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February 20, 2017  
THIRTEENTH DAY



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Monday, February 20, 2017

**THIRTEENTH 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 Friday, February 17, 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. 2447**, Renaming the Court of Claims the state Claims Commission,

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

**Com. Sub. for H. B. 2447** – “A Bill to repeal §14-2-6 and §14-2-18 of the Code of West Virginia, 1931, as amended; to repeal §14-2A-7 of said code; to amend and reenact §14-2-3, §14-2-4, §14-2-4a, §14-2-5, §14-2-7, §14-2-8, §14-2-9, §14-2-10, §14-2-11, §14-2-12, §14-2-13, §14-2-14, §14-2-15, §14-2-16, §14-2-17, §14-2-19, §14-2-20, §14-2-21, §14-2-22, §14-2-23, §14-2-24, §14-2-25, §14-2-26, §14-2-27 and §14-2-28 of said code; to amend said code by adding thereto a new section, designated §14-2-17a; and to amend and reenact §14-2A-5, §14-2A-6, §14-2A-9, §14-2A-10, §14-2A-11, §14-2A-12, §14-2A-13, §14-2A-14, §14-2A-15, §14-2A-16, §14-2A-17, §14-2A-18, §14-2A-19, §14-2A-19a, §14-2A-19b, §14-2A-20, §14-2A-21, §14-2A-25, §14-2A-26 and §14-2A-28 of said code, all relating to renaming the Court of Claims the state Claims Commission; renaming judges commissioners; modifying definitions; providing explicit powers of removal of commissioners; providing authority to the Joint Committee on Government and Finance for the hiring of a clerk, chief deputy clerk, and deputy clerks; and establishing a shortened procedure for certain road condition claims,”

With the recommendation that the committee substitute do pass.

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2465**, Modifying the requirements that allow a child witness to testify by closed-circuit television.

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

**Com. Sub. for H. B. 2465** – “A Bill to amend and reenact §62-6B-2, §62-6B-3 and §62-6B-4 of the Code of West Virginia, 1931, as amended, all relating to modifying the requirements that allow a child witness to testify by live, closed-circuit television; defining terms; expanding the allowance of closed-circuit testimony to other alleged criminal offenses; authorizing use for persons with certain intellectual disabilities; clarifying the use and requirements of closed-circuit television; granting the court discretion to allow testimony via live, closed-circuit television; granting court discretion to decide whether it be through one-way or two-way closed-circuit television; setting forth findings to be made by the circuit court prior to ordering testimony through live, closed-circuit television; granting the court discretion to appoint a psychiatrist, licensed psychologist or licensed social worker to provide an expert opinion regarding the factors and findings to be made by the court in deciding whether to order testimony through live, closed-circuit television; requiring court-appointed expert witness to provide written report within established deadline; providing for the effect of failure to comply with filing deadline; revising the procedures required for taking testimony of child witness by live, closed-circuit television; setting forth the procedures for testimony by live, closed-circuit television; establishing a location for witness testimony and individuals allowed in the witness room; setting requirements for display in the courtroom; providing who may question the child witness and the procedures therefor; providing for requirement of electronic means for defendant to confer with counsel during the taking of the testimony; providing for instruction to jury regarding use of live, closed-circuit television; authorizing the defendant to waive jury instruction regarding use of live, closed-circuit television; prohibiting counsel from making comments in the presence of the jury; authorizing the court to establish measures for the physical safety of the child witness and for the confidentiality of sensitive information; authorizing the court to allow accommodations for child witness testimony in court rather than by live, closed-circuit television; authorizing the allowance of a toy, blanket or similar item to be in possession of child witness while testifying; authorizing the allowance of a designated support person and seating of the support person in the courtroom; and providing requirements for allowance of a designated support person by motion,”

With the recommendation that the committee substitute do pass.

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2404**, Barring persons who are convicted of certain criminal offenses from acquiring property from their victims,

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

**Com. Sub. for H. B. 2404** – “A Bill to amend and reenact §36-1-20 of the Code of West Virginia, 1931, as amended; and to amend and reenact §42-4-2 of said code, all relating generally to barring persons who are convicted of certain criminal offenses from acquiring property from their victims through joint tenancy or inheritance; and creating exceptions,”

With the recommendation that the committee substitute do pass.

### Messages from the Senate

A message from the Senate, by

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

**Com. Sub. for S. B. 127** - “A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to adoption of a valuation manual”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

**S. B. 174** - “A Bill to amend and reenact §24A-1-3 of the Code of West Virginia, 1931, as amended, relating to exempting the transportation of household goods from the jurisdiction of the Public Service Commission”; which was referred to the Committee on Government Organization then the Judiciary.

A message from the Senate, by

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

**Com. Sub. for S. B. 230** - “A Bill to amend and reenact §7-4-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-29-12, all relating to authorizing West Virginia prosecuting attorneys and assistant prosecuting attorneys to carry concealed firearms nationwide as authorized by the federal Law-Enforcement Officers Safety Act; providing the statutory authority necessary to give prosecuting attorneys and assistant prosecuting attorneys the option to carry firearms pursuant to federal law upon completion of required training and annual background check; granting prosecuting attorneys and assistant prosecuting attorneys arrest powers under certain circumstances; requiring West Virginia law-enforcement agencies to offer access to training and certification for honorably retired officers of said agencies to be permitted to carry a concealed firearm nationwide as a qualified retired law-enforcement officer as provided in the federal Law-Enforcement Officers Safety Act of 2004 and establishing a fee limit thereof; and authorizing West Virginia law-enforcement agencies to offer training to retired law-enforcement officers of other departments”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

**Com. Sub. for S. B. 233** - “A Bill to amend and reenact §62-1D-2 of the Code of West Virginia, 1931, as amended, relating generally to the Wiretapping and Electronic Surveillance Act; excluding from protection under the act oral communications uttered in a child care center where there are written notices posted informing persons that their oral communications are subject to being intercepted; and defining ‘child care center’”; which was referred to the Committee on the Judiciary.

### Resolutions Introduced

Delegates Eldridge, Lovejoy, Rodighiero, R. Miller, Atkinson, Baldwin, Hornbuckle, Maynard, Rohrbach, White and Canestraro offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 14** – “Proclaiming and making the fiddle the official musical instrument of the State of West Virginia.”

Whereas, The fiddle arrived in Appalachia in the 18th century with immigrants from the British Isles, bringing with them the musical traditions of their countries. These traditions consisted primarily of English and Scottish ballads, which were essentially unaccompanied narratives, and dance music,

such as Irish reels which were accompanied by a fiddle. The fiddle soon became a staple of life in West Virginia, being played in churches, in logging and mining camps, at weddings and summer picnics and in the homes and on porches of many West Virginians. It has remained so ever since, being showcased in music festivals around the state, from the Augusta Festival in Elkins, the Vandalia Gathering held on the grounds at the State Capitol and the Appalachian String Band Festival at Camp Washington Carver in Hilltop, just to name a few. West Virginia has also produced some of the finest fiddlers in the nation, and continues to do so; and

Whereas, Fiddler Blind Alfred Reed was born on June 15, 1880, and was one of the artists who recorded at the Bristol Sessions in 1927, along with Jimmie Rogers and the Carter Family, which are the first recordings of traditional country music. He was raised in a very conservative family, and acquired a violin at a young age. Later, he began performing at county fairs, in country schoolhouses, for political rallies, and in churches. He even played on street corners for tips. He used to sell out printed copies of his compositions for ten cents each. After the Bristol Sessions, Mr. Reed recorded his most famous song, that is still being sung today, "How Can a Poor Man Stand Such Times and Live". After 1929, he stopped recording, but continued to perform locally until 1937 when a law was passed prohibiting blind street musicians. He is buried in Elgood and was inducted into the West Virginia Music Hall of Fame in 2007; and

Whereas, Edwin "Edden" Hammons was born in 1874 and is considered by many to have been one of the finest traditional West Virginia fiddlers of all time, and tales of his musical exploits and eccentric lifestyle flourish among the inhabitants of mountainous east central part of the state. Mr. Hammons was the youngest of four brothers and three sisters, and his musical abilities were soon recognized to be superior to that of his siblings. Family tradition holds that his ability was recognized and encouraged at an early age and that the boy was spared his share of the burdens of frontier living as a result. Mr. Hammons first attempt in music was with a fiddle made from a gourd, he soon progressed and he secured a store-bought fiddle and there was no dispute that he could draw out exquisite harmonies from the instrument. Whether because of immaturity or musical passion, Mr. Hammons refused to lay his fiddle down "like most men did" as he grew older and was faced with supporting a family. Mr. Hammons three-week marriage to Caroline Riddle in 1892 came to a head when Caroline demanded that Edden either quit playing fiddle and go to work or she would leave. Given the ultimatum, Mr. Hammons chose the fiddle. When he was older, Mr. Hammons participated in five to ten fiddle contests each year, and rarely came away with less than first prize. Perhaps Mr. Hammons most distinguished contest adversary was Lewis "Jack" McElwain, regarded by many others at the time to be the premier fiddler in the State of West Virginia. Mr. McElwain's accomplishments included a first-place finish at the 1893 World's Fair in Chicago. At a contest in Marlinton in 1909, Mr. McElwain and Mr. Hammons tied for top honors. Later, there were disagreements about the selection of judges, Mr. Hammons insisted that the judging be left to the attendees. Mr. Hammons usually won; and

Whereas, Fiddler Melvin Wine was born in Burnsville in 1909. At the age of nine he began to play his first fiddle tunes by sneaking out his father's prized possession, the fiddle. Mr. Wine eventually gained the courage to inform his mother of the progress he had made with his father's fiddle. One evening his mother bravely shared this with his father. At the time, Mr. Wine believed he might receive a whipping for sneaking out the fiddle. But instead, from this point on, his father supported the young boy's efforts. Mr. Wine's father learned the fiddle tunes that he passed on to Melvin from his father, Nels, Mr. Wine's grandfather. Mr. Wine passed away in 2003; and

Whereas, Mr. Clark Kessinger was born in Lincoln County on July 27, 1896. Mr. Kessinger began playing the banjo when he was five years old and two years later he performed at local saloons with his father. He switched to fiddle and began performing at country dances. After serving in the Navy, Mr. Kessinger's reputation as a fiddler increased and he visited many local fiddling contests. He

teamed up with his nephew Luches "Luke" Kessinger performing at various locations. In 1927 Mr. Kessinger and Luches Kessinger had their own radio show at the newly opened station WOBU in Charleston. On February 11, 1928, the Kessingers recorded twelve sides for the Brunswick-Balke-Collender recording company. In the late 1920s, the Kessingers' records were best sellers, including "Wednesday Night Waltz", "Turkey in the Straw", "Hell Among Yearlings", "Tugboat" and "Salt River". Mr. Kessinger was also greatly influenced by classical violin players such as Fritz Kreisler, Joseph Szigeti and Jascha Heifetz. Following his last recording session on September 20, 1930, Mr. Kessinger retired as a recording artist. But in 1963 he was rediscovered and soon was competing at several fiddling contests. In August 1964, Mr. Kessinger formed a string band in Galax, Virginia, winning first prize in the string band category. In April 1971, he won the World's Champion Fiddle Prize at the 47th Old-time Fiddler's Convention in Union Grove, North Carolina. Three more albums followed on Kanawha Records. His albums were later reissued on Folkways and Country Roads. In 1971 Mr. Kessinger recorded 12 tracks for the newly formed Rounder Records. The record company had plans to record many albums with Kessinger but before they could initiate what they had planned, Mr. Kessinger had a stroke and collapsed on the scene at a fiddler's convention in Virginia. His left hand became numb, and he was unable to play the fiddle for the remainder of his life. Rounder released his recordings as "Clark Kessinger: Old-time Music with Fiddle and Guitar". He died in 1975 and was inducted into the West Virginia Music Hall of Fame in 2007; and

Whereas, Ed Haley was born in 1885 and was one of the best known fiddlers in his region of Appalachia. He traveled frequently and performed in a variety of venues and played over WLW in Cincinnati. He also made occasional studio recordings for friends, such as for Doc Holbrook in Greenup, Kentucky. He seldom recorded commercially because he was worried that record companies would take advantage of a blind man. Late in life, he made recordings for the family on a Wilcox-Gay disc-cutting machine brought home from the service by his stepson, Ralph. The recording featured Ed, Ella, Ralph (on guitar) and daughter Mona (vocals). Ralph eventually distributed the recordings among his five siblings. Eventually about one third to one half of those recordings were released to Rounder Records, but it is estimated that two thirds of Mr. Haley's recordings are still missing. Beginning in 1990, legendary bluegrass, folk musician and songwriter John Hartford began researching the story of Mr. Haley's life and music. Generally, Mr. Hartford spent the last years of his life promoting Mr. Haley and his significance in the world of music. He learned a number of Haley's tunes and recorded them on the Grammy-nominated album, "Wild Hog in the Red Brush" and "Speed of the Old Long Bow: A Tribute to Ed Haley". Mr. Hartford and Brandon Kirk, a Harts-area historian and genealogist, collaborated on a Haley book project from 1995 until Hartford's death in 2001. In March 2000, the "Smithsonian" magazine featured a story about their research. In October 2015, Ed Haley was inducted into the West Virginia Music Hall of Fame; and

Whereas, Tim O'Brien was born on March 16, 1954, in Wheeling and plays guitar, fiddle, mandolin, banjo, bouzouki and mandocello. He has released more than ten studio albums in addition to charting a duet with Kathy Mattea entitled, "The Battle Hymn of Love", a No. 9 hit on the Billboard Country charts in 1990. He eventually moved to Boulder, Colorado in the 1970s and became part of the music scene there. In Colorado, he met guitarist Charles Sawtelle, banjoist Pete Wernick and bassist/vocalist Nick Forster with whom he formed Hot Rize in 1978. Over the next twelve years, the quartet earned recognition as one of America's most innovative and entertaining bluegrass bands. In 2005, O'Brien won a Grammy Award for Best Traditional Folk Album for "Fiddler's Green". In 1993 and 2006, O'Brien was honored with the International Bluegrass Music Association's (IBMA)'s Male Vocalist of the Year award. His band Hot Rize was the IBMA's first Entertainer of the Year in 1990. In November 2013 he was inducted into the West Virginia Music Hall of Fame; and

Whereas, Glenville resident Buddy Griffin, was born at Richwood on September 22, 1948, and recalling his Nicholas County childhood has said "Everybody in the family played music. It was never expected, it was never forced on us. Nobody ever handed us an instrument and said, 'You have to

play this.' It was just trying to be part of what was going on, cause there was always music at the house". Mr. Griffin was a part of his family's music from an early age. "The first instrument I ever touched was a bass fiddle. They kept it leaned up behind the couch. I'd stand up on the couch when I was about five, maybe six. I couldn't note it, but I could play the strings. So if they'd play some old fiddle tune, I'd have all three chords to go with it. I'd stand there and just play the strings." He soon learned to play the guitar, mandolin, fiddle, and banjo. His parents were good singers especially in the style of the Carter Family, and they taught their children the older country music. The Griffin children, however, tended toward the faster, more modern bluegrass. Erma played the guitar and bass and sang harmony. Richard played guitar and fiddle, along with other instruments, and sang the lead. Richard's father, Joe Griffin, born in 1883, played the old claw hammer style of banjo. Joe traveled to logging camps in Roane, Lincoln, and Calhoun counties and played dances on Saturday nights with some of the local fiddlers, mostly Enoch Camp. Parts of Mr. Griffin's family tree can be traced to Revolutionary War times, some of his ancestors reportedly received land grants from General Washington. Mr. Griffin later became a staff musician at WWVA's Jamboree USA in Wheeling, played more than 200 times on the Grand Ole Opry, toured the country for more than 30 years with some of the biggest names in country and bluegrass music, appeared on more than 150 record albums, and established the world's first college degree program in bluegrass music at Glenville State College. In May 2011, he received the coveted Vandalia Award, recognizing his lifetime of devotion to entertainment and education; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Legislature of West Virginia hereby proclaims and makes the fiddle the official musical instrument of the State of West Virginia; and, be it

*Further Resolved,* That the Legislature of West Virginia recognizes the importance and significance of the fiddle in West Virginia's history, traditions and culture; and, be it

*Further Resolved,* That the Clerk of the House of Delegates forward a certified copy of this resolution to Buddy Griffin, Tim O'Brien, Clark Kessinger's daughter, Frances Goad, the descendants of West Virginia's other great fiddle players, Blind Alfred Reed, Edwin Hammons, Melvin Wine and Ed Haley, The West Virginia Music Hall of Fame, the Friends of Old Time Music and Dance (FOOTMAD) and Stan Bumgardner, Editor of Goldenseal, the official State magazine of West Virginia traditional life.

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

**By Delegates Marcum, Rodighiero, Hicks, Dean and Frich:**

**H. J. R. 18** – "Proposing an amendment to the Constitution of the State of West Virginia, amending section three, article VI thereof; and amending section four, article VII thereof, all relating to limiting the terms of the office of Senators, Delegates and Governor; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on the Judiciary.

### **Motions**

Delegate Marcum asked unanimous consent to be removed as a cosponsor of H. B. 2535. The Speaker replied that the bill had not been reported from committee and asked that the Delegate, pursuant to the Rules of the House, complete the form provided for this purpose.

### **Bills Introduced**

On motions for leave, bills were introduced, read by their titles, and severally referred as follows:



**By Delegates Kessinger, Fast, A. Evans, R. Romine, Frich, Arvon, Butler, Rowan, Wilson, Paynter and Lane:**

**H. B. 2002** - "A Bill to amend and reenact §16-2F-1, §16-2F-2, §16-2F-3, §16-2F-4, §16-2F-5, §16-2F-6, §16-2F-7, §16-2F-8 and §16-2F-9 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §16-2F-10, all relating to parental notification of abortions performed on unemancipated minors; setting out legislative findings; defining terms; clarifying parental notification requirements prior to performing an abortion on an unemancipated minor; modifying waiver language; providing an exception; requiring reporting forms to be developed by the Secretary of the Department of Health and Human Resources; setting out data elements to be included on the reporting form; requiring distribution of the forms; setting forth reporting requirements; providing a penalty for failure to report; requiring a statistical report to be prepared by the Secretary of the Department of Health and Human Resources; and allowing for rulemaking"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Hollen, Anderson, Sobonya, Rowan, N. Foster, Rohrbach, Butler, Paynter, Maynard, Upson and Mr. Speaker (Mr. Armstead):**

**H. B. 2003** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-4-414, relating to offenses and penalties under the Uniform Controlled Substances Act; creating a new felony offense for a drug delivery that results in the death of another person; and providing a felony criminal penalty"; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegates Howell, E. Nelson, Cowles, Zatezalo, Hamrick, Ward, Deem, Summers, Sypolt, Lane and Atkinson:**

**H. B. 2004** - "A Bill to repeal §5A-3-49 of the Code of West Virginia, 1931, as amended; to amend and reenact §5A-1-2 of said code; to amend and reenact §5A-3-52 of said code; to amend said code by adding thereto a new article, designated §5A-12-1, §5A-12-2, §5A-12-3, §5A-12-4, §5A-12-5, §5A-12-6, §5A-12-7, §5A-12-8, §5A-12-9, §5A-12-10 and §5A-12-11; to amend and reenact §17A-3-23 of said code; to amend said code by adding thereto three new sections, designated §17A-3-25, §17A-3-26 and §17A-3-27; to amend said code by adding thereto a new section, designated §29-12-15; and to amend and reenact §29B-1-4 of said code, all relating to creating and maintaining a centralized state vehicle inventory system; establishing the Fleet Management Office within the Department of Administration; creating the State Vehicle Title, Registration and Relicensing Project of 2017; requiring reporting by spending units utilizing state vehicles; providing the new article's scope and establishing exemptions; providing for new officers and establishing their powers, duties and responsibilities; defining terms; continuing the Fleet Management Office Fund; requiring the Fleet Management Office to coordinate with other agencies; providing for annual reports of vehicle use by spending units; requiring annual reports to the Governor and the Joint Committee on Government and Finance; establishing operator requirements and training; providing for enforcement; providing for notice; requiring legislative compliance audits; providing a deadline date for the expiration of current state vehicle license plates; creating new state vehicle license plates; providing for notice to spending units regarding the expiration of title, registrations and license plates; requiring a standardized naming convention for the title, registration and licensing of all state vehicles; requiring annual renewal of the state vehicle registrations; providing exemptions from reporting for certain undercover vehicles; requiring insurance cards in state vehicles; and authorizing rule making and emergency rule making"; to the Committee on Government Organization then Finance.

**By Delegates Maynard, Cooper, C. Miller, Westfall, Upson, Storch, Rohrbach, Shott, Paynter and Wilson:**

**H. B. 2541** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-4-414, relating to conspiracy to commit violations of the Uniform Controlled Substances Act; creating the felony offense of conspiracy; providing penalties;

establishing a sentencing guideline based upon quantity for certain controlled substances; authorizing the court to make the determination of applicable quantity; and authorizing the aggregation of quantities from all participants and members of the conspiracy”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegates Statler, Espinosa, Cowles, Blair, Ambler, Shott, Kessinger, Hamilton, Dean, Ellington and Lewis:**

**H. B. 2542** - “A Bill to repeal §18B-7-9 and §18B-7-11 of the Code of West Virginia, 1931, as amended; to repeal §18B-9-1, §18B-9-2, §18B-9-3 and §18B-9-4 of said code; to repeal §18B-9A-3 and §18B-9A-8 of said code; to amend and reenact §18B-1B-5 of said code; to amend and reenact §18B-4-1 and §18B-4-2a of said code; to amend and reenact §18B-7-1, §18B-7-2, §18B-7-3, §18B-7-6 and §18B-7-8 of said code; to amend said code by adding thereto a new section, designated §18B-8-7; to amend and reenact §18B-9A-2, §18B-9A-5, §18B-9A-6 and §18B-9A-7 of said code; and to amend said code by adding thereto a new article, designated §18B-9B-1, all relating to public higher education personnel generally; clarifying roles of Higher Education Policy Commission, Council for Community and Technical College Education and state organizations of higher education; eliminating certain human resources review by Higher Education Policy Commission and Council for Community and Technical College Education; eliminating specific references to the Vice Chancellor for Human Resources; eliminating outdated and redundant reporting requirements; eliminating requirement for Higher Education Policy Commission to create certain positions that report to Vice Chancellor for Human Resources; eliminating certain higher education organization employment ratios and requirements; eliminating higher education organization classified employee salary schedule, outdated associated requirements and definitions; eliminating certain requirements related to exercising flexibility in human resources for higher education organizations; eliminating outline of steps for implementation of classification and compensation system by Higher Education Policy Commission and Council for Community and Technical College Education; providing legislative purposes and intent for higher education personnel; defining terms; providing and revising rules relating to reductions in workforce and hiring preferences; providing for continuing education and professional development; providing for evaluation and reviews of organizations for certain human resource deficiencies, best practices and compliance with state higher education personnel laws; providing for content of certain reports from Higher Education Policy Commission and Council for Community and Technical College Education to Legislative Oversight Commission on Education Accountability; authorizing organizations to adopt rules relating to employment policies and practices for staff and faculty; providing for preemption of Higher Education Policy Commission and Council for Community and Technical Education rules conflicting with a governing board rule on faculty; defining classified and nonclassified employees; clarifying powers and duties of the Compensation Planning and Review Committee; providing that the Higher Education Policy Commission shall develop a model minimum salary schedule using West Virginia Workforce and other relevant data that organizations shall follow except in certain instances; providing that the Higher Education Policy Commission develop classification and compensation rules; providing state organizations of higher education with the ability to propose and implement approved legislative rules relating to classification and compensation with certain exceptions; and requiring any rule proposed by a state organization of higher education incorporate best human resources practices, address areas of accountability, employee classification and compensation and performance evaluation”; to the Committee on Education.

**By Delegates Butler, Gearheart, Walters, Maynard, Harshbarger, Paynter and Mr. Speaker (Mr. Armstead):**

**H. B. 2543** - “A Bill to amend and reenact §18-2E-5 of the Code of West Virginia, 1931, as amended, all relating generally to process for improving education; removing reference to No Child Left Behind Act; adding digital literacy to list of areas that State Board of Education is required to adopt high-quality education standards in; making findings with respect to Legislature’s Constitutional

authority; defining ‘academic standards’; recognizing state board’s adoption and renaming of certain standards; establishing Academic Standards Evaluation Panel; establishing membership of panel; establishing duties of panel; requiring withdrawal from Memorandum of Agreement relating to adoption of Common Core State Standards; requiring withdrawal as governing state in Smarter Balanced Assessment Consortium; establishing criteria for any academic standards adopted by state board; requiring Legislative Oversight Commission on Education and Accountability to review any proposed rules relating to academic standards; removing requirement for state board rule establishing comprehensive statewide student assessment program; removing requirement that assessment be aligned with certain standards and associated alterative; removing state board authority to require ACT EXPLORE and ACT PLAN or other comparable assessments; requiring state board to review and approve summative assessment for certain grade levels to assess in certain subject areas; requiring summative assessment include students as required by certain federal laws; requiring that summative assessment meet certain requirements; requiring state board to review and approve college readiness assessment for students in eleventh grade; requiring college readiness assessment to be administered at least once to each eleventh-grade student; requiring college readiness assessment meet certain requirements; requiring state board to review and approve career readiness assessments and assessment based credentials; providing that career readiness assessment is voluntary for students; requiring that assessment-based credential be available to any student that achieves at required level on the required assessments; requiring career readiness assessments meet certain requirements; prohibiting implementation of any assessment or test items developed specifically to align with Common Core State Standards; requiring online assessment preparation for any online assessment; requiring state board to develop plan and make recommendations regarding end-of-course assessments and student accountability measures; establishing reporting requirements; establishing maximum percentage of instructional time for summative assessment; and removing required report to Legislative Oversight Commission on Education Accountability pertaining to on-site review finding appeals”; to the Committee on Education.

**By Delegates G. Foster, Howell, Wilson, Fast, Frich, Hanshaw, Shott, Cowles, Hamrick and C. Miller:**

**H. B. 2544** - “A Bill to amend and reenact §21A-6-3 of the Code of West Virginia, 1931, as amended, relating to establishing that an employee’s termination from employment for testing positive on a drug or alcohol test required by the employer disqualifies that employee for benefits”; to the Committee on the Judiciary.

**By Delegates Storch, Gearheart, Householder, Ellington, Shott, Ward, Miller, Howell, Espinosa, Zatezalo and O’Neal:**

**H. B. 2545** - “A Bill to amend and reenact §11-24-23a of the Code of West Virginia, 1931, as amended, relating to increasing the allowable corporation net income tax credit for qualified rehabilitated buildings investments; providing that the taxpayer may not combine this credit with the one for consumers sales and service tax, but may elect the greater credit; and requiring that the taxpayer not be in arrears in any state taxes or have a lien on certified historic structures”; to the Committee on Finance.

**By Delegates G. Foster, Higginbotham, Howell, Wilson, Fast, Zatezalo, Kelly, Hamrick, Harshbarger, Maynard and Walters:**

**H. B. 2546** - “A Bill to amend and reenact §21-5-4 of the Code of West Virginia, 1931, as amended, relating to allowing uniform costs to be deducted from an employee’s final paycheck if the uniform is not returned”; to the Committee on Industry and Labor then the Judiciary.

**By Delegates Rodighiero, Lynch and Eldridge:**

**H. B. 2547** - "A Bill to amend and reenact §48-9-103 of the Code of West Virginia, 1931, as amended; and to amend and reenact §48-10-403 and §48-10-502 of said code, all relating to grandparent's rights; permitting grandparent or psychological parent to institute action for custodial or decision-making responsibility of a child; allowing guardian ad litem to recommend psychological evaluation; increasing importance of the factor considering grandparent's significant caretaking of child; and minimizing parent's bias toward a grandparent as a factor in visitation"; to the Committee on the Judiciary.

**By Delegates Pushkin, Howell, Rowe, Lane, White, Hamrick, Storch, Byrd and Robinson:**

**H. B. 2548** - "A Bill to amend and reenact §11-16-18 of the Code of West Virginia, 1931, as amended, relating to the use of outside speakers by persons licensed to manufacture, sale, possess for sale, transport or distribute nonintoxicating beer"; to the Committee on Small Business, Entrepreneurship and Economic Development then the Judiciary.

**By Delegates Rohrbach, Lovejoy, Marcum, Sobonya and C. Miller:**

**H. B. 2549** - "A Bill to amend and reenact §8-22-10 of the Code of West Virginia, 1931, as amended, relating to increases in the contributions by cities to pension and relief funds; requiring notice be given to cities of an increase to pension and relief funds; and providing that the increase does not take effect until July 1 of the affected year"; to the Committee on Pensions and Retirement then Finance.

**By Delegates Rohrbach and Lovejoy:**

**H. B. 2550** - "A Bill to amend and reenact §29-3E-10 of the Code of West Virginia, 1931, as amended, relating to fireworks safety; and authorizing a municipality to prohibit the sale of fireworks within its boundaries"; to the Committee on Political Subdivisions then the Judiciary.

**By Delegates Rodighiero, R. Miller, Thompson, Eldridge, Lovejoy, Hicks, Baldwin and Lynch:**

**H. B. 2551** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-28A-1 and §18-28A-2, all relating to requiring the West Virginia Department of Education to create a Bible literacy course in public schools"; to the Committee on Education then the Judiciary.

**By Delegates Rohrbach, Lovejoy, Eldridge, Wagner, Hartman, Atkinson, Ambler, Marcum, Rowan, Lynch and Fleischauer:**

**H. B. 2552** - "A Bill to amend and reenact §19-14-4 and §19-14-5 of the Code of West Virginia, 1931, as amended, all relating to increasing the pet food registration fee and directing that the additional money be deposited into the West Virginia Spay Neuter Assistance Fund"; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegates Summers and A. Evans:**

**H. B. 2553** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-15-9o, relating to an exemption from the consumers sales and service tax and use tax for sales of services and tangible personal property related to the activities of raising and training livestock, including horses; setting forth legislative intent; providing a method to resolve conflicts in law; providing an effective date; providing definitions; and describing those sales of services and tangible personal property that are exempt and providing method of claiming exemption"; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegates G. Foster, Higginbotham, Frich, Cowles, Hamrick, Howell, Wilson, Harshbarger, Maynard and C. Miller:**

**H. B. 2554** - "A Bill to repeal §21-11-1, §21-11-2, §21-11-3, §21-11-4, §21-11-5, §21-11-6, §21-11-7, §21-11-8, §21-11-9, §21-11-10, §21-11-10a, §21-11-11, §21-11-12, §21-11-13, §21-11-14, §21-11-15, §21-11-16, §21-11-17, §21-11-18 and §21-11-20 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §30-41-1, §30-41-2, §30-41-3, §30-41-4, §30-41-5, §30-41-6, §30-41-7, §30-41-8, §30-41-9, §30-41-10, §30-41-11, §30-41-12, §30-41-13, §30-41-14, §30-41-15, §30-41-16, §30-41-17, §30-41-18, §30-41-19 and §30-41-20, all relating to the West Virginia Contractor Act; providing a short title and declaration of policy with definitions; continuing the West Virginia Contractor Licensing Board, composition, terms, qualifications and appointment; administrative duties of board and legislative rules; necessity for contractor license and exemptions; procedure for licensing; providing for expiration date, fees and renewal of license; providing for revocation for unlawful use, assignment or transfer of license; prerequisites to obtaining building permit and mandatory written contracts; requiring informational list for basic universal design features; providing injunction and criminal penalties for violation of article; specific administrative duties of board and record keeping by the board; authorizing to grant reciprocity and to provide training to students who desire to obtain a West Virginia contractor license; and misdemeanor criminal penalties for violations of article"; to the Committee on Government Organization.

**By Delegates G. Foster, Fast, Higginbotham, Howell, Frich, Zatezalo, Kelly, Summers, Cowles, Hamrick and Wilson:**

**H. B. 2555** - "A Bill to amend and reenact §11-13W-1 of the Code of West Virginia, 1931, as amended, relating to tax credits for apprenticeship training in construction trades; and removing requirement that eligibility is limited to programs jointly administered by labor and management trustees"; to the Committee on Industry and Labor then Finance.

**By Delegates Hamrick, Storch, Phillips, Folk, Paynter, Overington, Statler, Walters, Westfall, Gearheart and Wilson:**

**H. B. 2556** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §4-2-6a, relating to requiring the Joint Committee on Government and Finance to prepare a 'Coercive Federal Funds Report' on each budget bill; to empower the Attorney General to bring suit in federal courts to enjoin the application of federal laws containing coercive federal funds; and to affirm that the policy of the State of West Virginia is that coercive federal funds are unconstitutional and violate the principles of federalism"; to the Committee on the Judiciary then Finance.

**By Delegates Kelly, Criss, Cooper, Rowan, R. Romine, Harshbarger, Hollen, Deem, Higginbotham, Anderson and Zatezalo:**

**H. B. 2557** - "A Bill to amend and reenact §18B-2B-6 of the Code of West Virginia, 1931, as amended, relating to tuition and fees at community and technical colleges; setting forth guidelines therefor"; to the Committee on Education then Finance.

**By Delegates Marcum, Eldridge, R. Miller, Rodighiero, Hicks and Dean:**

**H. B. 2558** - "A Bill to amend and reenact §49-4-720 and §49-4-722 of the Code of West Virginia, 1931, as amended, all relating to requiring the Division of Juvenile Services to transfer to a correctional facility or regional jail any juvenile in its custody that has been transferred to adult jurisdiction of the circuit court and who reaches his or her eighteenth birthday; requiring transfer of juvenile in adult jurisdiction upon reaching eighteen years of age if he or she has either been convicted or is in a pretrial status; directing the Division of Juvenile Services to notify the circuit court of the age of a juvenile reaching the age of eighteen years of age; authorizing the circuit court to conduct a hearing as to alternative placement; mandating that the position of victim be taken under

consideration by the court in considering disposition or alternative placement; prohibiting juveniles that commit an adult offense while under the custody of the Division of Juvenile Services from returning back to the placement in a juvenile facility if the juvenile has attained the age of eighteen years; and requiring the court to conduct a hearing as to placement of a juvenile that has turned eighteen years of age and is remanded back to the custody of the Division of Juvenile Services after completion of an adult sentence”; to the Committee on the Judiciary.

**By Delegates Eldridge, Blair, N. Foster, Maynard, McGeehan, Phillips, Marcum, Butler, Howell, Martin and Hill:**

**H. B. 2559** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-4-5b, relating to permitting an individual with a current West Virginia license to carry a concealed deadly weapon to carry such weapon on the campus of a state institution of higher education”; to the Committee on Education then the Judiciary.

**By Delegates Marcum, Phillips, Hicks, Rodighiero, Eldridge, Dean and Frich:**

**H. B. 2560** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-4-14a, relating to providing a free lunch to all employees in a school building”; to the Committee on Education then Finance.

**By Delegates Espinosa, Upson, Blair, Westfall, R. Romine, Rowan, Cooper, Statler, Kelly, Dean and Rohrbach:**

**H. B. 2561** - “A Bill to amend and reenact §18-9A-2, §18-9A-4, §18-9A-5, §18-9A-6a, §18-9A-7, §18-9A-9 and §18-9A-10 of the Code of West Virginia, 1931, as amended, all relating to public school support; including Treasurer/Chief School Business Official and Child Nutrition Director as professional educator for funding purposes only; deleting required periodic legislative review of adjustments in net enrollment; determining allowance for fundable professional educators at set ratio, rather than the number employed subject to a limit; providing for determination of allowance for fundable positions in excess of number employed; deleting expired provisions; basing minimum professional instructional personnel required on percent of employed fundable professional educators; providing for prorating professional instructional personnel among participating counties in joint school or program or service; removing penalty for not meeting applicable instructional personnel ratio for 2017-18 school year; deleting expired provisions; deleting required periodic legislative review of density category ratios; determining allowance for fundable service personnel at set ratio, rather than number employed subject to a limit; providing for determination of allowance for fundable positions in excess of number employed; providing for proration of number and allowance of personnel employed in part by state and county funds; adding professional student support personnel allowance to calculation of teachers retirement fund allowance; basing teachers retirement fund allowance on average retirement contribution rate of each county and defining average rate; allowing limited portion of funds for bus purchases to be used for facility and equipment repair maintenance and improvement or replacement or other current expense priorities if requested and approved by state superintendent following verification; changing calculation of allowance for current expense from percent allowances for professional and service personnel to county’s state average costs per square footage per student for operations and maintenance; removing authorization for use of instructional improvement funds for implementation and maintenance of regional computer information system; removing requirement for fully utilizing applicable provisions of allowances for professional and service personnel before using instructional improvement funds for employment; removing restriction limiting use of new instructional improvement funds for employment except for technology system specialists until certain determination made by state superintendent; authorizing use of instructional technology improvement funds for employment of technology system specialists and requiring amount used to be included and justified in strategic technology plan; specifying when certain debt service payments are to be made into school building capital improvement fund; authorizing use of percentages of allocations for improving instructional programs; for improving

instructional technology for facility and equipment repair and maintenance or replacement and other current expense priorities and for emergency purposes; and requiring amounts used to be included and justified in respective strategic plans”; to the Committee on Education then Finance.

**By Delegates G. Foster, Phillips, Kessinger, Blair, Higginbotham, Frich, Zatezalo, Kelly, Summers, White and Marcum:**

**H. B. 2562** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-3-23, relating to make unlawful any employer policy or rule prohibiting an employee from possessing a firearm inside a vehicle; providing criminal penalties; providing civil liability; providing injunctive relief; and providing exceptions”; to the Committee on the Judiciary.

**By Delegates Walters, Howell, Ambler and Hamrick:**

**H. B. 2563** - “A Bill to amend and reenact §11-16-6b of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-16-11a of said code, all relating to permitting licensed brewpubs, Class A retail dealers, Class B retail dealers, private clubs, Class A retail licensees and Class B retail licensees to serve complimentary samples of nonintoxicating beer or nonintoxicating craft beer manufactured in the State of West Virginia; and removing restrictions on Class A retail licensees’ ability to serve complimentary nonintoxicating beer samples to customers”; to the Committee on Small Business, Entrepreneurship and Economic Development then the Judiciary.

**By Delegates Marcum, Phillips, Rodighiero, R. Miller, Eldridge and White:**

**H. B. 2564** - “A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to authorizing a special registration plate for elk”; to the Committee on Roads and Transportation then Finance.

**By Delegates Marcum, Phillips, R. Miller, Sobonya, Summers, Dean, Storch, Eldridge, Frich, Westfall and Isner:**

**H. B. 2565** - “A Bill to amend and reenact §60A-4-409 of the Code of West Virginia, 1931, as amended, relating to increasing the penalties for transporting controlled substances into the state; and exempting marijuana from this provision”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegates Thompson, E. Evans and Baldwin:**

**H. B. 2566** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §1-7-1, relating to requiring all state-funded institutions to purchase a minimum of twenty percent of fresh produce from in-state producers”; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegate Thompson:**

**H. B. 2567** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-4-5a, relating to requiring that state and public roads that have not been maintained for a period of three consecutive years shall be returned to their original tract of land”; to the Committee on Roads and Transportation then the Judiciary.

**By Delegates Eldridge, Rodighiero, Maynard, R. Miller, Marcum, White, Hicks, Storch, Hamilton, Dean and Westfall:**

**H. B. 2568** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §2-2-14, relating to making the Holy Bible the official state book of West Virginia”; to the Committee on the Judiciary.

**By Delegates Marcum, Rodighiero, Eldridge and R. Miller:**

**H. B. 2569** - "A Bill to amend and reenact §18A-4-7a of the Code of West Virginia, 1931, as amended, relating to employment, promotion and transfer of professional personnel by county boards of education and requiring all decisions on reductions in force to be based on qualifications as determined by the county board"; to the Committee on Education.

**By Delegates Marcum, Rodighiero, Eldridge, Lovejoy, Westfall, White, Phillips, Lane and Frich:**

**H. B. 2570** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13DD-1, relating to creating tax credits for new and/or existing small businesses in this state and operating entirely within West Virginia"; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

**By Delegates Rowan, Espinosa, R. Romine, Cooper, Hamilton, Mr. Speaker (Mr. Armstead), Wagner, Moye, Rohrbach, Kelly and Rodighiero:**

**H. B. 2571** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-20-11, relating to selection of language developmental milestones for purposes of developing a resource for use by parents to monitor and track deaf and hard-of-hearing children's expressive and receptive language acquisition and developmental stages toward English literacy"; to the Committee on Education.

**By Delegates Espinosa, Upson, Cowles, Blair, Overington, Paynter, Fast, E. Nelson, Walters, Ellington and Higginbotham:**

**H. B. 2572** - "A Bill to amend and reenact §5-16-2 and §5-16-22 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-7A-3 of said code; to amend and reenact §18-7B-2 of said code; to amend and reenact §18-9A-2 of said code; to amend said code by adding thereto a new section, designated §18-9A-12a; to amend and reenact §18-20-5 of said code; to amend said code by adding thereto a new article, designated §18-33-1, §18-33-2, §18-33-3, §18-33-4, §18-33-5, §18-33-6, §18-33-7, §18-33-8, §18-33-9, §18-33-10, §18-33-11, §18-33-12 and §18-33-13; and to amend and reenact §29-12-5a of said code, all relating to providing for the authorization and oversight of public charter schools; providing for charter school employee participation in public employee insurance and applicable Teachers Retirement Systems; including charter school students in net enrollment of county; providing calculation of charter school basic foundation program and corresponding reduction in county's basic foundation program; defining exceptional child with high cost/high acuity special needs and providing for establishment of method for disbursing state appropriated funds; providing for charter school application for funds; removing certain reports; creating charter school act to establish process for creation, providing for governance and oversight accountability of public charter schools; stating purposes; establishing charter schools as public schools and part of public education system; providing for liberal interpretation; prohibiting conversion of private schools into charter schools under act; prohibiting establishment of charter virtual schools under act; providing general definitions; limiting county board management and control of charter school; prohibiting state board as authorizing authority; defining terms; providing for authorizations, eligibilities, compliances and prohibitions; providing for general supervision by state board for meeting student performance standards required of other public school students; providing powers of public charter schools; establishing processes for determining capacity and enrolling students; prohibiting discrimination in enrollment decisions; providing for credit transfers; authorizing charter student participation in state and school district sponsored interscholastic leagues, competitions, awards, scholarships and recognition programs and specifying parameters; requiring access to and requiring utilization of electronic education information system for reporting certain information and subject to student data accessibility, transparency and accountability; providing for certification of charter school enrollment, attendance and program participation to county board and department; providing for distribution of charter school basic foundation program funds and allowing authorizer charge for



oversight costs; providing for payment of special education and federal funds to charter schools; requiring charter school submission of budget and sources of funds to state board and requiring public availability; creating public charter school oversight and authorizer board and specifying mission, agency status and degree of oversight and supervision by state board; providing for appointment of members, qualifications, terms, removal, civil liability and limited scope of acts of ex officio members; requiring appointment of executive director and duties and qualifications; setting forth meetings, expenses, powers and duties of board; requiring annual report to state board and availability to public and Legislature; granting authority to require annual reports from charter schools; establishing limitations on regulation by state board, oversight and authorizer board and county board authorizers; requiring annual request for proposals; providing contents of requests for proposals; providing for application for authorization of public charter school; requiring notice of intent to establish by organizers; requiring timelines for notice and submission of application; providing option for county board to proceed as authorizer or forward application to oversight and authorizer board; establishing process for application review and evaluation; granting period for applicant response to authorizer decision prior to final determination; requiring report of final action; setting forth registration of approved charters by state superintendent; stating effect of approved application; providing authorizer powers and duties respecting charter contracts; providing timelines for execution of charter contract and authorization to appeal to executive director to finalize terms; providing minimum provisions of contract, including performance provisions; prohibiting delegation and assignment of powers; setting forth obligations and responsibilities set forth in charter contract; requiring performance report prior to contract renewal and period to rectify weaknesses; requiring offer of contract application renewal guidance; requiring timelines for submission of renewal application; provisions for authorizer decisions on renewals; permitting authorizer report of renewal decisions; prohibition on contract renewal of school given failing level of accreditation during final operating year; authorizing contract revocation at any time or nonrenewal for certain violations and failures; requiring report of revocation and nonrenewal with statement of reasons; providing for options of county board for disposition of school when contract revoked or not renewed; duties of authorizer when contract revoked or not renewed; establishing supremacy of article when inconsistent with any other laws rules or regulations; granting authorization for one or more schools under single contract; granting authorization of one or more contracts for single governing board; providing that local education agency status when charter school authorized county board and local education agency status when charter school authorized oversight and authorizer board; providing for county board accreditation accountability for charter school authorized by county board; prohibition on county board requiring employee to be employed in charter school; prohibition on any retaliatory action against district employee involved in application to establish charter school; prohibiting discrimination against charter school in district advertising of educational options; providing for accrual of seniority with the county board of personnel employed in charter school; and authorizing charter school liability coverage through Board of Risk and Insurance Management"; to the Committee on Education.

**By Delegates G. Foster, Higginbotham, Fast, Zatezalo, Kelly, Hanshaw, Hamrick, Wilson and Harshbarger:**

**H. B. 2573** - "A Bill to amend and reenact §7-18-14 of the Code of West Virginia, 1931, as amended, relating to ensuring that local Convention and Visitor Center Bureaus have a board that is elected by a governing body"; to the Committee on Political Subdivisions then Government Organization.

**By Delegates Robinson, Thompson, Lovejoy, Cooper, Rowan, Hartman, Statler, Blair, Rohrbach, Canestraro and Espinosa:**

**H. B. 2574** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-21A-1, §18-21A-2, §18-21A-3, §18-21A-4, §18-21A-5, §18-21A-6 and §18-21A-7, all relating to creating a special pilot program to introduce middle school students to Career and Technical Education opportunities in the State of West Virginia and to better prepare

students for postsecondary education and participation in the workforce”; to the Committee on Education then Finance.

**By Delegates Cowles, Moore, Westfall, N. Foster and Marcum:**

**H. B. 2575** - “A Bill to amend and reenact §21A-6-3 of the Code of West Virginia, 1931, as amended, relating to disqualification for unemployment benefits; providing that an individual is disqualified for benefits for any week or portion of a week in which he or she left or lost his or her job as a result of a strike; clarifying that a lockout is not a strike; providing that workers replaced with new prepayment employees are not eligible for unemployment benefits; establishing the circumstances when a worker is determined to leave or lose employment by reason of a lockout; providing the circumstances when a worker is determined to be permanently replaced by another employee; and providing that contractor employees who perform the work of a striking worker are not to be determined to have permanently replaced a striking worker”; to the Committee on the Judiciary.

**By Delegates Hamrick, Howell, Ward, Walters, Wilson, Barrett and G. Foster:**

**H. B. 2576** - “A Bill to amend and reenact §17B-1-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §17B-2-7b of said code; to amend said code by adding thereto a new section, designated §17C-1-69; and to amend and reenact §17C-15-44 of said code, all relating to autocycles; defining ‘autocycle’; creating an autocycle exemption from motorcycle examination, licensing and endorsement requirements; allowing a person with a valid driver’s license to operate an autocycle; creating an autocycle exemption from helmet and certain other motorcycle or motor-driven cycle safety requirements; deleting obsolete language regarding the motorcycle safety and education committee; and making technical corrections”; to the Committee on Roads and Transportation then the Judiciary.

**By Delegates Hamrick, Storch, Zatezalo, McGeehan and Dean:**

**H. B. 2577** - “A Bill to amend and reenact §29-3E-10 of the Code of West Virginia, 1931, relating to fireworks safety; and prohibiting counties from regulating the sale and use of consumer fireworks within their boundaries”; to the Committee on Political Subdivisions then the Judiciary.

**By Delegates Hamrick, Storch, Folk, Paynter, Zatezalo, Overington, Statler, Westfall, Wilson, McGeehan and G. Foster:**

**H. B. 2578** - “A Bill to amend and reenact §46A-6-107 of the Code of West Virginia, 1931, as amended, relating to disclaimers of warranties with respect to goods which are the subject of or are intended to become the subject of a consumer transaction; prohibition against exclusion, modification or limitation of any warranty or remedy; waiver of warranty on used motor vehicle as to particular defect or malfunction which dealer has disclosed; conditions permitting as-is sale of used motor vehicle; conspicuous disclosure of as-is sale; as-is sale does not waive express warranties made by dealer; and dealer to conform to federal regulations”; to the Committee on Roads and Transportation then the Judiciary.

## House Calendar

### Third Reading

**Com. Sub. for H. B. 2303**, Increasing criminal penalties for littering; 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. 3**), and there were—yeas 95, nays 3, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Bates, McGeehan and Wilson.

Absent and Not Voting: Ellington and Zatezalo.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2303) passed.

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

**Com. Sub. for H. B. 2319**, Relating to candidates or candidate committees for legislative office disclosing contributions; 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. 4**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Ellington and Zatezalo.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2319) passed.

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

### **First Reading**

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

**Com. Sub. for H. B. 2167**, Creating a Silver Alert program for senior citizens,

**H. B. 2300**, Regulating step therapy protocols,

**Com. Sub. for H. B. 2301**, Relating to direct primary care,

**Com. Sub. for H. B. 2318**, Relating generally to human trafficking,

**Com. Sub. for H. B. 2347**, Allowing schools licensed to provide barber, cosmetology and related training to hold theory classes and clinical classes at different locations,

**H. B. 2348**, Eliminating any requirement that class hours of students be consecutive,

And,

**H. B. 2431**, Allowing influenza immunizations to be offered to patients and residents of specified facilities.

### **Leaves of Absence**

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

### Remarks by Members

Delegate Hollen asked and obtained unanimous consent that the remarks of Delegate Deem regarding optometrists be printed in the Appendix to the Journal.

### Miscellaneous Business

Delegates Hanshaw and Shott filed forms with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2028.

Delegate Pyles filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2187.

Delegate Sobonya filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2383.

Delegate O'Neal filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2447.

Delegate Baldwin filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2457.

Delegate Sobonya filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2465.

Delegates Hicks, Marcum and Rodighiero filed forms with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2535.

Delegate Sobonya filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2541.

Delegate Sobonya filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2543.

Delegate Frich filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2547.

At 12:30 p.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, February 21, 2017.

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



## HOUSE CALENDAR

Tuesday, February 21, 2017

14<sup>th</sup> Day

11:00 A. M.

### SECOND READING

- Com. Sub. for H. B. 2167 - Creating a Silver Alert program for senior citizens (ROWAN) (REGULAR)
- H. B. 2300 - Regulating step therapy protocols (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 2301 - Relating to direct primary care (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2318 - Relating generally to human trafficking (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2347 - Allowing schools licensed to provide barber, cosmetology and related training to hold theory classes and clinical classes at different locations (HOWELL) (REGULAR)
- H. B. 2348 - Eliminating any requirement that class hours of students be consecutive (HOWELL) (REGULAR)
- H. B. 2431 - Allowing influenza immunizations to be offered to patients and residents of specified facilities (ELLINGTON) (REGULAR) (HEALTH AND HUMAN RESOURCES COMMITTEE AMENDMENT PENDING)

### FIRST READING

- Com. Sub. for H. B. 2404 - Barring persons who are convicted of certain criminal offenses from acquiring property from their victims (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2447 - Renaming the Court of Claims the state Claims Commission (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2465 - Modifying the requirements that allow a child witness to testify by closed circuit television (SHOTT) (REGULAR)

**WEST VIRGINIA  
HOUSE OF DELEGATES**

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**TUESDAY, FEBRUARY 21, 2017**

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

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**COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES  
8:30 A.M. – ROOM 215E**

**COMMITTEE ON INDUSTRY AND LABOR  
10:00 A.M. – ROOM 215E**

**COMMITTEE ON POLITICAL SUBDIVISIONS  
1:00 P.M. – ROOM 434M**

**COMMITTEE ON HEALTH AND HUMAN RESOURCES  
2:00 P.M. – ROOM 215E**

**COMMITTEE ON PREVENTION AND TREATMENT OF SUBSTANCE ABUSE  
3:30 P.M. – ROOM 215E**

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