

West Virginia Legislature

JOURNAL  
of the  
HOUSE of DELEGATES

Eighty-Third Legislature  
First Regular Session

Held at Charleston  
Published by the Clerk of the House



February 10, 2017  
THIRD DAY



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Friday, February 10, 2017

**THIRD DAY**

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

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

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

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

**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:

**H. B. 2006**, Increasing the penalties for violating the Whistle-blower Law,

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

**Com. Sub. for H. B. 2006** – “A Bill to amend and reenact §6C-1-6 of the Code of West Virginia, 1931, as amended, relating to increasing the penalties for violating the Whistle-Blower Law; increasing the civil fine; clarifying that the civil fine is a personal liability; removing the authority of the court to suspend a person from public service; authorizing a Court’s finding of a violation to be deemed a finding of official misconduct and malfeasance in office; providing that a court finding of a violation may be relied upon as admissible evidence in any subsequent proceeding or petition to remove the person from public office; authorizing a Court’s finding of a violation to be relied upon by the public body as a basis to impose discipline upon an employee; and clarifying that a civil action, civil penalty or a court finding under this section is not a condition or prerequisite for a public body to take disciplinary action,”

With the recommendation that the committee substitute do pass.

**Resolutions Introduced**

**By Delegates Sponaugle, Hornbuckle, Pushkin and Phillips:**

**H. J. R. 9** – “Proposing an amendment to the Constitution of the State of West Virginia amending section 1b, article X thereof, relating to exempting volunteer emergency personnel from ad valorem property taxation; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on the Judiciary then Finance.

**Bills Introduced**

Bills were introduced, pursuant to House Rule 92, and severally referred as follows:

**By Delegates Shott, Fleischauer, Hanshaw, Summers, Sobonya, C. Miller, Kessinger, Canestraro, Longstreth, Pushkin and Storch:**

**H. B. 2318** - "A Bill to repeal §61-2-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §15-9A-2 of said code; to amend and reenact §49-1-201 of said code; to amend said code by adding thereto a new article, designated §61-14-1, §61-14-2, §61-14-3, §61-14-4, §61-14-5, §61-14-6, §61-14-7, §61-14-8 and §61-14-9; and to amend and reenact §62-1D-8 of said code, all relating generally to human trafficking; designating the Division of Justice and Community Services to be the state administrative agency responsible for criminal justice and juvenile justice systems for the planning and development of state programs and grants relating to human trafficking; defining terms; repealing existing civil remedies; criminal offense and penalties for human trafficking; creating criminal felony offenses and penalties for trafficking an individual; creating criminal felony offenses and penalties for using an individual in forced labor; creating criminal felony offenses and penalties for using an individual in debt bondage; creating criminal felony offenses and penalties for compelling an adult through coercion to engage in commercial sexual activity; creating a criminal felony offense for maintaining or making available a minor for the purpose of engaging in commercial sexual activity; clarifying that consent of minor and misbelief as to age are not defenses to prosecution for sexual servitude offense; creating a criminal felony offense of patronizing an individual to engage in commercial sexual activity; clarifying that each victim shall be considered a separate offense; limiting ability for parole in circumstances where the court makes a finding of aggravated circumstances; defining aggravated circumstances; providing for restitution to victims and the enforcement of a judgment order for restitution; directing unclaimed restitution to be paid to the Crime Victims Compensation Fund; providing for disgorgement of profits and debarment from state and local government contracts; making victims eligible for compensation under the Crime Victims Compensation Fund; specifying the notification procedure to be followed by a law-enforcement officer upon encountering a child who appears to be a victim of an offense under this article; providing for immunity for offense of prostitution for minors; defining a minor victim of sex trafficking as an abused child and establishing a child's eligibility for services therefor; providing for expungement of prostitution conviction for victims of trafficking; and authorizing the use of wiretaps to conduct investigations"; to the Committee on the Judiciary.

**By Delegates Upson, Mr. Speaker (Mr. Armstead), Hamilton and Rohrbach:**

**H. B. 2319** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-8-15, relating to candidates or candidate committees for legislative office disclosing contributions received while the Legislature is in session; requiring timely disclosure of certain contributions from persons while the Legislature is in session; clarifying that the legislative session includes interim and special session; requiring timely disclosure of fund-raising events, including contributions, of candidates or candidate committees for legislative office while the Legislature is in session; defining terms; imposing the same reporting requirements upon former candidates or candidate committees for legislative office who are still in office; requiring the Secretary of State to create a form for disclosure; requiring the Secretary of State to publish information on the Secretary of State's website; authorizing the Secretary of State to establish a means for electronic filing and disclosure in the alternative; and authorizing the Secretary of State to promulgate legislative and emergency rules"; to the Committee on the Judiciary.

**By Delegates Howell, Upson, Maynard, Statler, Walters, McGeehan, C. Miller, Sypolt, Westfall, Hamrick and Higginbotham:**

**H. B. 2320** - "A Bill to amend and reenact §3-1-9 and §3-1-35 of the Code of West Virginia, 1931, as amended; and to further amend said code by adding thereto a new section, designated §3-5-14a,

all relating to procedures permitting voters who have not registered an affiliation with a particular political party to vote in the primary election for that party under certain circumstances; requiring a determination by political parties and notice to the Secretary of State; specifying which ballots may be provided to voters in primary elections; requiring the posting of notices; specifying the form and preparation of lists of eligible parties; providing for assistance to impaired voters; and prohibiting improper influence by poll workers”; to the Committee on the Judiciary.

**By Delegate Overington:**

**H. B. 2321** - “A Bill to amend and reenact §60-7-10 and §60-7-12 of the Code of West Virginia, 1931, as amended, all relating to requiring private clubs to be closed from two o'clock a.m. to seven o'clock a.m. on weekdays; requiring patrons of those clubs to exit the club no later than sixty minutes after the dispensing of nonintoxicating beer, wine or alcoholic liquors has ceased; providing criminal penalties; and updating statutory language”; to the Committee on the Judiciary then Finance.

**By Delegates Upson, Blair and Statler:**

**H. B. 2322** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-12-11, relating to sex offender registrants; prohibiting Halloween related contact with children; and providing a misdemeanor criminal penalty”; to the Committee on the Judiciary.

**By Delegates McGeehan, Howell, Shott and Frich:**

**H. B. 2323** - “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to personal income tax; exempting social security benefits from personal income tax”; to the Committee on Senior Citizen Issues then Finance.

**By Delegate Fast:**

**H. B. 2324** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-4-32, relating to requiring that patching repair of hard surfaced roads, highways and streets be by use of mechanical rollers for smoother final repair; and providing an exception”; to the Committee on Roads and Transportation then Finance.

**By Delegates Fast and G. Foster:**

**H. B. 2325** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-13A-9b, relating to public service districts; laying of water or sewer lines on state rights-of-way; limitation on required supervision by a state engineer”; to the Committee on Government Organization.

**By Delegates Rohrbach, Statler, Pushkin and Fleischauer:**

**H. B. 2326** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-97, relating to providing an earned income tax credit against the personal income tax”; to the Committee on Finance.

**By Delegates Fleischauer, Pushkin and Cooper:**

**H. B. 2327** - “A Bill to amend and reenact §33-15-2a and §33-15-4, of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto three new sections designated §33-15-4p, §33-15-20a and §33-15-22, all related to defining surprise bills and health care providers, adding new disclosure requirements for health care providers, hospitals and insurers, adding the requirement that insurers develop an access plan for consumers, and establishing how surprise bills are to be handled in certain circumstances”; to the Committee on Banking and Insurance then Health and Human Resources.

**By Delegate Sponaugle:**

**H. B. 2328** - "A Bill to amend and reenact §17A-3-4 of the Code of West Virginia, 1931, as amended, relating to certain vehicles used in farming; and exempting Class X vehicles from the tax imposed upon the privilege of effecting the certification of title of a motor vehicle"; to the Committee on Roads and Transportation then Finance.

**By Delegates Rohrbach, Sobonya, Ellington and Upson:**

**H. B. 2329** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-4-414, relating to prohibiting the production, manufacture or possession of fentanyl; and establishing criminal penalties"; to the Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegates Arvon and Hamilton:**

**H. B. 2330** - "A Bill to repeal §47-19-2, §47-19-4, §47-19-5, §47-19-6 and §47-19-8 of the Code of West Virginia, 1931, as amended; to amend and reenact §47-19-1; §47-19-3 and §47-19-7 of said code; and to amend said code by adding thereto a new section, designated §47-19-9, all relating to drug paraphernalia; prohibiting possession, production or marketing-for-sale things designed or marketed for use with controlled substances; and providing criminal penalties"; to the Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegates Rowe, Rohrbach, Ellington and Fleischauer:**

**H. B. 2331** - "A Bill to amend and reenact §16-9A-1, §16-9A-2, §16-9A-3, §16-9A-7 and §16-9A-8 of the Code of West Virginia, 1931, as amended, all relating to raising the legal age for purchase of tobacco, tobacco products, tobacco derived products, alternative nicotine products and vapor products to twenty-one"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Rowe, Pushkin, Fluharty and Sobonya:**

**H. B. 2332** - "A Bill to amend and reenact §10-1-20 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Library Commission; and requiring the Library Commission to survey the libraries of the state and develop a ten-year plan for construction and maintenance of public libraries"; to the Committee on Government Organization then Finance.

**By Delegate Byrd:**

**H. B. 2333** - "A Bill to amend and reenact §18-2-39 of the Code of West Virginia, 1931, as amended, relating to the administration of the statewide summative assessment, and providing that the assessment only be administered in grades three through eight and once at the high school level"; to the Committee on Education.

**By Delegate McGeehan:**

**H. B. 2334** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-1-5, relating to school curricular standards and assessments; discontinuing the use of common core standards and assessments in the state; requiring the Department of Education to promulgate new standards for academic curriculum and assessment; and allowing school districts to develop academic standards that exceed statewide standards"; to the Committee on Education.

**By Delegates Overington, Rowan, Frich, G. Foster, Kelly and Sobonya:**

**H. B. 2335** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-7-17, relating to protecting academic freedom in higher education; prohibiting employment decisions concerning faculty members from being based solely on political or religious beliefs; requiring all tenure, search and hiring committee deliberations to be recorded and made available to the appropriate constituted authorities; prohibiting students from being graded on

political or religious beliefs; requiring academic disciplines to welcome a diversity of approaches to unsettled questions and to provide dissenting viewpoints; providing that the uncertainty and unsettled character of all human knowledge must be respected; and providing that the obstruction of campus speakers or the civil exchange of ideas may not be tolerated”; to the Committee on Education then the Judiciary.

**By Delegate Eldridge:**

**H. B. 2336** - “A Bill to amend and reenact §18-5-22 of the Code of West Virginia, 1931, as amended, relating to reducing the number of pupils per school nurses employed by county boards of education”; to the Committee on Education then Finance.

**By Delegates Howell, Frich and Eldridge:**

**H. B. 2337** - “A Bill to amend and reenact §18-2-12 of the Code of West Virginia, 1931, as amended, relating to required computer science classes for public schools”; to the Committee on Education then Finance.

**By Delegate Rowan:**

**H. B. 2338** - “A Bill to amend and reenact §21A-6-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §21A-6-18, all relating to domestic violence victims' eligibility for unemployment compensation benefits; removing disqualification for certain victims of domestic violence, sexual offenses or stalking; and requiring training of Workforce West Virginia employees in the nature and dynamics of domestic violence to aid employees who interact with claimants”; to the Committee on the Judiciary then Finance.

**By Delegates Howell and Statler:**

**H. B. 2339** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-32-1, §22-32-2, §22-32-3 and §22-32-4, all relating to creating the Intrastate Coal and Use Act; establishing that the environmental regulation of coal and certain coal products mined and used within the state are exclusively regulated by the West Virginia Department of Environmental Protection; stating the legislative authority; and defining terms”; to the Committee on Energy then the Judiciary.

**Miscellaneous Business**

Delegate Baldwin filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2130.

Delegate Rohrbach filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2300.

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

**HOUSE CALENDAR**

**Monday, February 13, 2017**

**6<sup>th</sup> Day**

**11:00 A. M.**

**FIRST READING**

Com. Sub. for H. B. 2006 - Increasing the penalties for violating the Whistle-blower Law  
(SHOTT) (REGULAR)



**WEST VIRGINIA  
HOUSE OF DELEGATES**

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**MONDAY, FEBRUARY 13, 2017**

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**HOUSE CONVENES AT 11:00 A.M.**

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**COMMITTEE ON JUDICIARY  
9:30 A.M. – ROOM 418M**

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

**COMMITTEE ON EDUCATION  
2:00 P.M. – ROOM 434M**

**COMMITTEE ON FINANCE  
2:00 P.M. – ROOM 464M**

**JOINT COMMITTEE ON FINANCE AND JOINT COMMITTEE ON  
PENSIONS AND RETIREMENT  
3:00 P.M. – HOUSE CHAMBER**

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**TUESDAY, FEBRUARY 14, 2017**

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**COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES  
10:00 A.M. – ROOM 215E**





HOUSE OF DELEGATES  
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