825” and inserting in lieu thereof, “36,080,825”

And,

On page 53, line 36, by striking, “936,595,912” and inserting in lieu thereof, “929,595,912”.

The Speaker put the question on the adoption of the foregoing amendment, and the same did not prevail.

Delegate Gearheart moved to amend the bill on page 147, line 3, by striking, “1,346,814” and inserting in lieu thereof, “0”;

And,

On page 148, line 19, by striking, “3,474,632” and inserting in lieu thereof, “2,127,818”.

On the adoption of the amendment, the yeas and nays were demanded which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 389**), and there were—yeas 13, nays 85, absent and not voting 2, with the yeas and absent and not voting being as follows:

Yeas: Blair, Butler, Folk, N. Foster, Gearheart, Hamrick, Hill, Kessinger, Martin, McGeehan, Paynter, Sobonya and Wilson.

Absent and Not Voting: Deem and Fleischauer.

So, a majority of the members present and voting not having voted in the affirmative, the amendment was rejected.

Delegates Gearheart moved to amend the bill on page 147, line 1, by striking, “59,058” and inserting in lieu thereof, “0”;

And,

On page 147, line 2, by striking, “466,921” and inserting in lieu thereof, “0”;

And,

On page 147, line 4, by striking, “30,074” and inserting in lieu thereof, “0”;

And,

On page 147, line 5, by striking, “294,742” and inserting in lieu thereof, “0”;

And,

On page 147, line 6, by striking, “120,019” and inserting in lieu thereof, “0”;

And,

On page 147, line 7, by striking, “99,543” and inserting in lieu thereof, “0”;

And,

On page 147, line 8, by striking, “90,000” and inserting in lieu thereof, “0”;

And,

On page 147, line 9, by striking, “36,005” and inserting in lieu thereof, “0”;

And,

On page 147, line 10, by striking, "580,800" and inserting in lieu thereof, "0";

And,

On page 147, line 11, by striking, "31,241" and inserting in lieu thereof, "0";

And,

On page 147, line 12, by striking, "24,000" and inserting in lieu thereof, "0";

And,

On page 147, line 13, by striking, "57,281" and inserting in lieu thereof, "0";

And,

On page 147, line 14, by striking, "27,277" and inserting in lieu thereof, "0";

And,

On page 147, line 15, by striking, "38,187" and inserting in lieu thereof, "0";

And,

On page 148, line 16, by striking, "59,058" and inserting in lieu thereof, "0";

And,

On page 148, line 17, by striking, "59,058" and inserting in lieu thereof, "0";

And,

On page 148, line 18, by striking, "54,554" and inserting in lieu thereof, "0";

And,

On page 148, line 19, by striking, "3,474,632" and inserting in lieu thereof, "1,346,814";

And,

On page 148 through page 156, by striking line 20 through line 234.

On the adoption of the amendment, the yeas and nays were demanded which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 390**), and there were—yeas 12, nays 87, absent and not voting 1, with the yeas and absent and not voting being as follows:

Yeas: Blair, Butler, Folk, N. Foster, Gearheart, Hill, Householder, Kessinger, Martin, McGeehan, Paynter and Wilson.

Absent and Not Voting: Deem.

So, a majority of the members present and voting not having voted in the affirmative, the amendment was rejected.

Delegate Gearheart moved to amend the bill on page 7, Fund 0165, line 1, by striking "1,010,000" and inserting in lieu thereof, "0";

And

On page 7, Fund 0165, line 3, by striking "4,011,332" and inserting in lieu thereof, "0";

And

On page 7, Fund 0165, line 4, by striking "276,392" and inserting in lieu thereof, "780,318";

And

On page 7, Fund 0165, line 5, by striking "50,000" and inserting in lieu thereof, "100";

And

On page 7, Fund 0165, line 6, by striking "20,000" and inserting in lieu thereof, "100";

And

On page 7, Fund 0165, line 7, by striking "60,000" and inserting in lieu thereof, "100";

And

On page 7, Fund 0165, line 8, by striking "125,000" and inserting in lieu thereof, "100";

And

On page 7, Fund 0165, line 9, by striking "370,000" and inserting in lieu thereof, "100";

And

On page 7, Fund 0165, line 10, by striking "29,482" and inserting in lieu thereof, "0";

And

On page 7, Fund 0165, line 11, by striking "5,952,206" and inserting in lieu thereof, "780,818";

And

On page 9, Fund 0170, line 4, by striking "3,929,031" and inserting in lieu thereof, "1,929,031";

And

On page 9, Fund 0170, line 7, by striking "8,904,031" and inserting in lieu thereof, "6,904,031";

And

On page 10, Fund 0175, line 1, by striking "5,725,138" and inserting in lieu thereof, "5,758,015";

And

On page 10, Fund 0175, line 4, by striking “1,447,500” and inserting in lieu thereof, “902,500”;

And

On page 10, Fund 0175, line 5, by striking “60,569” and inserting in lieu thereof, “27,692”;

And

On page 10, Fund 0175, line 6, by striking “8,140,457” and inserting in lieu thereof, “7,595,457”;

The Speaker put the question on the adoption of the foregoing amendment, and the same did not prevail.

Delegates Rowe, Williams, Lovejoy, Pyles and Fleischauer moved to amend the bill beginning on page 72, by striking out the provisions relating to and beginning with “The Higher Education Policy Commission” through page 78, ending on page 78 before the words “Total TITLE II, Section 1 – General Revenue” and inserting in lieu thereof, the following:

“HIGHER EDUCATION POLICY COMMISSION

1 - Higher Education Policy Commission –

Administration –

Control Account

(WV Code Chapter 18B)

Fund 0589 FY 2018 Org 0441

1	Personal Services and Employee Benefits.....	00100	\$	2,538,511
2	Current Expenses	13000		65,653
3	Higher Education Grant Program	16400		39,019,864
4	Tuition Contract Program (R)	16500		1,249,555
5	Underwood-Smith Scholarship Program-Student Awards	16700		328,349
6	Facilities Planning and Administration (R)	38600		1,833,577
7	PROMISE Scholarship – Transfer.....	80000		18,500,000
8	HEAPS Grant Program (R)	86700		5,007,764
9	Higher Education Operating Expenses.....	####		
10	BRIM Premium.....	9130		<u>16,965</u>
11	Total.....		\$	68,560,238

12 Any unexpended balances remaining in the appropriations for Unclassified – Surplus (fund
 13 0589, appropriation 09700), Tuition Contract Program (fund 0589, appropriation 16500), Capital
 14 Improvements – Surplus (fund 0589, appropriation 66100), Capital Outlay and Maintenance (fund
 15 0589, appropriation 75500), and HEAPS Grant Program (fund 0589, appropriation 86700) at the close
 16 of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018, with the
 17 exception of fund 0589, fiscal year 2017, appropriation 16500 (\$24,991) which shall expire on June
 18 30, 2017.

19 The above appropriation for Facilities Planning and Administration (fund 0589, appropriation
 20 38600) is for operational expenses of the West Virginia Education, Research and Technology Park
 21 between construction and full occupancy.

22 The above appropriation for Higher Education Grant Program (fund 0589, appropriation 16400)
 23 shall be transferred to the Higher Education Grant Fund (fund 4933, org 0441) established by W.Va.
 24 Code §18C-5-3.

25 The above appropriation for Underwood-Smith Scholarship Program-Student Awards (fund
 26 0589, appropriation 16700) shall be transferred to the Underwood-Smith Teacher Scholarship and
 27 Loan Assistance Fund (fund 4922, org 0441) established by W.Va. Code §18C-4-1.

28 The above appropriation for PROMISE Scholarship – Transfer (fund 0589, appropriation
 29 80000) shall be transferred to the PROMISE Scholarship Fund (fund 4296, org 0441) established by
 30 W.Va. Code §18C-7-7.

2 - West Virginia University –

School of Medicine

Medical School Fund

(WV Code Chapter 18B)

Fund 0343 FY 2018 Org 0463

1	WVU School of Health Science – Eastern Division	05600	\$	2,149,539
2	WVU – School of Health Sciences	17400		14,833,144
3	WVU – School of Health Sciences – Charleston Division	17500		2,210,767
4	Rural Health Outreach Programs	37700		162,639
5	West Virginia University School of Medicine			
6	BRIM Subsidy	46000		<u>1,203,087</u>
7	Total		\$	20,559,176

8 The above appropriation for Rural Health Outreach Programs (fund 0343, appropriation 37700)
 9 includes rural health activities and programs; rural residency development and education; and rural
 10 outreach activities.

11 The above appropriation for West Virginia University School of Medicine BRIM Subsidy (fund
 12 0343, appropriation 46000) shall be paid to the Board of Risk and Insurance Management as a general
 13 revenue subsidy against the "Total Premium Billed" to the institution as part of the full cost of their
 14 malpractice insurance coverage.

3 - West Virginia University –

General Administrative Fund

(WV Code Chapter 18B)

Fund 0344 FY 2018 Org 0463

1	West Virginia University	45900	\$	93,511,253
2	Jackson's Mill.....	46100		228,967
3	West Virginia University Institute of Technology.....	47900		7,636,347
4	State Priorities – Brownfield Professional Development.....	53100		322,653
5	West Virginia University – Potomac State	99400		<u>3,748,943</u>
6	Total.....		\$	105,448,163

4 - Marshall University –

School of Medicine

(WV Code Chapter 18B)

Fund 0347 FY 2018 Org 0471

1	Marshall Medical School	17300	\$	11,643,369
2	Rural Health Outreach Programs (R).....	37700		160,241
3	Forensic Lab	37701		230,815
4	Center for Rural Health	37702		153,119
5	Marshall University Medical School BRIM Subsidy	44900		<u>872,612</u>
6	Total.....		\$	13,060,156

7 Any unexpended balance remaining in the appropriation for Rural Health Outreach Program
 8 (fund 0347, appropriation 37700) at the close of the fiscal year 2017 is hereby reappropriated for
 9 expenditure during the fiscal year 2018, with the exception of fund 0347, fiscal year 2017, appropriation
 10 37700 (\$3,352) which shall expire on June 30, 2017.

11 The above appropriation for Rural Health Outreach Programs (fund 0347, appropriation 37700)
 12 includes rural health activities and programs; rural residency development and education; and rural
 13 outreach activities.

14 The above appropriation for Marshall University Medical School BRIM Subsidy (fund 0347,
 15 appropriation 44900) shall be paid to the Board of Risk and Insurance Management as a general
 16 revenue subsidy against the "Total Premium Billed" to the institution as part of the full cost of their
 17 malpractice insurance coverage.

5 - Marshall University –

General Administration Fund

(WV Code Chapter 18B)

Fund 0348 FY 2018 Org 0471

1	Marshall University.....	44800	\$	43,905,329
2	Luke Lee Listening Language and Learning Lab.....	44801		97,585
3	Vista E-Learning (R).....	51900		238,129
4	State Priorities – Brownfield Professional Development (R)	53100		319,652
5	Marshall University Graduate College Writing Project (R)	80700		19,825
6	WV Autism Training Center (R).....	93200		<u>1,716,307</u>
7	Total.....		\$	46,296,827

8 Any unexpended balances remaining in the appropriations for Vista E-Learning (fund 0348,
 9 appropriation 51900), State Priorities – Brownfield Professional Development (fund 0348,
 10 appropriation 53100), Marshall University Graduate College Writing Project (fund 0348, appropriation
 11 80700), and WV Autism Training Center (fund 0348, appropriation 93200) at the close of fiscal year
 12 2017 are hereby reappropriated for expenditure during the fiscal year 2018, with the exception of fund
 13 0348, fiscal year 2017, appropriation 51900 (\$4,982), fund 0348, fiscal year 2017, appropriation 53100
 14 (\$6,687), fund 0348, fiscal year 2017, appropriation 80700 (\$415), and fund 0348, fiscal year 2017,
 15 appropriation 93200 (\$35,906) which shall expire on June 30, 2017.

6 - West Virginia School of Osteopathic Medicine

(WV Code Chapter 18B)

Fund 0336 FY 2018 Org 0476

1	West Virginia School of Osteopathic Medicine	17200	\$	6,798,239
2	Rural Health Outreach Programs (R)	37700		168,354
3	West Virginia School of Osteopathic Medicine			

4	BRIM Subsidy	40300		156,299
5	Rural Health Initiative – Medical Schools Support.....	58100		<u>404,968</u>
6	Total.....		\$	7,527,860

7 Any unexpended balance remaining in the appropriation for Rural Health Outreach Programs
8 (fund 0336, appropriation 37700) at the close of fiscal year 2017 is hereby reappropriated for
9 expenditure during the fiscal year 2018, with the exception of fund 0336, fiscal year 2017, appropriation
10 37700 (\$3,367) which shall expire on June 30, 2017.

11 The above appropriation for Rural Health Outreach Programs (fund 0336, appropriation 37700)
12 includes rural health activities and programs; rural residency development and education; and rural
13 outreach activities.

14 The above appropriation for West Virginia School of Osteopathic Medicine BRIM Subsidy (fund
15 0336, appropriation 40300) shall be paid to the Board of Risk and Insurance Management as a general
16 revenue subsidy against the "Total Premium Billed" to the institution as part of the full cost of their
17 malpractice insurance coverage.

7 - Bluefield State College

(WV Code Chapter 18B)

Fund 0354 FY 2018 Org 0482

1	Bluefield State College.....	40800	\$	5,636,862
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8 - Concord University

(WV Code Chapter 18B)

Fund 0357 FY 2018 Org 0483

1	Concord University.....	41000	\$	8,674,596
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9 - Fairmont State University

(WV Code Chapter 18B)

Fund 0360 FY 2018 Org 0484

1	Fairmont State University.....	41400	\$	15,277,769
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10 - Glenville State College

(WV Code Chapter 18B)

Fund 0363 FY 2018 Org 0485

1	Glenville State College.....	42800	\$	5,891,397
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11 - Shepherd University

(WV Code Chapter 18B)

Fund 0366 FY 2018 Org 0486

1	Shepherd University.....	43200	\$	9,551,994
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12 - West Liberty University

(WV Code Chapter 18B)

Fund 0370 FY 2018 Org 0488

1	West Liberty University	43900	\$	7,956,371
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13 - West Virginia State University

(WV Code Chapter 18B)

Fund 0373 FY 2018 Org 0490

West Virginia State University.....	44100	\$	10,003,071
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West Virginia State University Land Grant Match.....	95600		<u>1,584,947</u>
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Total.....		\$	<u>11,588,018</u>
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And,

On page 162, relating to distribution of lottery proceeds, following the words “in accordance with W.Va Code §-22-18a.” by inserting the following: “Of the above appropriation, \$16,480,030.00 shall be transferred from the General Revenue Fund to be deposited into Higher Education Operating Expense Fund 0589, for fiscal year 2018, for Org 0441, and proportionately distributed to each institution by budget percent distributed for fiscal year 2018 in order to fund the eleven institution accounts listed in the Higher Education Policy Commission Budget.”

The Speaker put the question on the adoption of the foregoing amendment, and the same did not prevail.

Delegates Robinson and Maynard moved to amend the Committee Substitute for H.B.2018 beginning on page 69, following line 7, by striking out the provisions beginning with “West Virginia Council for Community and Technical College” through line 12 on page 73, stopping before the words “Sec. 2. Appropriations from the state road fund.”, and inserting in lieu thereof, the following:

**“WEST VIRGINIA COUNCIL FOR COMMUNITY
AND TECHNICAL COLLEGE EDUCATION**

14 - West Virginia Council for

Community and Technical College Education –

Control Account

(WV Code Chapter 18B)

Fund 0596 FY 2018 Org 0420

1	West Virginia Council for Community			
2	and Technical Education (R)	39200	\$	756,900
3	3 Transit Training Partnership	78300		40,217
4	4 Community College Workforce Development (R)	87800		806,048
5	5 College Transition Program.....	88700		292,718
6	6 West Virginia Advance Workforce Development (R)	89300		3,269,964
7	7 Technical Program Development (R)	89400		<u>1,895,214</u>
8	8 Total		\$	7,061,061

9 Any unexpended balances remaining in the appropriations for West Virginia Council for
 10 Community and Technical Education (fund 0596, appropriation 39200), Capital Improvements –
 11 Surplus (fund 0596, appropriation 66100), Community College Workforce Development (fund 0596,
 12 appropriation 87800), West Virginia Advance Workforce Development (fund 0596, appropriation
 13 89300), and Technical Program Development (fund 0596, appropriation 89400) at the close of the
 14 fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018, with the
 15 exception of fund 0596, fiscal year 2017, appropriation 39200 (\$14,000), fund 0596, fiscal year 2017,
 16 appropriation 89300 (\$69,244), and fund 0596, fiscal year 2017, appropriation 89400 (\$45,964) which
 17 shall expire on June 30, 2017.

18 From the above appropriation for the Community College Workforce Development (fund 0596,
 19 appropriation 87800), \$200,000 shall be expended on the Mine Training Program in Southern West
 20 Virginia.

21 Included in the above appropriation for West Virginia Advance Workforce Development (fund
 22 0596, appropriation 89300) is \$200,000 to be used exclusively for advanced manufacturing and energy
 23 industry specific training programs.

15 - Mountwest Community and Technical College

(WV Code Chapter 18B)

Fund 0599 FY 2018 Org 0444

1	Mountwest Community and Technical College.....	48700	\$	5,569,533
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16 - New River Community and Technical College

(WV Code Chapter 18B)

Fund 0600 FY 2018 Org 0445

1	New River Community and Technical College.....	35800	\$	5,499,133
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17 - Pierpont Community and Technical College

(WV Code Chapter 18B)

Fund 0597 FY 2018 Org 0446

1	Pierpont Community and Technical College.....	93000	\$	7,323,810
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18 - Blue Ridge Community and Technical College

(WV Code Chapter 18B)

Fund 0601 FY 2018 Org 0447

1	Blue Ridge Community and Technical College.....	88500	\$	4,980,111
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19 - West Virginia University at Parkersburg

(WV Code Chapter 18B)

Fund 0351 FY 2018 Org 0464

1	West Virginia University – Parkersburg	47100	\$	9,521,771
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20 - Southern West Virginia Community and Technical College

(WV Code Chapter 18B)

Fund 0380 FY 2018 Org 0487

1	Southern West Virginia Community and Technical College.....	44600	\$	7,991,778
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21 - West Virginia Northern Community and Technical College

(WV Code Chapter 18B)

Fund 0383 FY 2018 Org 0489

1	West Virginia Northern Community and Technical College	44700	\$	6,898,459
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22 - Eastern West Virginia Community and Technical College

(WV Code Chapter 18B)

Fund 0587 FY 2018 Org 0492

1	Eastern West Virginia Community and Technical College.....	41200	\$	1,835,300
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23 - BridgeValley Community and Technical College

(WV Code Chapter 18B)

Fund 0618 FY 2018 Org 0493

1 BridgeValley Community and Technical College..... 71700 \$ 7,500,925

HIGHER EDUCATION POLICY COMMISSION

24- Higher Education Policy Commission –

Administration –

Control Account

(WV Code Chapter 18B)

Fund 0589 FY 2018 Org 0441

Personal Services and Employee Benefit	00100	\$	2,538,511
Current Expenses	13000		65,653
Higher Education Grant Program.....	16400		39,019,864
Tuition Contract Program (R)	16500		1,249,555
Underwood-Smith Scholarship Program-Student Award\$.....	16700		328,349
Facilities Planning and Administration (R).....	38600		1,833,577
PROMISE Scholarship – Transfer	80000		18,500,000
HEAPS Grant Program (R)	86700		5,007,764
Community and Technical Community Operating Expenses	####		
BRIM Premium	9130		<u>16,965</u>
Total		\$	68,560,238”

And,

On page 162, relating to distribution of lottery proceeds, following the words “in accordance with W.Va Code §-22-18a.” by inserting the following: “Of the above appropriation, \$3,232,291 shall be transferred from the General Revenue Fund to be deposited into Higher Education Operating Expense Fund 0596, for fiscal year 2018, for Org 0441, and proportionately distributed to the 9 Community and Technical college institutions herein listed by budget percent distributed for fiscal year 2018 in order to fund the institution accounts listed in the Higher Education Policy Commission Budget.”

The Speaker put the question on the adoption of the foregoing amendment, and the same did not prevail.

Delegate Gearheart moved to amend the bill on page 35, Fund 0300, line 1, by striking “3,245,141” and inserting in lieu thereof, “0”;

And

On page 35, Fund 0300, line 2, by striking “20,146” and inserting in lieu thereof, “0”;

And

On page 35, Fund 0300, line 3, by striking “300,000” and inserting in lieu thereof, “0”;

And

On page 35, Fund 0300, line 4, by striking “10,000” and inserting in lieu thereof, “0”;

And

On page 35, Fund 0300, line 5, by striking “45,283” and inserting in lieu thereof, “0”;

And

On page 35, Fund 0300, line 6, by striking “3,620,570” and inserting in lieu thereof, “0”;

On the adoption of the amendment, Delegate Gearheart demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 391**), and there were—yeas 10, nays 88, absent and not voting 2, with the yeas and absent and not voting being as follows:

Yeas: Blair, Butler, Ellington, Folk, N. Foster, Gearheart, Hill, Kessinger, McGeehan and Wilson.

Absent and Not Voting: Deem and Eldridge.

So, a majority of the members present and voting not having voted in the affirmative, the amendment was rejected.

On motion of Delegate Nelson and Mr. Speaker, Mr. Armstead, the bill was amended on page seven, in Senate, Fund 0165, line three, by striking out “\$4,011,332” and inserting in lieu thereof “\$3,011,332”;

On page seven, in Senate, Fund 0165, line eleven, by striking out “\$5,952,206” and inserting in lieu thereof “\$4,952,206”;

On page nine, in House of Delegates, Fund 0170, line four, by striking out “\$3,929,031” and inserting in lieu thereof “\$2,929,031”;

On page nine, in House of Delegates, Fund 0170, line seven, by striking out “\$8,904,031” and inserting in lieu thereof “\$7,904,031”;

On page fourteen, in Auditor's Office-General Administration, Fund 0116, following line two, by inserting a new line item to read as follows:

"3 Volunteer Fire Department Workers' Compensation Subsidy . . 83200 \$2,000,000", and renumbering the line numbers accordingly;

And,

On page fourteen, line four, by striking out "\$2,737,395" and inserting in lieu thereof "\$4,737,395".

The bill was read a third time.

Speaker Pro Tempore Overington in the Chair

Delegate Byrd moved that the bill be recommitted to the Committee on Finance.

Mr. Speaker, Mr. Armstead, in the Chair

On this question, the yeas and nays were taken (**Roll No. 392**), and there were—yeas 36, nays 63, absent and not voting 1, with the yeas and absent and not voting being as follows:

Yeas: Baldwin, Bates, Boggs, Brewer, Byrd, Caputo, Dean, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Folk, Hartman, Hicks, Hornbuckle, Iaquina, Isner, Longstreth, Love, Lovejoy, Lynch, Marcum, Miley, R. Miller, Moye, Pethel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaule, Thompson and Williams.

Absent and Not Voting: Deem.

So, a majority of the members present and voting not having voted in the affirmative, the motion to recommit the bill to the Committee on Finance was rejected.

Speaker Pro Tempore Overington in the Chair

Mr. Speaker, Mr. Armstead, arose from his seat and requested to be excused from voting on the passage of Com. Sub. for H. B. 2018 under the provisions of House Rule 49.

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

Mr. Speaker, Mr. Armstead, in the Chair

Delegates Byrd, Ferro, Rowe, Hollen, Pushkin, Diserio, Isner, Marcum, Moye, Hornbuckle, Eldridge, Boggs, E. Evans, Brewer, Pyles, Lynch, Anderson, R. Miller, Thompson, Wagner, Westfall, Frich, Espinosa, Rohrbach, Fast, Martin, Hill, Lewis, Shott, Nelson, Ambler, Cowles, Overington, Queen, McGeehan, Hamrick, Summers, Hollen, Arvon and Kessinger requested to be excused from voting on the passage of Com. Sub. for H. B. 2018 under the provisions of House Rule 49.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 393**), and there were, including 2 paired—yeas 58, nays 42, absent and not voting none, with the paired and nays being as follows:

Pursuant to House Rule 43, the following pairing was filed and announced by the Clerk:

Paired:

Yea: Deem Nay: Gearheart

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

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. 2018) passed.

Delegate Cowles moved that the bill take effect July 4, 2017.

On this question, the yeas and nays were taken (**Roll No. 394**), and there were—yeas 60, nays 39, absent and not voting 1, with the nays and absent and not voting being as follows:

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

Absent and Not Voting: Deem.

So, two thirds of the members elected to the House of Delegates not having voted in the affirmative, the Speaker declared the motion rejected.

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

At 8:21 p.m., on motion of Delegate Cowles, the House of Delegates recessed for fifteen minutes.

Second Reading

Com. Sub. for S. B. 134, Authorizing Bureau of Commerce to promulgate legislative rules; 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 one, line one¹, by striking everything after the enacting clause and inserting in lieu thereof the following:

“That §64-10-1, §64-10-2 and §64-10-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows

ARTICLE 10. AUTHORIZATION FOR BUREAU OF COMMERCE TO PROMULGATE LEGISLATIVE RULES.

§64-10-1. Division of Natural Resources.

(a) The legislative rule filed in the State Register on August 29, 2016, authorized under the authority of section seven, article one, chapter twenty of this code, relating to the Division of Natural Resources (point system for the revocation of hunting - repeal, 58 CSR 24), is authorized.

(b) The legislative rule filed in the State Register on August 29, 2016, authorized under the authority of section seven, article one, chapter twenty of this code, modified by the Division of Natural Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on January 3, 2017, relating to the Division of Natural Resources (revocation of hunting and fishing licenses, 58 CSR 23), is authorized.

(c) The legislative rule filed in the State Register on August 26, 2016, authorized under the authority of section seven, article one, chapter twenty of this code, modified by the Division of Natural Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on January 3, 2017, relating to the Division of Natural Resources (special waterfowl hunting, 58 CSR 58), is authorized.

(d) The legislative rule filed in the State Register on August 26, 2016, authorized under the authority of section eleven, article two, chapter twenty of this code, modified by the Division of Natural Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on January 3, 2017, relating to the Division of Natural Resources (commercial sale of wildlife, 58 CSR 63), is authorized.

(e) The legislative rule filed in the State Register on August 26, 2016, authorized under the authority of section seven, article one, chapter twenty of this code, modified by the Division of Natural Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on January 3, 2017, relating to the Division of Natural Resources (miscellaneous permits and licenses, 58 CSR 64), is authorized.

(f) The legislative rule effective on April 14, 2000, authorized under the authority of section 1 twenty-five, article seven, chapter twenty of this code, relating to the Division of Natural Resources (litter control grant program, 58 CSR 6), is repealed.

§64-10-2. Office of Miners' Health, Safety and Training.

The legislative rule filed in the State Register on July 6, 2016, authorized under the authority of section six-c, article four-c, chapter sixteen of this code, modified by the Office of Miners' Health, Safety and Training to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 6, 2016, relating to the Office of Miners' Health, Safety and Training (certification, recertification and training of EMT-Miners and the certification of EMT-M instructors, 56 CSR 22), is authorized.

§64-10-3. Board of Coal Mine Health and Safety.

The legislative rule effective on July 1, 2014, authorized under the authority of section four, article six, chapter twenty-two-a of this code, relating to the Board of Coal Mine Health and Safety (rules governing proximity detection systems and haulage safety generally, 36 CSR 57), is authorized, with the amendment set forth below:

On page two, subsection 4.3, by striking out the date "July 1, 2017" and inserting in lieu thereof the following "the timeframe set forth in the federal rule relating to proximity detection systems."

The bill was ordered to third reading.

Com. Sub. for S. B. 240, Creating crime of nonconsensual distribution of sexual images; 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, by striking out everything after the enacting clause, and inserting in lieu thereof the following:

“That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §61-8-28a, to read as follows:

ARTICLE 8. CRIMES AGAINST CHASTITY, MORALITY AND DECENCY.

§61-8-28a. Nonconsensual disclosure of private intimate images; definitions; and penalties.

(a) As used in this section:

(1) ‘Disclose’ means to publish, publicly display, distribute, deliver, circulate or disseminate by any means, including, but not limited to, electronic transmission.

(2) ‘Image’ means a photograph, videotape, motion picture film, digital recording or any product of any mechanical or electronic recording process or device that can preserve, for later viewing, a visual image.

(3) ‘Intimate parts’ means a person’s genitalia, pubic area, anus or female post-pubescent breasts.

(4) To ‘publicly disclose’ means to disclose an image to one or more persons other than those persons whom the person depicted understood would view the image at the time it was captured.

(b) No person may knowingly and intentionally disclose, cause to be disclosed or threaten to disclose, with the intent to harass, intimidate, threaten, humiliate, embarrass, coerce, or profit from, an image of another which shows the intimate parts of the depicted person or shows the depicted person engaged in sexually explicit conduct which was captured under circumstances where the person depicted had a reasonable expectation that the image would not be publicly disclosed.

(c) (1) A person convicted of a violation of subsection (b) of this section is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not more than one year, fined not less than \$1,000 nor more than \$5,000, or both confined and fined.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, a person convicted of a second or subsequent violation of subsection (b) of this section is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not more than three years, fined not less than \$2,500 nor more than \$10,000, or both imprisoned and fined.

(d) The provisions of this section do not apply to:

(1) Images disclosed with the prior written consent of the person depicted;

(2) Images depicting the person voluntarily exposing himself or herself in a public or commercial setting; or

(3) Disclosures made through the reporting of illegal conduct or the lawful and common practices of law enforcement, criminal reporting, legal proceeding or medical treatment.

(e) Nothing in this section shall be construed to impose liability on the provider of an interactive computer service as defined by 47 U. S. C. §230(f)(2), an information service as defined by 47 U. S. C. §153(24), or telecommunications service as defined by 47 U. S. C. §153(53), for content provided by another person.”

The bill was ordered to third reading.

Com. Sub. for S. B. 255, Relating generally to filling vacancies in elected office; 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, immediately following the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

“That §3-10-3, §3-10-5 and §3-10-7 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 10. FILLING VACANCIES.

§3-10-3. Vacancies in offices of state officials, United States senators, justices, judges and magistrates.

(a) Any vacancy occurring in the offices of Secretary of State, Auditor, Treasurer, Attorney General, Commissioner of Agriculture, or in any office created or made elective to be filled by the voters of the entire state, is filled by the Governor of the state by appointment and subsequent election to fill the remainder of the term, if required by section one of this article. The Governor shall make the appointment from a list of three legally qualified persons submitted by the party executive committee of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time the vacancy occurred. The list of qualified persons to fill the vacancy shall be submitted to the Governor within fifteen days after the vacancy occurs and the Governor shall duly make his or her appointment to fill the vacancy from the list of legally qualified persons within five days after the list is received. If the list is not submitted to the Governor within the fifteen-day period, the Governor shall appoint within five days thereafter a legally qualified person of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time the vacancy occurred.

(b) Any vacancy occurring in the offices of Justice of the Supreme Court of Appeals, judge of a circuit court or judge of a family court is filled by the Governor of the state by appointment and, if the unexpired term be for a period of more than two years, by a subsequent election to fill the remainder of the term, as required by subsection (d) of this section. If an election is required under subsection (d) of this section, the Governor, circuit court or the chief judge thereof in vacation, is responsible for the proper proclamation by order and notice required by section one of this article.

(c) Any vacancy in the office of magistrate is appointed according to the provisions of section six, article one, chapter fifty of this code, and, if the unexpired term be for a period of more than two years, by a subsequent election to fill the remainder of the term, as required by subsection (d) of this section.

(d) (1) When the vacancy in the office of Justice of the Supreme Court of Appeals, judge of the circuit court, judge of a family court or magistrate occurs after the eighty-fourth day before a general election, and the affected term of office ends on the thirty-first day of December following the

succeeding general election two years later, the person appointed to fill the vacancy shall continue in office until the completion of the term.

(2) When the vacancy occurs before the close of the candidate filing period for the primary election and, if the unexpired term be for a period of greater than two years, the vacancy shall be filled by election in the nonpartisan judicial election held concurrently with the primary election and the appointment shall continue until a successor is elected and certified.

(3) When the vacancy occurs after the close of candidate filing for the primary election and not later than eighty-four days before the general election and, if the unexpired term be for a period of greater than two years, the vacancy shall be filled by election in a nonpartisan judicial election held concurrently with the general election and the appointment shall continue until a successor is elected and certified.

(e) When an election to fill a vacancy is required to be held at the general election according to the provisions of subsection (d) of this section, a special candidate filing period shall be established. Candidates seeking election to any unexpired term for Justice of the Supreme Court of Appeals, judge of a circuit court, judge of the family court or magistrate shall file a certificate of announcement and pay the filing fee no earlier than the first Monday in August and no later than seventy-seven days before the general election.

§3-10-5. Vacancies in state Legislature.

(a) Any vacancy in the office of state senator or member of the House of Delegates shall be filled by appointment by the Governor, from a list of three legally qualified persons submitted by the party executive committee of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time the vacancy occurred. The list of qualified persons to fill the vacancy shall be submitted to the Governor within fifteen days after the vacancy occurs and the Governor shall duly make his or her appointment to fill the vacancy from the list of legally qualified persons within five days after the list is received. If the list is not submitted to the Governor within the fifteen-day period, the Governor shall appoint within five days thereafter a legally qualified person of the same political party as the person vacating the office with which the person holding the office immediately preceding the vacancy was affiliated at the time the vacancy occurred.

(b) In the case of a member of the House of Delegates, the list shall be submitted by the party executive committee of the delegate district in which the vacating member resided at the time of his or her election or appointment. The appointment to fill a vacancy in the House of Delegates is for the unexpired term.

(c) In the case of a state senator, the list shall be submitted by the party executive committee of the state senatorial district in which the vacating senator resided at the time of his or her election or appointment. The appointment to fill a vacancy in the state Senate is for the unexpired term, unless section one of this article requires a subsequent election to fill the remainder of the term, which shall follow the procedure set forth in said section.

§3-10-7. Vacancies in offices of county commissioner and clerk of county commission.

(a) Any vacancy in the office of county commissioner or clerk of county commission shall be filled ~~by the county commission of the county, unless the number of vacancies in a county commission deprive that body of a quorum, in which case the Governor of the state shall fill any vacancy in the county commission necessary to create a quorum thereof. Persons appointed shall be of the same~~

~~political party as the officeholder vacating the office for the period stated by section one of this article. If a quorum of the county commission cannot agree upon a person to fill a vacancy in the office of county commissioner within thirty days of the date the vacancy first occurred, the county executive committee of the vacating county commissioner's political party shall select and name a person to fill the vacancy from the membership of the vacating county commissioner's political party. The clerk shall be appointed within thirty days of the vacancy appointment by the county commission of the county by a person of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time the vacancy occurred: *Provided*, that any such person appointed must have been a member of that political party for at least sixty days prior to the occurrence of the vacancy.~~

(b) If a quorum of the county commission fails to appoint within thirty days, then the county executive committee of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time the vacancy occurred shall submit a list of three legally qualified persons to fill the vacancy. Upon receipt, the county commission shall make the appointment to fill the vacancy from the submitted list within fifteen days after the list is received. If the county commission fails to make the appointment within the specified time, then the county commissioner with the longest tenure shall eliminate one name from the submitted list, followed by the county commissioner with the second-longest tenure then eliminating one name from the submitted list. The name remaining after those names have been eliminated shall be deemed to be appointed by the county commission to fill the vacancy.

(c) If the number of vacancies in a county commission deprive that body of a quorum, the Governor shall fill any vacancy in the county commission necessary to create a quorum, from a list of three legally qualified persons submitted by the party executive committee of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time the vacancy occurred. The Governor shall make any appointments necessary, beginning with the vacancy first created, to create a quorum in accordance with the same procedures applicable to county commissions by subsection (a) of this section. Once a quorum of the county commission is reestablished by gubernatorial appointment, the authority to fill the remaining vacancies shall be filled in the manner prescribed in said section.

(d) An appointment made pursuant to this section is for the period stated by section one of this article.

~~(b)~~ (e) Notwithstanding any code provision to the contrary, a county commission may appoint a temporary successor to the office of clerk of the county commission until the requirements of this section have been met. The temporary successor may serve no more than thirty days from the date of the vacancy.

~~(e)~~ (f) If an election is necessary under section one of this article, the county commission, or the president thereof in vacation, shall be responsible for the proper proclamation, by order, and notice required by section one of this article.

~~(d)~~ (g) Section one of this article shall be followed with respect to any election needed to fill a vacancy, except that if the vacancy occurs after the primary cutoff date but not later than the general cutoff date, candidates to fill the vacancy shall be nominated by the county executive committee in the manner provided in section nineteen, article five of this chapter, as in the case of filling vacancies in nominations, and the names of the persons, so nominated and certified to the clerk of the county commission of the county shall be placed upon the ballot to be voted at the next general election.

~~(e)~~ (h) If the election for an unexpired term is held at the same time as the election for a full term for county commissioner, the full term shall be counted first and the unexpired term shall be counted second. If the candidate with the highest number of votes for the unexpired term resides in the same magisterial district as the candidate with the highest number of votes for the full term, the candidate for the full term shall be seated. The candidate with the next highest number of votes for the unexpired term residing in a different magisterial district shall be seated for the unexpired term.”

The bill was ordered to third reading.

Com. Sub. for S. B. 299, Supplementing, amending, decreasing and increasing items of appropriations from State Road Fund to DOH; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 339, Creating Legislative Coalition on Chronic Pain Management; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Health and Human Resources, was reported by the Clerk on page one, by striking out the enacting section and inserting a new enacting section to read as follows:

“That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §16-5Z-1, §16-5Z-2, §16-5Z-3, §16-5Z-4, §16-5Z-5, all to read as follows.”

On page four, by inserting a new subdivision (4) to read as follows, “(4) Consult with a quality improvement organization;”.

And renumbering the remaining subdivisions;

And,

On page five, by striking section 5, and renumbering the remaining sections accordingly.

Whereupon,

Delegate Ellington asked and obtained unanimous consent that the amendment be withdrawn.

The bill was then amended on motion of Delegates Ellington and Bates on page one, by striking out the enacting section and inserting a new enacting section to read as follows:

“That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §16-52-1, §16-52-2, §16-52-3, §16-52-4 and §16-52-5, all to read as follows” and a colon.

On page three, line nineteen, after the word “code”, by removing the period and inserting the following, “who is appointed by the President of the Senate and the Speaker of the House of Delegates in consultation with the cochairs of the Joint Committee on Health.”

On page three, line twenty, by inserting a new subdivision (7) to read as follows, “(7) A Physical Therapist, licensed under Chapter 30, experienced in the area management of Chronic Pain by physical, behavioral and other non pharmacological means who is appointed by the President of the Senate and the Speaker of the House of Delegates in consultation with the cochairs of the Joint Committee on Health.”

On page four, by inserting a new subdivision (4) to read as follows, “(4) Consult with a quality improvement organization;”.

And renumbering the remaining subdivisions;

And,

On page five, by striking out section five, and renumbering the remaining sections accordingly.

The bill was ordered to third reading.

S. B. 345, Allowing certain hunting and trapping on private lands on Sundays; 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, after the enacting clause by striking out the remainder of the bill and inserting in lieu thereof the following:

“That §20-2-19a of the Code of West Virginia, 1931, as amended, be repealed; that §20-2-5, §20-2-42g and §20-2-42h of said code be amended and reenacted; all to read as follows:

ARTICLE 2. WILDLIFE RESOURCES.

§20-2-5. Unlawful methods of hunting and fishing and other unlawful acts; Sunday hunting.

(a) Except as authorized by the director or by law, it is unlawful at any time for any person to:

(1) Shoot at any wild bird or wild animal unless it is plainly visible;

(2) Dig out, cut out, smoke out, or in any manner take or attempt to take any live wild animal or wild bird out of its den or place of refuge;

(3) Use or attempt to use any artificial light or any night vision technology, including image intensification, thermal imaging or active illumination, while hunting, locating, attracting, taking, trapping or killing any wild bird or wild animal: *Provided*, That it is lawful to hunt or take coyote, fox, raccoon, opossum or skunk by the use of artificial light or night vision technology;

Any person violating this subdivision is guilty of a misdemeanor and, upon conviction thereof, shall for each offense be fined not less than \$100 nor more than \$500, and shall be confined in jail for not less than ten days nor more than one hundred days;

(4) Hunt, take, kill, wound or shoot at wild animals or wild birds from an airplane or other airborne conveyance, a drone or other unmanned aircraft, an automobile or other land conveyance, or from a motor-driven water conveyance;

(5) Use a drone or other unmanned aircraft to hunt, take or kill a wild bird or wild animal, or to use a drone or other unmanned aircraft to drive or herd any wild bird or wild animal for the purposes of hunting, trapping or killing;

(6) Take any beaver or muskrat by any means other than a trap;

(7) Catch, capture, take, hunt or kill by seine, net, bait, trap or snare or like device a bear, wild turkey, ruffed grouse, pheasant or quail;

(8) Intentionally destroy or attempt to destroy the nest or eggs of any wild bird or have in his or her possession the nest or eggs;

(9) Carry an uncased or loaded firearm in the woods of this state with the following permissible exceptions:

(A) A person in possession of a valid license or permit during open firearms hunting season for wild animals and nonmigratory wild birds;

(B) A person hunting or taking unprotected species of wild animals, wild birds and migratory wild birds during the open season, in the open fields, open water and open marshes of the state;

(C) A person carrying a firearm pursuant to sections six and six-a of this article; or

(D) A person carrying a firearm for self-defense who is not prohibited from possessing firearms by section seven, article seven, chapter sixty-one of this code;

(10) Have in his or her possession a crossbow with a nocked bolt, or a rifle or shotgun with cartridges that have not been removed or a magazine that has not been detached, in or on any vehicle or conveyance, or its attachments. For the purposes of this section, a rifle or shotgun whose magazine readily detaches is considered unloaded if the magazine is detached and no cartridges remain in the rifle or shotgun itself. Except that between five o'clock post meridian of day one and seven o'clock ante meridian, Eastern Standard Time, of the following day, any unloaded firearm or crossbow may be carried only when in a case or taken apart and securely wrapped. During the period from July 1 to September 30, inclusive, of each year, the requirements relative to carrying unloaded firearms are permissible only from eight-thirty o'clock post meridian to five o'clock ante meridian, Eastern Standard Time: *Provided*, That the time periods for carrying unloaded and uncased firearms are extended for one hour after the post meridian times and one hour before the ante meridian times established in this subdivision, if a person is transporting or transferring the firearms to or from a hunting site, campsite, home or other abode;

~~(11) Hunt, catch, take, kill, trap, injure or pursue with firearms or other implement by which wildlife may be taken after the hour of five o'clock ante meridian on Sunday on private land without the written consent of the landowner any wild animals or wild birds except when a big game season opens on a Monday, the Sunday prior to that opening day will be closed for any taking of wild animals or birds after five o'clock ante meridian on that Sunday: *Provided*, That traps previously and legally set may be tended after the hour of five o'clock ante meridian on Sunday and the person tending the traps may carry firearms for the purpose of humanely dispatching trapped animals. Any person violating this subdivision is guilty of a misdemeanor and, upon conviction thereof, in addition to any fines that may be imposed by this or other sections of this code, is subject to a \$100 fine;~~

~~(12) (11) Hunt, catch, take, kill, injure or pursue a wild animal or wild bird with the use of a ferret;~~

~~(13) (12) Buy raw furs, pelts or skins of fur-bearing animals unless licensed to do so;~~

~~(14) (13) Catch, take, kill or attempt to catch, take or kill any fish by any means other than by rod, line and hooks with natural or artificial lures: *Provided*, That snaring of any species of suckers, carp, fallfish and creek chubs is lawful;~~

~~(15) (14) Employ, hire, induce or persuade, with money, things of value or by any means, any person to hunt, take, catch or kill any wild animal or wild bird except those species in which there is~~

no closed season; or to fish for, catch, take or kill any fish, amphibian or aquatic life that is protected by rule, or the sale of which is otherwise prohibited;

~~(16)~~ (15) Hunt, catch, take, kill, capture, pursue, transport, possess or use any migratory game or nongame birds except as permitted by the Migratory Bird Treaty Act, 16 U. S. C. §703, *et seq.*, and its regulations;

~~(17)~~ (16) Kill, take, catch, sell, transport or have in his or her possession, living or dead, any wild bird other than a game bird including the plumage, skin or body of any protected bird, irrespective of whether the bird was captured in or out of this state, except the English or European sparrow (*Passer domesticus*), starling (*Sturnus vulgaris*) and cowbird (*Molothrus ater*), which may be killed at any time;

~~(18)~~ (17) Use dynamite, explosives or any poison in any waters of the state for the purpose of killing or taking fish. Any person violating this subdivision is guilty of a felony and, upon conviction thereof, shall be fined not more than \$500 or imprisoned for not less than six months nor more than three years, or both fined and imprisoned;

~~(19)~~ (18) Have a bow and gun, or have a gun and any arrow, in the fields or woods at the same time;

~~(20)~~ (19) Have a crossbow in the woods or fields, or use a crossbow to hunt for, take or attempt to take any wildlife except as otherwise provided in sections five-g and forty-two-w of this article;

~~(21)~~ (20) Take or attempt to take turkey, bear, elk or deer with any arrow unless the arrow is equipped with a point having at least two sharp cutting edges measuring in excess of three fourths of an inch wide;

~~(22)~~ (21) Take or attempt to take any wildlife with an arrow having an explosive head or shaft, a poisoned arrow or an arrow which would affect wildlife by any chemical action;

~~(23)~~ (22) Shoot an arrow across any public highway;

~~(24)~~ (23) Permit any dog owned or under his or her control to chase, pursue or follow the tracks of any wild animal or wild bird, day or night, between May 1 and August 15: *Provided*, That dogs may be trained on wild animals and wild birds, except deer and wild turkeys, and field trials may be held or conducted on the grounds or lands of the owner, or by his or her bona fide tenant, or upon the grounds or lands of another person with his or her written permission, or on public lands at any time. Nonresidents may not train dogs in this state at any time except during the legal small game hunting season. A person training dogs may not have firearms or other implements in his or her possession during the closed season on wild animals and wild birds;

~~(25)~~ (24) Conduct or participate in a trial, including a field trial, shoot-to-retrieve field trial, water race or wild hunt: *Provided*, That any person, group of persons, club or organization may hold a trial upon obtaining a permit pursuant to section fifty-six of this article. The person responsible for obtaining the permit shall prepare and keep an accurate record of the names and addresses of all persons participating in the trial and make the records readily available for inspection by any natural resources police officer upon request;

~~(26)~~ (25) Hunt, catch, take, kill or attempt to hunt, catch, take or kill any wild animal, wild bird or wild fowl except during open seasons;

~~(27)~~ Hunting (26) Hunt on public lands on Sunday after five o'clock ante meridian is prohibited; and

~~(28) Hunt, catch, take, kill, trap, injure or pursue with firearms or other implement which wildlife can be taken, on private lands on Sunday after the hour of five o'clock ante meridian: *Provided*, That the provisions of this subdivision do not apply in any county until the county commission of the county holds an election on the question of whether the provisions of this subdivision prohibiting hunting on Sunday shall apply within the county and the voters approve the allowance of hunting on Sunday in the county. The election is determined by a vote of the resident voters of the county in which the hunting on Sunday is proposed to be authorized. The county commission of the county in which Sunday hunting is proposed shall give notice to the public of the election by publication of the notice as a Class II-0 legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code and the publication area for the publication is the county in which the election is to be held. The date of the last publication of the notice shall fall on a date within the period of the fourteen consecutive days next preceding the election.~~

~~On the local option election ballot shall be printed the following:~~

~~Shall hunting on Sunday be authorized on private lands only with the consent of the land owner in _____ County?~~

~~Yes~~

~~No~~

~~(Place a cross mark in the square opposite your choice.)~~

~~Any local option election to approve or disapprove of the proposed authorization of Sunday hunting within a county shall be in accordance with procedures adopted by the commission. The local option election may be held in conjunction with a primary or general election or at a special election. Approval shall be by a majority of the voters casting votes on the question of approval or disapproval of Sunday hunting at the election.~~

~~If a majority votes against allowing Sunday hunting, an election on the issue may not be held for a period of one hundred four weeks. If a majority votes "yes", an election reconsidering the action may not be held for a period of five years. A local option election may thereafter be held if a written petition of qualified voters residing within the county equal to at least five percent of the number of persons who were registered to vote in the next preceding general election is received by the county commission of the county in which Sunday hunting is authorized. The petition may be in any number of counterparts. The election shall take place at the next primary or general election scheduled more than ninety days following receipt by the county commission of the petition required by this subsection: *Provided*, That the issue may not be placed on the ballot until all statutory notice requirements have been met. No local law or regulation providing any penalty, disability, restriction, regulation or prohibition of Sunday hunting may be enacted and the provisions of this article preempt all regulations, rules, ordinances and laws of any county or municipality in conflict with this subdivision.~~

~~Amendments to this subdivision promulgated during the 2015 regular session of the Legislature shall have no effect upon the results of elections held prior to their enactment; and~~

~~(29) (27) Hunt or conduct hunts for a fee when the person is not physically present in the same location as the wildlife being hunted within West Virginia.~~

(b) Notwithstanding any ballot measure relating to Sunday hunting, it is lawful to hunt throughout the State of West Virginia on private lands on Sundays after the hour of five o'clock ante meridian with the written consent of the private landowner pursuant to section seven, article two of this chapter.

§20-2-42g. Class H nonresident small game hunting license.

A Class H license is a nonresident small game hunting license and entitles the licensee to hunt small game in all counties of the state, except as prohibited by rules of the director or Natural Resources Commission and except when additional licenses, stamps or permits are required, for a period of six consecutive hunting days chosen by the licensee, ~~excluding Sunday in counties closed to Sunday hunting.~~ The fee for the license is \$25. This is a base license and does not require the purchase of a prerequisite license to participate in the activities specified in this section, except as noted.

§20-2-42h. Class J nonresident small game shooting preserve license.

A Class J license is a nonresident small game shooting preserve license and entitles the licensee to hunt small game on designated shooting preserves, except as prohibited by rules of the director or Natural Resources Commission and except when additional licenses, stamps or permits are required, for a period of six consecutive hunting days chosen by the licensee, ~~excluding Sunday in counties closed to Sunday hunting.~~ The fee for the license is \$10. This is a base license and does not require the purchase of a prerequisite license to participate in the activities specified in this section, except as noted.”

The bill was ordered to third reading.

S. B. 360, Creating Legislative Coalition on Diabetes Management; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Health and Human Resources, was reported by the Clerk and adopted, amending the bill on page one, by striking out the enacting section and inserting a new enacting section to read as follows:

“That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §16-5Z-1, §16-5Z-2, §16-5Z-3, §16-5Z-4 and §16-5Z-5, all to read as follows” followed by a colon.

On page three, by inserting a new subdivision (2) to read as follows, “(2) Consult with a quality improvement organization;” and renumbering the remaining subdivisions accordingly.

And,

On page four, by striking out section five, and renumbering the remaining sections accordingly.

The bill was ordered to third reading.

Com. Sub. for S. B. 402, Relating to covenants not to compete between physicians and hospitals; 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, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §47-11E-1, §47-11E-2, §47-11E-3, §47-11E-4 and §47-11E-5, all to read as follows:

ARTICLE 11E. PHYSICIANS FREEDOM OF PRACTICE ACT.

§47-11E-1. Definitions.

As used in this article:

‘Contract’ means a written agreement between a physician and an employer.

‘Covenant not to compete’ means any contract that restricts the right of a physician to practice medicine in any geographic area of the state for any period of time following the expiration of the physician’s contract with his or her employer, or upon the termination of the physician’s contract by the physician’s employer.

‘Employer’ means any person employing at least one individual in the state or any agent of an employer employing at least one individual in the state.

‘Person’ means any individual, proprietorship, partnership, firm, association, corporation, labor organization, limited liability corporation or any other legal entity.

‘Physician’ means a doctor of allopathic or osteopathic medicine who is fully licensed to practice medicine and surgery pursuant to the provisions of either article three or fourteen of chapter thirty.

§47-11E-2. Limitation on contractual provisions in physician employment contract.

(a) A covenant not to compete contained in a contract between a physician and an employer shall be limited to not more than:

(1) One year in duration; and

(2) Thirty road miles from the physician’s primary place of practice with the employer.

(b) A covenant not to compete shall be void and unenforceable upon the termination of the physician’s employment by the employer.

§47-11E-3. Enforceability of other provisions.

Provided that the contract does not state otherwise, nothing in this article limits the enforceability of:

(1) Provisions prohibiting a physician from taking any property, patient lists or records of the employer with him or her upon the termination or expiration of the contract;

(2) Provisions requiring a physician to repay an employer all or a portion of:

(A) A loan;

(B) Relocation expenses;

(C) A signing bonus;

(D) Remuneration to induce the physician to relocate or establish a physician practice in a specific geographic area; or

(E) Recruiting, education and training expenses;

(3) A nondisclosure provision relating to confidential information and trade secrets;

(4) A nonsolicitation provision with respect to patients and employees of the employer;

(5) A provision for liquidated damages; or

(6) Any other provision of a contract that is not in violation of law.

§47-11E-4. Exemptions to limitations.

The limitations set forth in this article do not apply to any of the following unless the contract terms provide otherwise:

(1) In the case where the physician has sold his or her business or practice in the form of a sale of assets, stock, membership interests or otherwise to his or her employer; or

(2) To contracts between physicians who are shareholders, owners, partners, members or directors of a health care practice.

§47-11E-5. Applicability.

This article applies to any contract between a physician and his or her employer entered into, modified, renewed or extended on or after July 1, 2017: *Provided*, That the provisions of this article do not otherwise apply to or abrogate any contract in effect on or before June 30, 2017.”

The bill was ordered to third reading.

Com. Sub. for S. B. 441, Establishing Municipal Home Rule Pilot Program; on second reading, coming up in regular order, was read a second time.

Delegate Howell requested to be excused from voting on questions regarding Com. Sub. for S. B. 441 under the provisions of House Rule 49.

The Speaker replied that Delegate Howell exhibits direct personal or pecuniary interest therein and not as a member of a class of persons, and excused the Gentleman from voting.

An amendment, recommended by the Committee on Government Organization, was reported by the Clerk and adopted, amending the bill on page one, section five-a, beginning on line one, after the enacting section by striking out the remainder of the bill and inserting in lieu thereof the following:

“ARTICLE 1. PURPOSE AND SHORT TITLE; DEFINITIONS; GENERAL PROVISIONS; CONSTRUCTION.

§8-1-5a. Municipal Home Rule Pilot Program.

(a) *Legislative findings.* — The Legislature finds and declares that:

(1) The initial Municipal Home Rule Pilot Program brought innovative results, including novel municipal ideas that became municipal ordinances which later resulted in new statewide statutes;

(2) The initial Municipal Home Rule Pilot Program also brought novel municipal ideas that resulted in court challenges against some of the participating municipalities;

(3) The Municipal Home Rule Board was an essential part of the initial Municipal Home Rule Pilot Program, but it lacked some needed powers and duties;

(4) Municipalities still face challenges delivering services required by federal and state law or demanded by their constituents;

(5) Municipalities are sometimes restrained by state statutes, policies and rules that challenge their ability to carry out their duties and responsibilities in a cost-effective, efficient and timely manner;

(6) ~~Continuing~~ Establishing the Municipal Home Rule Pilot Program as a permanent program available to all municipalities statewide is in the public interest; and

(7) Increasing the powers and duties of the Municipal Home Rule Board will enhance the Municipal Home Rule Pilot Program.

~~(b) *Continuance of pilot program.* — The Municipal Home Rule Pilot Program is continued until July 1, 2019. The ordinances enacted by the participating municipalities pursuant to the Municipal Home Rule Pilot Program may remain in effect, subject to the requirements of this section, until the ordinances are repealed: *Provided*, That any ordinance enacting a municipal occupation tax is hereby null and void.~~

(b) *Establishment of a permanent program and continuation of pilot plans.* — The Municipal Home Rule Pilot Program is hereby established as a permanent program and shall be identified as the Municipal Home Rule Program. Any ordinance, act, resolution, rule or regulation enacted by a participating municipality under the provisions of this section during the period of the Municipal Home Rule Pilot Program shall continue in full force and effect until repealed.

(c) *Authorizing participation.* —

(1) Commencing ~~July 1, 2015~~ July 1, 2017, ~~thirty~~ any Class I, Class II, and Class III municipalities and ~~four~~ Class IV municipalities municipality that are ~~is~~ current in payment of all state fees may participate in the Municipal Home Rule Pilot Program pursuant to the provisions of this section.

(2) The municipalities participating in the pilot program on the effective date of the amendment and reenactment of this section are hereby authorized to continue in the ~~pilot~~ program, subject to the requirements of this section, and may amend current written plans and/or submit new written plans in accordance with the provisions of this section.

(d) *Municipal Home Rule Board.* — The Municipal Home Rule Board is hereby continued. Effective July 1, 2015, the Municipal Home Rule Board shall consist of the following five voting members:

(1) The Governor, or a designee, who shall serve as chair;

(2) The Executive Director of the West Virginia Development Office, or a designee;

(3) One member representing the Business and Industry Council, appointed by the Governor with the advice and consent of the Senate;

(4) One member representing the largest labor organization in the state, appointed by the Governor with the advice and consent of the Senate; and

(5) One member representing the West Virginia Chapter of the American Institute of Certified Planners, appointed by the Governor with the advice and consent of the Senate.

The Chair of the Senate Committee on Government Organization and the Chair of the House Committee on Government Organization shall continue to be ex officio nonvoting members of the board.

(e) *Board's powers and duties.* — The Municipal Home Rule Board has the following powers and duties:

(1) Review, evaluate, make recommendations and approve or reject for any reason, by a majority vote of the board, each aspect of the written plan, or the written plan in its entirety, submitted by a municipality;

(2) By a majority vote of the board, select, based on the municipality's written plan, new Class I, Class II, Class III and/or Class IV municipalities to participate in the Municipal Home Rule ~~Pilot~~ Program;

(3) Review, evaluate, make recommendations and approve or reject for any reason, by a majority vote of the board, the amendments to the written plans submitted by municipalities;

(4) Consult with any agency affected by the written plans or the amendments to the written plans; and

(5) Perform any other powers or duties necessary to effectuate the provisions of this section.

(f) *Written plan.* — Any Class I, Class II, Class III or Class IV municipality desiring to participate in the Municipal Home Rule ~~Pilot~~ Program shall submit a written plan to the board stating in detail the following:

(1) The specific laws, acts, resolutions, policies, rules or regulations which prevent the municipality from carrying out its duties in the most cost-efficient, effective and timely manner;

(2) The problems created by the laws, acts, resolutions, policies, rules or regulations;

(3) The proposed solutions to the problems, including all proposed changes to ordinances, acts, resolutions, rules and regulations: *Provided*, That the specific municipal ordinance instituting the solution does not have to be included in the written plan; and

(4) A written opinion, by an attorney licensed to practice in West Virginia, stating that the proposed written plan does not violate the provisions of this section.

(g) *Public hearing on written plan.* — Prior to submitting its written plan to the board, the municipality shall:

(1) Hold a public hearing on the written plan;

(2) Provide notice at least thirty days prior to the public hearing by a Class II legal advertisement;

(3) Make a copy of the written plan available for public inspection at least thirty days prior to the public hearing; and

(4) After the public hearing, adopt an ordinance authorizing the municipality to submit a written plan to the Municipal Home Rule Board after the proposed ordinance has been read two times.

(h) *Selection of municipalities.* — On or after June 1, 2015, by a majority vote, the Municipal Home Rule Board may select from the municipalities that submitted written plans and were approved by the board by majority vote new Class I, Class II, Class III and/or Class IV municipalities to participate in the Municipal Home Rule ~~Pilot~~ Program.

(i) *Powers and duties of municipalities.* — The municipalities participating in the Municipal Home Rule ~~Pilot~~ Program have the authority to pass an ordinance, act, resolution, rule or regulation, under the provisions of this section: Provided, That notice is given at least thirty days prior to passage by a Class II legal advertisement, that is not contrary to:

(1) Environmental law;

(2) Laws governing bidding on government construction and other contracts;

(3) The Freedom of Information Act;

(4) The Open Governmental Proceedings Act;

(5) Laws governing wages for construction of public improvements;

(6) The provisions of this section;

(7) The provisions of section five-a, article twelve of this chapter;

(8) The municipality's written plan;

(9) The Constitution of the United States or the Constitution of the State of West Virginia;

(10) Federal law or crimes and punishment;

(11) Chapters sixty-a, sixty-one and sixty-two of this code or state crimes and punishment;

(12) Laws governing pensions or retirement plans;

(13) Laws governing annexation;

(14) Laws governing taxation: *Provided,* That a participating municipality may enact a municipal sales tax up to one percent if it reduces or eliminates its municipal business and occupation tax: *Provided, however,* That if a municipality subsequently reinstates or raises the municipal business and occupation tax it previously reduced or eliminated under the Municipal Home Rule Pilot Program or the Municipal Home Rule Program, it shall eliminate the municipal sales tax enacted under the Municipal Home Rule ~~Pilot~~ Program: *Provided further,* That any municipality that imposes a municipal sales tax pursuant to this section shall use the services of the Tax Commissioner to administer, enforce and collect the tax in the same manner as the state consumers sales and service tax and

use tax under the provisions of articles fifteen, fifteen-a and fifteen-b, chapter eleven of this code and all applicable provisions of the Streamlined Sales and Use Tax Agreement: *And provided further*, That such tax ~~will~~ shall not apply to the sale of motor fuel or motor vehicles;

(15) Laws governing tax increment financing;

(16) Laws governing extraction of natural resources; ~~and~~

(17) Marriage and divorce laws; ~~and~~

(18) Laws governing professional licensing or certification, including the administration and oversight of those laws, by state agencies to the extent required by law.

(j) Municipalities may not pass an ordinance, act, resolution, rule or regulation under the provisions of this section that:

(1) Affects persons or property outside the boundaries of the municipality: *Provided*, That this prohibition under the Municipal Home Rule Pilot Program does not limit a municipality's powers outside its boundary lines under other provisions of this section, other sections of this chapter, other chapters of this code or court decisions; or

(2) Enacts an occupation tax, fee or assessment payable by a nonresident of a municipality.

(k) *Amendments to written plans.* — A municipality participating in the Municipal Home Rule Pilot Program may amend its written plan at any time.

(l) *Amendments to ordinances, acts, resolutions, rules or regulations.* — A municipality participating in the Municipal Home Rule Pilot Program may amend any ordinance, act, resolution, rule or regulation enacted pursuant to the municipality's approved written plan at any time so long as any amendment is consistent with the municipality's approved written plan, complies with the provisions of subsections (i) and (j) of this section and the municipality complies with all applicable state law procedures for enacting municipal legislation.

(m) *Reporting requirements.* — Commencing December 1, 2015, and each year thereafter, each participating municipality shall give a progress report to the Municipal Home Rule Board and commencing January 1, 2016, and each year thereafter, the Municipal Home Rule Board shall give a summary report of all the participating municipalities to the Joint Committee on Government and Finance.

~~(n) *Termination of the pilot program.* — The Municipal Home Rule Pilot Program terminates on July 1, 2019. An ordinance, act, resolution, rule or regulation enacted by a participating municipality under the provisions of this section during the period of the Municipal Home Rule Pilot Program shall continue in full force and effect until repealed.~~

(n) In the event thirty percent of the qualified voters of the municipality that voted in the previous municipal election, by petition duly signed by them in their own handwriting and filed with the recorder of the municipality within forty-five days after the enactment or amendment of an ordinance, protest against the ordinance as enacted or amended, the ordinance shall not become effective until it is ratified by a majority of the legal votes cast by the qualified voters of the municipality at a regular municipal election or special municipal election, as the governing body directs. Voting shall not take place until after notice of the submission is given by publication as a Class II legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code.

(o) Notwithstanding any other provision of this code to the contrary, on and after the effective date of the enactment of this provision in 2015, no distributee under the provisions of this section may seek from the Tax Division of the Department of Revenue a refund of revenues or moneys collected by, or remitted to, the Tax Division of the Department of Revenue, nor seek a change in past amounts distributed, or any other retrospective adjustment relating to any amount distributed, to the extent that the moneys in question have been distributed to another distributee, regardless of whether those distributions were miscalculated, mistaken, erroneous, misdirected or otherwise inaccurate or incorrect. For purposes of this section, the term 'distributee' means any municipality that receives or is authorized to receive a specific distribution of revenues or moneys collected by, or remitted to, the Tax Division of the Department of Revenue pursuant to this section."

The bill was ordered to third reading.

S. B. 490, Clarifying standard of liability for officers of corporation; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 499, Creating Debt Resolution Services Division in Auditor's office; on second reading, coming up in regular order, was, on motion of Delegate Cowles, laid upon the table.

S. B. 578, Relating generally to copies of health care records furnished to patients; 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, by striking out everything after the enacting clause, and inserting in lieu thereof the following:

"That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §61-8-28a, to read as follows:

That §16-29-1 and §16-29-2 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 29. HEALTH CARE RECORDS.

§16-29-1. Copies of health care records to be furnished to patients.

(a) Any licensed, certified or registered health care provider so licensed, certified or registered under the laws of this state shall, upon the written request of a patient, his or her personal representative, as defined by the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended, and any rules promulgated pursuant to the act, and his or her authorized agent or authorized representative, within a reasonable time no more than thirty days from the receipt of the request, furnish a copy, in the form of a paper copy or, if requested and if the provider routinely stores records electronically and has the ability to so provide, a copy in an electronic format including, but not limited to, a downloadable format through a secure web portal, a copy saved upon a computer disc, an electronically mailed copy or a copy saved upon a portable memory device of all or a portion of the patient's record to the patient, his or her personal representative, or authorized agent or authorized representative subject to the following exceptions:

(1) In the case of a patient receiving treatment for psychiatric or psychological problems, a summary of the record shall be made available to the patient, personal representative, or his or her authorized agent or authorized representative following termination of the treatment program.

(2) The furnishing of a copy, as requested, of the reports of X-ray examinations, electrocardiograms and other diagnostic procedures shall be deemed to comply with the provisions of this article.

(b) Nothing in this article shall be construed to require a health care provider responsible for diagnosis, treatment or administering health care services in the case of minors for birth control, prenatal care, drug rehabilitation or related services or venereal disease according to any provision of this code, to release patient records of such diagnosis, treatment or provision of health care as aforesaid to a parent or guardian, without prior written consent therefor from the patient, nor shall anything in this article be construed to apply to persons regulated under the provisions of chapter eighteen of this code or the rules and regulations established thereunder.

(c) This article does not apply to records subpoenaed or otherwise requested through court process, except for the fee provisions in section two of this article, which do apply to subpoenaed records.

(d) The provisions of this article may be enforced by a patient, personal representative, authorized agent or authorized representative and any health care provider found to be in violation of this article shall pay any attorney fees and costs, including court costs incurred in the course of such enforcement.

(e) Nothing in this article shall be construed to apply to health care records maintained by health care providers governed by the AIDS-related Medical Testing and Records Confidentiality Act under the provisions of article three-c of this chapter.

§16-29-2. Reasonable expenses to be reimbursed.

(a) A provider may charge a patient or the patient's personal representative a fee consistent with HIPAA, as amended, and any rules promulgated pursuant to HIPAA, plus any applicable taxes.

~~(a)-(b)~~ A person other than a patient or patient's personal representative requesting records from a health care provider shall place submit the request and HIPAA compliant authorization in writing and pay a ~~reasonable, cost-based fee,~~ at the time of delivery. Notwithstanding any other section of the code or rule, the fees shall be not exceed: based on the provider's cost of: (1) A search and handling fee of \$20 ~~Labor for copying the requested records if in paper, or for placing the records in electronic media;~~ (2) a per page fee of 40 cents for paper copies; supplies for creating the paper copy or electronic media and (3) postage, if the person requested that the records be mailed, plus any applicable taxes.

(c) If the requested record is stored by the health care provider in an electronic form, unless the person requesting the record specifically requests a paper copy, the records will be delivered in electronic or digital form and the per page fee for providing an electronic copy shall not exceed 20 cents per page but shall in no event exceed \$150 inclusive of all fees, including a search and handling fee, except for applicable taxes.

(d) Any person requesting a record be certified by affidavit pursuant to section four-e, article five, chapter fifty-seven of this code shall pay a fee of \$10 for such certification.

(e) If a person requests or agrees to an explanation or summary of the records, the provider may charge a reasonable cost-based fee for the labor cost if preparing the explanation or the summary; for the supplies for creating the explanation or summary; and for the cost of postage, if the person requested that the records be mailed, plus any applicable taxes. If the records are stored with a third

party or a third party responds to the request for records in paper or electronic media, the provider may charge additionally for the actual charges incurred from the third party.

~~(b) (f)~~ (f) The ~~labor~~ per page fee for copying under this section shall ~~not exceed twenty-five dollars per hour and~~ shall be adjusted to reflect the consumer price index for medical care services such that the base amount shall be increased or decreased by the proportional consumer price index ~~in effect as published of every~~ published of every October 1 starting October 1, 2017. ~~of the calendar year in which the request was made, rounded to the nearest dollar~~

~~(e) (g)~~ (g) Notwithstanding the provisions of subsection (a) of this section, a provider shall not impose a charge on an indigent person or his or her authorized representative if the medical records are necessary for the purpose of supporting a claim or appeal under any provisions of the Social Security Act, 42 U. S. C. §301, *et seq.*

For purposes of this section, a person is considered indigent if he or she:

(1) Is represented by an organization or affiliated pro bono program that provides legal assistance to indigents; or

(2) Verifies on a medical records request and release form that the records are requested for purposes of supporting a Social Security claim or appeal and submits with the release form reasonable proof that the person is financially unable to pay full copying charges by reason of unemployment, disability, income below the federal poverty level or receipt of state or federal income assistance.

~~(e) (h)~~ (h) Any person requesting free copies of written medical records pursuant to the provisions of subsection ~~(e) (g)~~ (g) of this section is limited to one set of copies per provider. Any additional requests for the same records from the same provider shall be subject to the fee provisions of ~~subsection~~ subsections (a), (b) and (c).”

The bill was ordered to third reading.

Com. Sub. for S. B. 602, Creating uniform system of recording and indexing fictitious names used by sole proprietors; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 606, Relating to minimum wage and maximum hours for employees; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Fleischauer the bill was amended on page three, section one-f, line fifty-one, immediately following the word “article”, by striking out subdivision (20) in its entirety and inserting in lieu thereof a semicolon and “or (20) any person employed by a recreational establishment which (A) does not operate for more than seven months in any calendar year, or, (B) during the preceding calendar year had average receipts for any six months of the year which were not more than thirty-three and one-third per centum of its average receipts for the other six months of that year: *Provided*, That any such person is compensated on a salary basis in an annual amount of not less than two thousand eighty times the West Virginia state minimum wage as stated in section two of this article.”

The bill was ordered to third reading.

S. B. 621, Providing certain rules inapplicable after county board of education notifies state board of possible closing or consolidations; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Education, was reported by the Clerk and adopted, amending the bill on page one, section thirteen, line two, following the words “notice to the state board that it”, by striking out the words “is considering or in” and inserting in lieu thereof the words “has taken official action to begin”.

Delegate Lynch moved to amend the bill on page one, section thirteen, line nine, by striking out the period, inserting a semi-colon and the following proviso: “*Provided*, That the provisions of this section apply only to written notices provided to the state board after July 1, 2017.”

Delegate Lynch then asked and obtained unanimous consent to offer a reformed amendment on page one, section thirteen, line nine, by striking out the period, inserting a semi-colon and the following proviso: “*Provided*, That the provisions of this section apply only to written notices provided to the state board after September 1, 2017.”

Delegate Lynch subsequently withdrew his amendment.

Delegate Lynch moved to amend the bill on page one, section thirteen, line eight, by striking out the word “not”.

On the adoption of the amendment, Delegate Lynch demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 395**), and there were—yeas 53, nays 46, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Speaker Armstead, Ambler, Arvon, Atkinson, Blair, Butler, Capito, Cooper, Cowles, Criss, Dean, Ellington, Espinosa, Fast, G. Foster, N. Foster, Gearheart, Hamrick, Hanshaw, Harshbarger, Higginbotham, Hill, Hollen, Householder, Howell, Kessinger, Martin, C. Miller, Moore, Nelson, O’Neal, Overington, Paynter, Phillips, Queen, Rohrbach, Shott, Sobonya, Statler, Summers, Sypolt, Upson, Walters, Westfall, White and Wilson.

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the amendment was adopted.

The bill was ordered to third reading.

Com. Sub. for S. B. 631, Prosecuting violations of municipal building code; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 636, Authorizing State Fire Commission establish program to address problems facing VFDs; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 690, Authorizing WV State Police impose and collect fees for agencies and entities using their facilities; on second reading, coming up in regular order, was read a second time and ordered to third reading.

First Reading

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

S. J. R. 6, Roads to Prosperity Amendment of 2017,

S. B. 25, Creating farm-to-food bank tax credit,

S. B. 27, Relating to microprocessor permit,

Com. Sub. S. B. 40, Requiring inclusion of protocols for response to after-school emergencies in school crisis response plans,

Com. Sub. S. B. 116, Authorizing MAPS promulgate legislative rules,

S. B. 174, Exempting transportation of household goods from PSC jurisdiction,

Com. Sub. S. B. 187, Providing for confidentiality of patients' medical records,

Com. Sub. S. B. 202, Relating to pawnbrokers generally,

S. B. 219, Relating to conspiracy to commit crimes under Uniform Controlled Substances Act,

S. B. 235, Relating to motorcycle registration renewal,

Com. Sub. S. B. 238, Increasing tax credits allowed for rehabilitation of certified historic structures,

S. B. 333, Requiring all DHHR-licensed facilities access WV Controlled Substances Monitoring Program Database,

Com. Sub. S. B. 388, Relating to dangerous weapons,

S. B. 433, Permitting counties increase excise tax on privilege of transferring real property,

Com. Sub. S. B. 440, Relating to use of Regional Jail and Correctional Facility Authority funds,

S. B. 444, Establishing Court Advanced Technology Subscription Fund,

Com. Sub. S. B. 454, Providing more efficient collection and submission of state moneys received from court transactions or court services,

S. B. 461, Exempting WV State Police from state purchasing requirements,

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

Com. Sub. S. B. 515, Relating to parole requirements for hearings and release,

Com. Sub. S. B. 523, Converting to biweekly pay cycle for state employees,

Com. Sub. S. B. 533, Relating to taxes on wine and intoxicating liquors,

Com. Sub. S. B. 535, Reorganizing Division of Tourism,

S. B. 547, Modifying fees paid to Secretary of State,

S. B. 608, Clarifying lawful business structures are unaffected by enactment of prohibitory legislation,

Com. Sub. S. B. 622, Relating generally to tax procedures and administration,

Com. Sub. S. B. 630, Establishing Accessibility and Equity in Public Education Enhancement Act,

Com. Sub. S. B. 656, Relating to Student Data Accessibility, Transparency and Accountability Act,

S. B. 658, Establishing procedure for retitling mobile and manufactured homes,

S. B. 667, Limiting authority of Attorney General to disclose certain information provided by Tax Commissioner,

S. B. 686, Exempting facilities governed by DHHR that provide direct patient care,

S. B. 687, Relating generally to coal mining, safety and environmental protection,

And,

S. B. 691, Relating to off-road vehicles.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

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

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

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

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

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

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

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

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

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

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

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

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

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

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

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

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

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

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

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

A message from the Senate, by

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

S. C. R. 60 – “Designating the year 2017 as the Robert C. Byrd Centennial Legacy Year.”

Whereas, November 20, 2017, marks the 100th anniversary of the birth of the late Senator Robert C. Byrd; and

Whereas, Senator Robert C. Byrd was the longest-serving United States Senator in United States history; and

Whereas, Senator Robert C. Byrd lives in the hearts and memories of West Virginians as one of the greatest citizens in the history of our state; and

Whereas, The West Virginia Legislature, in the year 2001, named Senator Robert C. Byrd the West Virginian of the Twentieth Century; and

Whereas, A special celebration of Senator Robert C. Byrd's life and career will occur at the Culture Center in Charleston, West Virginia. It will feature the exhibit Robert C. Byrd, Senator, Statesman, West Virginian, created by the Robert C. Byrd Center for Congressional History and Education at Shepherd University, as well as other exhibit materials, along with a program that will include the country music for which Senator Byrd was so well known; and

Whereas, It is the desire of the West Virginia Legislature to promote and honor Senator Robert C. Byrd's great legacy to this state and to the nation; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby designates the year 2017 as The Robert C. Byrd Centennial Legacy Year; and, be it

Further Resolved, That the Senate encourages citizens, scholars, schools and public and private entities to mark this centennial with appropriate programs, lectures, public events, publications, feature stories, entertainments and other activities designed to reflect on Senator Robert C. Byrd's legacy and the history of the State of West Virginia; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Robert C. Byrd Center for Congressional History and Education at Shepherd University.

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 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. 637, Relating to private club operations requirements,

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

At the respective requests of Delegate Cowles, and by unanimous consent, the bill (Com. Sub. for S. B. 637) was taken up for immediate consideration, read a first time and ordered to second reading.

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

Your Committee on Energy has had under consideration:

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

And reports the same back with the recommendation that it be adopted, but that it first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolution (H. R.13) was referred to the Committee on Rules.

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. 76, Creating WV Second Chance for Employment Act,

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

At the respective requests of Delegate Cowles, and by unanimous consent, the bill (Com. Sub. for S. B. 76) was taken up for immediate consideration, read a first time and ordered to second reading.

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. 288, Increasing penalty for crime of child abuse causing death by parent, guardian, custodian or other person,

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

At the respective requests of Delegate Cowles, and by unanimous consent, the bill (Com. Sub. for S. B. 288) was taken up for immediate consideration, read a first time and ordered to second reading.

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. 220, Relating to offenses and penalties under Uniform Controlled Substances Act,

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

At the respective requests of Delegate Cowles, and by unanimous consent, the bill (Com. Sub. for S. B. 220) was taken up for immediate consideration, read a first time and ordered to second reading.

On motions for leave, resolutions were introduced (Originating in the Committee on Finance and reported with the recommendation that they each be adopted), which were read by their titles, as follows:

By Delegates Nelson, Householder, Anderson, C. Miller, A. Evans, Walters, Bates, Westfall, Hamilton, Ellington, Espinosa, Ambler, Butler, Frich, Storch, Gearheart and Cowles:

H. C. R. 121 - "Requesting the Joint Committee on Government and Finance to study the feasibility and, if indicated, develop a proposal for the transfer of the Division of Forestry to the Department of Agriculture."

Whereas, The Division of Forestry is currently a part of the Department of Commerce; and

Whereas, During the 2017 regular session of the Legislature, House Bill 2790 and Senate Bill 183 were introduced and each proposed to transfer the Division of Forestry and its employees to the Department of Agriculture; and

Whereas, The House of Delegates deems it prudent to conduct further study of such a transfer; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance, study the feasibility and, if indicated, develop a proposal for the transfer of the Division of Forestry to the Department of Agriculture; and, be it

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

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

And,

By Delegates Nelson, Walter, Ellington, Boggs, Sponaule, Bates, Hamilton, Pethtel, Frich, Storch, Gearheart, Barrett, Rowe and Hartman:

H. C. R. 122 - "Requesting the Joint Committee on Government and Finance to conduct an interim study on how to increase funding for West Virginia's Medicaid programs through the amendment of the State's tax laws."

Whereas, The recent severe shortfalls in tax revenues and possible impending cuts in federal funding for the Medicaid program make it imperative that the State of West Virginia vigorously explore options to maximize federal matching funding; and

Whereas, While federal law permits taxes on various health care related items and services without affecting Medicaid matching funding, such taxes must generally be broad-based and must not treat non-Medicaid taxpayers differently from Medicaid taxpayers; and

Whereas, Federal law recognizes an exception to the broad based uniformity requirements in situations in which a State is able to demonstrate that the net impact of the tax is “generally redistributive” under a statistical test set forth in federal regulations at 42 CFR 433.68; and

Whereas, The federal Center for Medicaid and Medicare Services (CMS) has recently approved the State of Ohio’s request for a waiver from such broad-based uniformity requirements under which a sales tax will be imposed on Medicaid managed care organizations (MCOs) as well as all other non-Medicaid medical plans that will, under Ohio’s estimates, result in a net benefit to the State of \$615,000,000 in the next fiscal year, with only a corresponding impact on non-Medicaid MCOs of only \$4,000,000; and

Whereas, The realization of a similar program in West Virginia will require study by the Legislature in conjunction with the Bureau for Medical Services (BMS) and, if deemed a viable approach, require coordinated action by the Legislature to amend the state tax laws and by BMS to file a request by BMS for a waiver similar to Ohio’s; and

Whereas, The West Virginia Legislature has the authority to conduct a study of these issues and to seek long term solutions to the Medicaid funding crisis; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to conduct an interim study on how to structure a new tax on Medicaid MCO’s that would be “generally redistributive” under the pertinent federal Medicaid regulations, and as such would satisfy the requirements for a waiver to be granted to the Bureau for Medical Services from CMS from the broad-based and uniformity requirements of the Medicaid laws; and, be it

Further Resolved, That the Joint Committee on Government and Finance is hereby requested to include in the study the identification of similar programs in other states that are designed to maximize federal matching funding; and, be it

Further Resolved, That the Bureau for Medical Services is directed to work with the Joint Committee on Government and Finance in evaluating the Code of West Virginia, the United States Code and other laws to identify statutes and regulations that would enable West Virginia to execute a program similar to Ohio’s; and, be it

Further Resolved, That a report of the findings, conclusions and recommendations of the studies, together with drafts of any legislation necessary to effectuate the recommendations, be reported to the Legislature at its 2018 regular session; and, be it

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

The resolutions were referred to the Committee on Rules.

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. 694, Expiring funds to unappropriated surplus balance in General Revenue fund to Department of Administration,

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

At the respective requests of Delegate Cowles, and by unanimous consent, the bill (S. B. 694) was taken up for immediate consideration, read a first time and ordered to second reading.

On motion for leave, a resolution was introduced (Originating in the Committee on Education and reported with the recommendation that it be adopted), which was read by its title, as follows:

By Delegates Westfall, Cooper, Wilson, Rowan, Pyles, Romine, Evans, Statler, Espinosa, Wagner and Blair:

H. C. R. 127 – “Requesting the Joint Committee on Government and Finance to conduct an interim study on areas for removing from law and policy barriers to operational efficiency in the public schools.”

Whereas, The constitutional responsibility of the Legislature includes providing for a system of schools which is efficient; and

Whereas, Operational efficiency means achieving a policy objective effectively at the lowest possible cost; and

Whereas, Barriers in law and policy include:

- (a) Overly prescriptive processes that unnecessarily add to the cost of achieving a policy objective effectively;
- (b) Requirements in law and policy that unnecessarily add to the cost of or impede the provision of a system of schools that is safe and enables students to obtain a thorough education; and
- (c) The absence of authority or flexibility in law and policy that limit or impede the provision of a system of schools that is safe and enables students to obtain a thorough education; therefore be it:

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to conduct an interim study on areas for removing from law and policy barriers to operational efficiency in the public schools; and be it

Further Resolved, That as a part of this study, a copy of this resolution should be provided to each of the county superintendents of schools to solicit their input on barriers in law and policy that should be removed to improve operational efficiency in the public schools; and be it

Further Resolved, That a report of the findings, conclusions and recommendations of the study, together with drafts of any legislation necessary to effectuate the recommendations be reported to the Legislature at its 2017 Regular Session; and be it

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

The resolution was referred to the Committee on Rules.

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

Your Committee on Education has had under consideration:

H. C. R. 31, Requesting the Joint Committee on Government and Finance study the possibility of reducing the number of county boards of education in the state along with other educational reorganization,

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

Com. Sub. for H. C. R. 31 - "Requesting the Joint Committee on Government and Finance study the possibility of reducing the number of county boards of education in the state along with other educational reorganization,"

With the recommendation that the committee substitute be adopted, but that it first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the bill (H. C. R. 31) was referred to the Committee on Rules.

Mr. Speaker, Mr. Armstead Chair of the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

H. C. R. 47, U. S. Army CPL Wilson B. Lambert, Jr. Memorial Road,

Com. Sub. for H. C. R. 53, US Army Corporal Jerry Lee Noble Memorial Bridge,

Com. Sub. for H. C. R. 64, Gill Brothers World War II Veterans' Memorial Bridge,

Com. Sub. for H. C. R. 65, Hobert G. 'Hobie' Underwood Memorial Bridge,

Com. Sub. for H. C. R. 84, U.S. Army Air Force S/SGT Harold 'Dean' Baker Memorial Bridge,

Com. Sub. for H. C. R. 93, Extending WV Route 93,

Com. Sub. for H. C. R. 98, John H. Reed, Jr. Memorial Bridge,

H. C. R. 118, Craddock Brothers Bridge,

H. R. 15, Supporting the passage of HR 1315 introduced in the United States House of Representatives to roll back ethanol fuel requirements,

S. C. R. 8, Donnie Adkins Memorial Bridge,

S. C. R. 11, USMC Lance Corporal Edwin Russell 'Snook' Daneheart Memorial Bridge,

S. C. R. 13, US Army CPL James Russell Carter Memorial Road,

- S. C. R. 14**, US Army PVT Oren J. "Junior" Johnson Memorial Bridge,
S. C. R. 15, US Army CPL Herbert "Herb" Linkous Memorial Bridge,
S. C. R. 18, US Marine CPL Walter Vincent Filipek Memorial Bridge ,
S. C. R. 21, US Army CPL Daniel Fredrick Mehringer Memorial Bridge ,
S. C. R. 23, Johnny O'Dell Linville Memorial Bridge,
S. C. R. 24, US Army PFC Joe Messe, Sr., Memorial Bridge,
S. C. R. 26, US Marine Corps SSG Beecher J. Rhoades Memorial Bridge,
S. C. R. 28, US Army SPC4 Randall W. Arbogast Memorial Road,
S. C. R. 31, US Navy BT2 Mark Edward Hutchison Memorial Bridge,
S. C. R. 39, US Army PFC Kelva H. Justice Memorial Road,
S. C. R. 41, US Army PV2 Mandvial S. "Bunker" Bias Memorial Bridge,
S. C. R. 43, Eugene Lee "Gene" Burner Memorial Bridge,

And,

- S. C. R. 45**, Home of Anna Lindquist, 1996 NHSPA Hall of Fame Inductee highway sign,

And reports the same back with the recommendation that they each be adopted.

Messages from the Executive

The Speaker laid before the House of Delegates the Proclamation of His Excellency, the Governor, which was read by the Clerk, as follows:

STATE OF WEST VIRGINIA EXECUTIVE DEPARTMENT

Charleston

A P R O C L A M A T I O N

By the Governor

WHEREAS, The Constitution of West Virginia sets forth the respective powers, duties, and responsibilities of the three separate branches of government; and

WHEREAS, Article VI, Section 22 of the Constitution of West Virginia provides that the current regular session of the Legislature shall not exceed sixty calendar days computed from and including the second Wednesday of February, two thousand seventeen; and

WHEREAS, Pursuant to Article VI, Section 22 of the Constitution of West Virginia, the two thousand seventeen regular session of the Legislature is scheduled to conclude on the eighth day of April, two thousand seventeen; and

WHEREAS, Article VI, Section 51 of the Constitution of West Virginia sets forth the obligations of the Governor and the Legislature relating to the preparation and enactment of the Budget Bill; and

WHEREAS, Subsection D, Article VI, Section 51 of the Constitution of West Virginia requires the Governor to issue a proclamation extending the regular session of the Legislature if the Budget Bill shall not have been finally acted upon by the Legislature three days before the expiration of its regular session; and

WHEREAS, The Budget has not been finally acted upon by the Legislature as of this fifth day of April, two thousand seventeen.

NOW, THEREFORE, I, JIM JUSTICE, Governor of the State of West Virginia, do hereby issue this Proclamation, in accordance with Subsection D, Article VI, Section 51 of the Constitution of West Virginia, extending the two thousand seventeen regular session of the Legislature for an additional period not to exceed one day, through and including the ninth day of April, two thousand seventeen; but no matters other than the Budget Bill shall be considered during this extension of the regular session, except a provision for the cost thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



DONE at the Capitol in the City of Charleston, State of West Virginia, this fifth day of April, in the year of our Lord, Two Thousand Seventeen, and in the One Hundred Fifty-Fourth year of the State.

Jim Justice,
Governor.

By the Governor

MAC WARNER
Secretary of State

Conference Committee Report Availability

At 9:55 p.m., the Clerk announced availability in his office of the report of the Committee of Conference on Com. Sub. for H. B. 2447, Renaming the Court of Claims the state Claims Commission.

Miscellaneous Business

Delegate Caputo asked and obtained unanimous consent that the remarks of Delegates Bates and Arvon regarding the Upper Big Branch Mine disaster be printed in the Appendix to the Journal.

Delegate Ward asked and obtained unanimous consent that the remarks of Delegate Caputo regarding the history of mine disasters in the state be printed in the Appendix to the Journal.

Delegate Love asked and obtained unanimous consent that the remarks of R. Miller regarding Com. Sub. for H. B. 2018 be printed in the Appendix to the Journal.

Delegate Sypolt filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. R. 13.

At 9:56 p.m., the House of Delegates adjourned until 9:00 a.m., Thursday, April 6, 2017.

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

SPECIAL CALENDAR

Thursday, April 6, 2017

58th Day

9:00 A. M.

UNFINISHED BUSINESS

- S. C. R. 8 - Donnie Adkins Memorial Bridge
- S. C. R. 11 - USMC Lance Corporal Edwin Russell 'Snook' Danehart Memorial Bridge
- S. C. R. 13 - US Army CPL James Russell Carter Memorial Road
- S. C. R. 14 - US Army PVT Oren J. "Junior" Johnson Memorial Bridge
- Com. Sub. for S. C. R. 15 - US Army CPL Herbert "Herb" Linkous Memorial Bridge
- S. C. R. 18 - US Marine CPL Walter Vincent Filipek Memorial Bridge
- S. C. R. 21 - US Army CPL Daniel Frederick Mehringer Memorial Bridge
- Com. Sub. for S. C. R. 23 - Johnny O'Dell Linville Memorial Bridge
- S. C. R. 24 - US Army PFC Joe Messe, Sr., Memorial Bridge
- Com. Sub. for S. C. R. 26 - US Marine Corps SSG Beecher J. Rhoades Memorial Bridge
- S. C. R. 28 - US Army SPC4 Randall W. Arbogast Memorial Road
- S. C. R. 31 - US Navy BT2 Mark Edward Hutchison Memorial Bridge
- S. C. R. 39 - US Army PFC Kelva H. Justice Memorial Road
- S. C. R. 41 - US Army PV2 Mandvial S. "Bunker" Bias Memorial Bridge

- S. C. R. 43 - Eugene Lee "Gene" Burner Memorial Bridge
- S. C. R. 45 - Home of Anna Lindquist, 1996 NHSPA Hall of Fame Inductee highway sign
- H. R. 15 - Supporting the passage of HR 1315 introduced in the United States House of Representatives to roll back ethanol fuel requirements
- H. C. R. 47 - U. S. Army CPL Wilson B. Lambert, Jr. Memorial Road
- Com. Sub. for H. C. R. 53 - US Army Corporal Jerry Lee Noble Memorial Bridge
- Com. Sub. for H. C. R. 64 - Gill Brothers World War II Veterans' Memorial Bridge
- Com. Sub. for H. C. R. 65 - Hobert G. 'Hobie' Underwood Memorial Bridge
- Com. Sub. for H. C. R. 84 - U.S. Army Air Force S/SGT Harold 'Dean' Baker Memorial Bridge
- Com. Sub. for H. C. R. 93 - Extending WV Route 93
- Com. Sub. for H. C. R. 98 - John H. Reed, Jr. Memorial Bridge
- H. C. R. 118 - Craddock Brothers Bridge

THIRD READING

- Com. Sub. for S. B. 134 - Authorizing Bureau of Commerce to promulgate legislative rules (SHOTT) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 240 - Creating crime of nonconsensual distribution of sexual images (SHOTT) (REGULAR)
- Com. Sub. for S. B. 255 - Relating generally to filling vacancies in elected office (SHOTT) (REGULAR)

- Com. Sub. for S. B. 299 - Supplementing, amending, decreasing and increasing items of appropriations from State Road Fund to DOH (NELSON) (EFFECTIVE FROM PASSAGE)
- S. B. 339 - Creating Legislative Coalition on Chronic Pain Management (ELLINGTON) (REGULAR)
- S. B. 345 - Allowing certain hunting and trapping on private lands on Sundays (SHOTT) (REGULAR)
- S. B. 360 - Creating Legislative Coalition on Diabetes Management (ELLINGTON) (REGULAR)
- Com. Sub. for S. B. 402 - Relating to covenants not to compete between physicians and hospitals (SHOTT) (REGULAR)
- Com. Sub. for S. B. 441 - Establishing Municipal Home Rule Pilot Program (HOWELL) (REGULAR)
- S. B. 490 - Clarifying standard of liability for officers of corporation (SHOTT) (REGULAR)
- S. B. 578 - Relating generally to copies of health care records furnished to patients (SHOTT) (REGULAR)
- Com. Sub. for S. B. 602 - Creating uniform system of recording and indexing fictitious names used by sole proprietors (SHOTT) (REGULAR)
- Com. Sub. for S. B. 606 - Relating to minimum wage and maximum hours for employees (SHOTT) (REGULAR)
- S. B. 621 - Providing certain rules inapplicable after county board of education notifies state board of possible closing or consolidations (ESPINOSA) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 631 - Prosecuting violations of municipal building code (SHOTT) (REGULAR)

Com. Sub. for S. B. 636 - Authorizing State Fire Commission establish program to address problems facing VFDs (HOWELL) (REGULAR)

S. B. 690 - Authorizing WV State Police impose and collect fees for agencies and entities using their facilities (SHOTT) (EFFECTIVE FROM PASSAGE)

SECOND READING

S. J. R. 6 - Roads to Prosperity Amendment of 2017 (SHOTT) (REGULAR) (JUDICIARY COMMITTEE AMENDMENT PENDING)

S. B. 25 - Creating farm-to-food bank tax credit (NELSON) (REGULAR)

S. B. 27 - Relating to microprocessor permit (ELLINGTON) (REGULAR) (HEALTH AND HUMAN RESOURCES COMMITTEE AMENDMENT PENDING)

Com. Sub. for S. B. 40 - Requiring inclusion of protocols for response to after-school emergencies in school crisis response plans (ESPINOSA) (AUGUST 1, 2017) (EDUCATION COMMITTEE AMENDMENT PENDING)

Com. Sub. for S. B. 76 - Creating WV Second Chance for Employment Act (SHOTT) (REGULAR) (JUDICIARY COMMITTEE AMENDMENT PENDING)

Com. Sub. for S. B. 116 - Authorizing MAPS promulgate legislative rules (SHOTT) (REGULAR) (JUDICIARY COMMITTEE AMENDMENT PENDING)

S. B. 174 - Exempting transportation of household goods from PSC jurisdiction (SHOTT) (REGULAR) (JUDICIARY COMMITTEE AMENDMENT PENDING)

Com. Sub. for S. B. 187 - Providing for confidentiality of patients' medical records (SHOTT) (REGULAR) (JUDICIARY COMMITTEE AMENDMENT PENDING)

Com. Sub. for S. B. 202 - Relating to pawnbrokers generally (SHOTT) (REGULAR) (JUDICIARY COMMITTEE AMENDMENT PENDING)

- S. B. 219 - Relating to conspiracy to commit crimes under Uniform Controlled Substances Act (SHOTT) (REGULAR)
- Com. Sub. for S. B. 220 - Relating to offenses and penalties under Uniform Controlled Substances Act (SHOTT) (REGULAR) (JUDICIARY COMMITTEE AMENDMENT PENDING)
- S. B. 235 - Relating to motorcycle registration renewal (NELSON) (REGULAR) (FINANCE COMMITTEE AMENDMENT PENDING)
- Com. Sub. for S. B. 238 - Increasing tax credits allowed for rehabilitation of certified historic structures (NELSON) (REGULAR) (FINANCE COMMITTEE AMENDMENT PENDING)
- Com. Sub. for S. B. 288 - Increasing penalty for crime of child abuse causing death by parent, guardian, custodian or other person (SHOTT) (REGULAR)
- S. B. 333 - Requiring all DHHR-licensed facilities access WV Controlled Substances Monitoring Program Database (SHOTT) (REGULAR) (JUDICIARY COMMITTEE AMENDMENT PENDING)
- Com. Sub. for S. B. 388 - Relating to dangerous weapons (SHOTT) (REGULAR) (JUDICIARY COMMITTEE AMENDMENT PENDING)
- S. B. 433 - Permitting counties increase excise tax on privilege of transferring real property (NELSON) (REGULAR)
- Com. Sub. for S. B. 440 - Relating to use of Regional Jail and Correctional Facility Authority funds (NELSON) (REGULAR) (FINANCE COMMITTEE AMENDMENT PENDING)
- S. B. 444 - Establishing Court Advanced Technology Subscription Fund (NELSON) (REGULAR) (FINANCE COMMITTEE AMENDMENT PENDING)
- Com. Sub. for S. B. 454 - Providing more efficient collection and submission of state moneys received from court transactions or court services (SHOTT) (REGULAR)

- S. B. 461 - Exempting WV State Police from state purchasing requirements (NELSON) (REGULAR)
- S. B. 486 - Relating to health care provider taxes (NELSON) (JULY 1, 2017)
- Com. Sub. for S. B. 515 - Relating to parole requirements for hearings and release (SHOTT) (REGULAR)
- Com. Sub. for S. B. 523 - Converting to biweekly pay cycle for state employees (SHOTT) (EFFECTIVE FROM PASSAGE) (JUDICIARY COMMITTEE AMENDMENT PENDING)
- Com. Sub. for S. B. 533 - Relating to taxes on wine and intoxicating liquors (NELSON) (REGULAR)
- Com. Sub. for S. B. 535 - Reorganizing Division of Tourism (NELSON) (REGULAR)
- S. B. 547 - Modifying fees paid to Secretary of State (NELSON) (REGULAR) (FINANCE COMMITTEE AMENDMENT PENDING)
- S. B. 608 - Clarifying lawful business structures are unaffected by enactment of prohibitory legislation (SHOTT) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 622 - Relating generally to tax procedures and administration (NELSON) (REGULAR) (FINANCE COMMITTEE AMENDMENT PENDING)
- Com. Sub. for S. B. 630 - Establishing Accessibility and Equity in Public Education Enhancement Act (ESPINOSA) (EFFECTIVE FROM PASSAGE) (EDUCATION COMMITTEE AMENDMENT PENDING)
- Com. Sub. for S. B. 637 - Relating to private club operations requirements (SHOTT) (REGULAR)
- Com. Sub. for S. B. 656 - Relating to Student Data Accessibility, Transparency and Accountability Act (ESPINOSA) (REGULAR) (EDUCATION COMMITTEE AMENDMENT PENDING)

- S. B. 658 - Establishing procedure for retitling mobile and manufactured homes (SHOTT) (REGULAR)
- S. B. 667 - Limiting authority of Attorney General to disclose certain information provided by Tax Commissioner (SHOTT) (EFFECTIVE FROM PASSAGE)
- S. B. 686 - Exempting facilities governed by DHHR that provide direct patient care (NELSON) (REGULAR) (FINANCE COMMITTEE AMENDMENT PENDING)
- S. B. 687 - Relating generally to coal mining, safety and environmental protection (ANDERSON) (REGULAR) (ENERGY COMMITTEE AMENDMENT PENDING)
- S. B. 691 - Relating to off-road vehicles (SHOTT) (REGULAR)
- S. B. 694 - Expiring funds to unappropriated surplus balance in General Revenue fund to Department of Administration (NELSON) (EFFECTIVE FROM PASSAGE)

HOUSE CALENDAR

Thursday, April 6, 2017

58th Day

9:00 A. M.

THIRD READING

- Com. Sub. for S. B. 239 - Limiting use of wages by employers and labor organizations for political activities (SHOTT) (REGULAR)
- 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 S. B. 412 - Relating to WV Jobs Act reporting requirements (HOWELL) (REGULAR) (GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING)
- 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**

THURSDAY, APRIL 6, 2017

HOUSE CONVENES AT 9:00 A.M.

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

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