

JOURNAL
OF THE
HOUSE OF DELEGATES
EIGHTY-SECOND
LEGISLATURE
OF
WEST VIRGINIA



VOLUME I
REGULAR SESSION, 2015

WEST VIRGINIA HOUSE OF DELEGATES
HONORABLE TIM ARMSTEAD
SPEAKER OF THE HOUSE

COMPILED AND PUBLISHED
UNDER THE DIRECTION
OF
STEPHEN J. HARRISON
CLERK OF THE HOUSE



CLERK'S OFFICE LEGISLATIVE GROUP

Bo Hoover
Assistant Clerk/Parliamentarian

Robert Altmann	Lynn Lewis
Anne Landgrebe	Lori Skull

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MEMBERS OF THE HOUSE OF DELEGATES

REGULAR SESSION, 2015

OFFICERS

Speaker – Tim Armstead, Elkview
Clerk – Stephen J. Harrison, Cross Lanes
Sergeant-at-Arms – Marshall Clay, Fayetteville
Doorkeeper – Frank Larese, Belle

District	Name	Address	Occupation or Profession	Legislative Service
First.	Pat McGeehan (R)	Chester	Business Sales/Author	79 th ; 82 nd
	Mark Zatezalo (R)	Wierton	Hydrogeologist	82 nd
Second.	Ryan W. Weld (R)	Wellsburg	Legal Assistant	82 nd
Third.	Shawn Fluharty (D)	Wheeling	Attorney	82 nd
	Erikka Storch (R)	Wheeling	Businesswoman	80 th - 82 nd
Fourth.	David A. Evans (R)	Cameron	Retired Teacher	81 st - 82 nd
	Michael T. Ferro (D)	McMechen	Retired Educator/Coach	79 th - 82 nd
Fifth.	Dave Pethel (D)	Hundred	Retired Teacher	69 th - 71 st ;
				74 th - 82 nd
Sixth.	William Roger Romine (R)	Sistersville	Retired School Administrator	75 th - 82 nd
Seventh.	Lynwood "Woody" Ireland (R)	Pullman	Retired Chemical Engineer/Farmer	78 th - 82 nd
				71 st - 82 nd
Eighth.	W. "Bill" Anderson, Jr. (R)	Williamstown	Educator	71 st - 82 nd
Ninth.	Anna Border Sheppard (R)	Davisville	Educator	Appt. 6/21/11, 80 th - 82 nd
Tenth.	Mike Azinger (R)	Parkersburg	Manager	82 nd
	Frank Deem (R)	Vienna	Businessman	52 nd - 58 th ; 82 nd
	John R. Kelly (R)	Parkersburg	Retired	82 nd
Eleventh.	Bob Ashley (R)	Spencer	Insurance Agent	67 th - 73 rd ;
				75 th - 82 nd
Twelfth.	Steve Westfall (R)	Ripley	Insurance Agent	81 st - 82 nd
Thirteenth.	Scott Cadle (R)	Letart	Trucking/Excavating	81 st - 82 nd
	Michael Ihle (R)	Ravenswood	Mayor	82 nd
Fourteenth.	Jim Butler (R)	Henderson	Excavating Contractor	81 st - 82 nd
Fifteenth.	Geoff Foster (R)	Winfield	Construction Supply	82 nd
Sixteenth.	Sean Hornbuckle (D)	Huntington	Financial Services Broker	82 nd
				Small Business Owner/ Buffalo Farmer
	Jim Morgan (D)	Huntington	Retired	69 th - 70 th ; Appt. 2/23/2001, 75 th ;
	76 th - 82 nd			
Seventeenth.	Doug Reynolds (D)	Huntington	Engineering and Construction Executive	78 th - 82 nd
			Physician	82 nd
	Matthew Rohrbach (R)	Huntington		

MEMBERS OF THE HOUSE OF DELEGATES - Continued

District	Name	Address	Occupation or Profession	Legislative Service
Eighteenth...	Kelli Sobonya (R)	Barboursville	Realtor	76 th - 82 nd
Nineteenth...	Kenneth Paul Hicks (D)	Kenova	Attorney	82 nd
	Don C. Perdue (D)	Prichard	Pharmacist	74 th - 82 nd
Twentieth...	Justin J. Marcum (D)	Williamson	Attorney	Appt. 1/18/12, 80 th - 82 nd
Twenty-first..	Harry Keith White (D)	Gilbert	Businessman	Appt. 9/11/1992, 70 th ; 71 st - 82 nd
Twenty-second.	Jeff Eldridge (D)	Alum Creek	Self Employed	77 th - 79 th - 82 nd
	Michel Moffatt (R)	Hurricane	Former Manufacturing Manager	82 nd
Twenty-third..	Joshua Nelson (R)	Danville	Coal Miner	81 st - 82 nd
Twenty-fourth.	Rupert Phillips, Jr. (D)	Lorado	Sales Manager	80 th - 82 nd
	Ralph Rodighiero (D)	Logan	UPS Delivery Driver	78 th - 80 th ; 82 nd
Twenty-fifth..	Linda Goode Phillips (D)	Pineville	Retired Elementary School Counselor	79 th - 82 nd
Twenty-sixth..	Clif Moore (D)	Thorpe	Administrator	77 th - 82 nd
Twenty-seventh.	Joe Ellington (R)	Princeton	Physician	80 th - 82 nd
	Marty Gearheart (R)	Bluefield	Businessman	80 th - 82 nd
	John H. Shott (R)	Bluefield	Attorney	79 th , Resigned 5/ /2010; 82 nd
Twenty-eighth.	Roy G. Cooper (R)	Wayside	Retired U. S. Navy	81 st - 82 nd
	John D. O'Neal, IV (R)	Beckley	Businessman	80 th - 82 nd
Twenty-ninth..	Ricky Moye (D)	Crab Orchard	Businessman/School Bus Operator	78 th - 82 nd
Thirtieth....	Mick Bates (D)	Beckley	Physical Therapist	82 nd
Thirty-first...	Karen "Lynne" Arvon (R)	Beckley	Businesswoman	81 st - 82 nd
Thirty-second.	Tom Fast (R)	Fayetteville	Attorney	82 nd
	Kayla Kessinger (R)	Mount Hope	Director of Human Resources	82 nd
	David G. Perry (D)	Oak Hill	Educator	75 th - 82 nd
Thirty-third...	Roger Hanshaw (R)	Wallback	Attorney	82 nd
Thirty-fourth..	Brent Boggs (D)	Gassaway	Railroad Engineer	73 rd - 82 nd
Thirty-fifth..	Andrew D. Byrd (D)	South Charleston	Attorney	82 nd
	John B. McCuskey (R)	Charleston	Attorney	81 st - 82 nd
	Eric Nelson (R)	Charleston	Businessman	80 th - 82 nd
	Chris Stansbury (R)	Charleston	Doctor of Optometry	82 nd
Thirty-sixth...	Nancy Peoples Guthrie (D)	Charleston	Former Small Business Owner	78 th - 82 nd
	Larry L. Rowe (D)	Charleston	Attorney	73 rd - 75 th ; 82 nd
	Brad White (R)	Charleston	Insurance Agent	82 nd
Thirty-seventh..	Mike Pushkin (D)	Charleston	Taxi Driver / Musician	82 nd
Thirty-eighth..	Patrick Lane (R)	Cross Lanes	Attorney/Entrepreneur	77 th - 82 nd
Thirty-ninth..	Ron Walters (R)	Charleston	Insurance Executive/ President	71 st - 73 rd ; 75 th - 82 nd

MEMBERS OF THE HOUSE OF DELEGATES - Continued

District	Name	Address	Occupation or Profession	Legislative Service
Fortieth.	Tim Armstead (R).	Elkview.	Attorney.	Appt. 9/5/98, 73 rd ; 74 th - 82 nd
Forty-first.	Jordan Hill (R).	Mt. Nebo.	Human Resources.	82 nd
Forty-second.	George "Boogie" Ambler (R).	Fort Springs.	Businessman/ Educator/Farmer	81 st - 82 nd 75 th - 82 nd
	Ray Canterbury (R).	Ronceverte.	Internet Entrepreneur.	75 th - 82 nd
Forty-third.	Denise L. Campbell (D).	Elkins.	Licensed Nursing Home Administrator.	80 th - 82 nd
	William G. Hartman (D)	Elkins.	Retired Independent Insurance Agent.	76 th - 82 nd
Forty-fourth.	Dana L. Lynch (D).	Webster Springs.	Retired.	81 st - 82 nd
Forty-fifth.	Bill Hamilton (R).	Buckhannon.	Independent Insurance Agency Owner.	76 th - 82 nd
Forty-sixth.	Peggy Donaldson Smith (D).	Weston.	Attorney.	79 th - 82 nd
Forty-seventh.	Danny Wagner (R).	Philippi.	Retired Educator.	82 nd
Forty-eighth.	Danny Hamrick (R).	Clarksburg.	Consulting / Media Production.	81 st - 82 nd
	Tim Miley (D).	Clarksburg.	Attorney.	77 th - 82 nd
	Patsy Samuel Trecost II (D).	Clarksburg.	Frontier Communications.	82 nd
	Theresa Waxman (R).	Bridgeport.	Homemaker.	82 nd
Forty-ninth.	Amy Summers (R).	Flemington.	Registered Nurse.	82 nd
Fiftieth.	Mike Caputo (D).	Fairmont.	UMWA, District 31 Vice-President.	73 rd - 82 nd
	Linda Longstreth (D).	Fairmont.	Administrator/Educator.	77 th - 82 nd
	Tim Manchin (D).	Fairmont.	Attorney.	76 th - 82 nd
Fifty-first.	Barbara Evans Fleischauer (D).	Morgantown.	Attorney/Small Business Owner.	72 nd - 75 th ; 78 th - 82 nd
	Cindy Frich (R).	Morgantown.	Sales/Writer/Consultant.	76 th - 77 th ; 81 st - 82 nd
	Brian Kurcaba (R).	Morgantown.	Financial Advisor.	82 nd
	Amanda Pasdon (R).	Morgantown.	Business Development Director.	80 th - 82 nd
	Joe Statler (R).	Core.	Retired.	82 nd
Fifty-second.	Larry A. Williams (D).	Tunnelton.	Businessman/Farmer.	Appt. 10/8/1993, 71 st ; 72 nd - 82 nd
Fifty-third.	Randy E. Smith (R).	Terra Alta.	Coal Miner.	81 st - 82 nd
Fifty-fourth.	Allen V. Evans (R).	Petersburg.	Poultry Producer/Farmer.	70 th - 82 nd
Fifty-fifth.	Isaac Sponaugle (D).	Franklin.	Attorney.	81 st - 82 nd
Fifty-sixth.	Gary G. Howell (R).	Keyser.	Small Business Owner.	80 th - 82 nd
Fifty-seventh.	Ruth Rowan (R).	Points.	Retired Educator.	77 th - 82 nd
Fifty-eighth.	Daryl E. Cowles (R).	Berkeley Springs.	Businessman.	78 th - 82 nd
Fifty-ninth.	Saira Blair (R).	Martinsburg.	Student.	82 nd
Sixtieth.	Larry W. Faircloth (R).	Inwood.	Small Business Consulting.	81 st - 82 nd

MEMBERS OF THE HOUSE OF DELEGATES - Continued

District	Name	Address	Occupation or Profession	Legislative Service
Sixty-first. . . .	Walter E. Duke (R).	Martinsburg.	Retired Educator.	76 th - 80 th ; 82 nd
Sixty-second..	John Overington (R).	Martinsburg.	Public Relations/ Former Educator.	67 th - 82 nd
Sixty-third. . . .	Michael "Mike" Folk (R).	Martinsburg.	Airline Pilot; Farmer.	81 st - 82 nd
Sixty-fourth. . .	Eric L. Householder (R).	Martinsburg.	Small Business Owner.	80 th - 82 nd
Sixty-fifth. . . .	Jill Upson (R).	Charles Town.	Former Retail Manager / Student.	82 nd
Sixty-sixth. . . .	Paul Espinosa (R).	Charles Town.	General Manager, Frontier Communications.	81 st - 82 nd
Sixty-seventh.	Stephen Skinner (D).	Shepherdstown.	Attorney.	81 st - 82 nd

MEMBERS OF THE SENATE

REGULAR SESSION, 2015

OFFICERS

President – William P. Cole, III, Bluefield

Clerk – Clark S. Barnes, French Creek

Sergeant-at-Arms – Howard L. Wellman, Bluefield

Doorkeeper – Anthony Gallo, Charleston

District	Name	Address	Occupation or Profession	Legislative Service
First.	Ryan Ferns (R)	Wheeling.	Physical Therapist.	82 nd
	Jack Yost (D)	Wellsburg.	Retired.	(House 76 th - 78 th); 79 th - 82 nd
Second.	Jeffrey V. Kessler (D)	Glen Dale.	Attorney.	Appt. 11/1997, 73 rd ; 74 th - 82 nd
	Kent Leonhardt (R)	Fairview.	Retired USMC/ farmer..	82 nd
Third.	Donna J. Boley (R)	St. Marys.	Retired.	Appt. 5/14/1985, 67 th ; 68 th - 82 nd
	David C. Nohe (R)	Vienna.	Businessman/Contractor/ Real Estate Broker.	80 th - 82 nd
Fourth.	Mitch B. Carmichael (R)	Ripley.	Director of Commercial Sales.	(House 75 th - 80 th); 82 nd
	Mike Hall (R)	Winfield.	Businessman.	(House 72 nd - 74 th); 78 th - 82 nd
Fifth.	Robert H. Plymale (D)	Huntington.	Businessman.	72 nd - 82 nd
	Mike Woelfel (D)	Huntington.	Lawyer.	82 nd
Sixth.	Bill Cole (R)	Bluefield.	Automobile Dealer.	(House Appt. 5/28/10, 79 th); 82 nd
	Mark R. Maynard (R)	Genoa.	Automobile Dealer.	82 nd
Seventh.	Art Kirkendoll (D)	Chapmanville.	Self Employed.	Appt. 11/14/11, 80 th ; 82 nd
	Ron Stollings (D)	Madison.	Physician.	78 th - 82 nd
Eighth.	Ed Gaunch	Charleston.	Retired.	82 nd
	Chris Walters (R)	Nitro.	Insurance.	81 st - 82 nd
Ninth.	Daniel Hall (R)	Oceana.	Account Executive.	(House 79 th - 80 th); 81 st - 82 nd
	Jeff Mullins	Shady Springs.	Insurance.	82 nd
Tenth.	William Laird IV (D)	Oak Hill.	Retired/Self-Employed..	(House 73 rd - 75 th); 79 th - 82 nd
	Ronald F. Miller (D)	Lewisburg.	Self-Employed.	80 th - 82 nd
Eleventh.	Greg Boso (R)	Summersville.	Civil Engineer.	82 nd (appt. 1/16/2015)

MEMBERS OF THE SENATE - Continued

District	Name	Address	Occupation or Profession	Legislative Service
	Robert L. Karnes (R)	Tallmansville	Information and Technology Field Services	82 nd
Twelfth	Mike Romano (D)	Clarksburg	Attorney/ CPA	82 nd
	Douglas Facemire (D)	Sutton	Grocery Chain Owner	79 th - 82 nd
Thirteenth	Robert D. Beach (D)	Morgantown	Executive Director of College Foundation	(House, Appt. 5/1998, 73 rd ; 74 th - 79 th); 80 th - 82 nd
	Roman W. Prezioso, Jr. (D)	Fairmont	Administrator	(House 69 th - 72 nd); 73 rd - 82 nd
Fourteenth	Dave Sypolt (R)	Kingwood	Professional Land Surveyor	78 th - 82 nd
	Bob Williams (D)	Grafton	Real Estate Appraiser	79 th - 82 nd
Fifteenth	Craig P. Blair (R)	Martinsburg	Businessman	(House 76 th - 79 th); 81 st - 82 nd
	Charles S. Trump IV	Berkeley Springs	Lawyer	(House 71 st - 78 th); 82 nd
Sixteenth	Herb Snyder (D)	Shenandoah Junction	Director, Environmental Chemistry	73 rd - 76 th ; 79 th - 82 nd
	John R. Unger II (D)	Martinsburg	Businessman/ Economic Development	74 th - 82 nd
Seventeenth	Corey Palumbo (D)	Charleston	Attorney	(House 76 th - 78 th); 79 th - 82 nd
	Tom Takubo (R)	Charleston	Physician	82 nd

HOUSE OF DELEGATES COMMITTEES

COMMITTEES OF THE HOUSE OF DELEGATES
Regular Session, 2015

STANDING

AGRICULTURE AND NATURAL RESOURCES

Evans, Chair (*Agriculture*), Hamilton, Chair (*Natural Resources*), Romine, Vice Chair (*Agriculture*), Ambler, Vice Chair (*Natural Resources*), Eldridge, Minority Chair (*Agriculture*), Lynch, Minority Chair (*Natural Resources*), Phillips, Minority Vice Chair (*Agriculture*), Guthrie, Minority Vice Chair (*Natural Resources*), Anderson, Border-Sheppard, Cadle, Canterbury, Cooper, Folk, Ireland, Miller, Smith, R., Summers, Wagner, Zatezalo, Campbell, Fluharty, Rodighiero, White, H., Williams

BANKING AND INSURANCE

Walters, Chair (*Banking*), McCuskey, Chair (*Insurance*), Frich, Vice Chair (*Banking*), Westfall, Vice Chair (*Insurance*), Moore, Minority Chair (*Banking*), Skinner, Minority Chair (*Insurance*), Morgan, Minority Vice Chair (*Banking*), Bates, Minority Vice Chair (*Insurance*), Ashley, Azinger, Deem, Kurcaba, McGeehan, Nelson, E., O'Neal, Pasdon, Shott, Upson, Waxman, White, B., Hicks, Manchin, Perdue, Perry, Rowe

EDUCATION

Pasdon, Chair, Duke, Vice Chair, Perry, Minority Chair, Moye, Minority Vice Chair, Ambler, Cooper, Ellington, Espinosa, Evans, D., Hamrick, Kelly, Kurcaba, Rohrbach, Romine, Rowan, Statler, Upson, Wagner, Campbell, Hornbuckle, Perdue, Pushkin, Reynolds, Rodighiero, Trecost

HOUSE OF DELEGATES COMMITTEES

ENERGY

Ireland, Chair, Smith, Vice Chair, Caputo, Minority Chair, Pethtel, Minority Vice Chair, Ambler, Anderson, Border, Cadle, Canterbury, Evans, D., Kessinger, McCuskey, Nelson, J., Romine, Statler, Storch, Upson, Zatezalo, Boggs, Eldridge, Lynch, Miley, Phillips, L., Reynolds, White, H.

ENROLLED BILLS

McCusky, Chair, Westfall, Vice Chair, Hanshaw, Marcum, Sponaugle

FINANCE

Nelson, Chair, Ashley, Vice Chair, Boggs, Minority Chair, Williams, Minority Vice Chair, Anderson, Butler, Canterbury, Espinosa, Evans, A., Frich, Gearheart, Hamilton, Householder, Miller, O'Neal, Storch, Walters, Westfall, Bates, Guthrie, Longstreth, Moye, Pethtel, Phillips, L., White, H.

GOVERNMENT ORGANIZATION

Howell, Chair, Arvon, Vice Chair, Morgan, Minority Chair, Smith, Minority Vice Chair, Blair, Border, Cadle, Faircloth, Hamrick, Hill, Ihle, Kessinger, McGeehan, Moffatt, Nelson, J., Smith, R., Stansbury, Zatezalo, Caputo, Eldridge, Ferro, Hartman, Marcum, Phillips, R., Sponaugle

HEALTH AND HUMAN RESOURCES

Ellington, Chair, Householder, Vice Chair, Fleischauer, Minority Chair, Campbell, Minority Vice Chair, Arvon, Ashley, Cooper, Faircloth, Hill, Kurcaba, Lane, Pasdon, Rohrbach, Sobonya, Stansbury, Summers, Waxman, Westfall, Bates, Fluharty, Guthrie, Moore, Pushkin, Rodighiero, Skinner

HOUSE OF DELEGATES COMMITTEES

INDUSTRY AND LABOR

Overington, Chair, Sobonya, Vice Chair, Ferro, Minority Chair, Fluharty, Minority Vice Chair, Azinger, Blair, Cowles, Ellington, Fast, Householder, Ihle, Kurcaba, McCuskey, Nelson, J., Shott, Smith, R., Statler, White, B., Byrd, Caputo, Hicks, Manchin, Pushkin, Reynolds, Rowe

INTERSTATE COOPERATION

Storch, Chair, Faircloth, Vice Chair, Ellington, Hamrick, Romine, Ferro, Smith, P.

JUDICIARY

Shott, Chair, Lane, Vice Chair, Manchin, Minority Chair, Skinner, Minority Vice Chair, Azinger, Deem, Fast, Folk, Foster, Hanshaw, Ireland, McCuskey, Overington, Sobonya, Summers, Waxman, Weld, White, B., Byrd, Fleischauer, Fluharty, Hicks, Lynch, Moore, Rowe

PENSIONS AND RETIREMENT

Canterbury, Chair, Folk, Vice Chair, Pethtel, Minority Chair, Hamilton, Kurcaba, Walters, Marcum

POLITICAL SUBDIVISIONS

Storch, Chair, Butler, Vice Chair, Moye, Minority Chair, Trecost, Minority Vice Chair, Anderson, Cowles, Duke, Folk, Gearheart, Hanshaw, Householder, Ihle, Lane, Moffatt, O'Neal, Sobonya, Stansbury, Weld, Boggs, Byrd, Hartman, Hornbuckle, Manchin, Morgan, Perry

HOUSE OF DELEGATES COMMITTEES

ROADS AND TRANSPORTATION

Gearheart, Chair, Hamrick, Vice Chair, Phillips, Minority Chair, Guthrie, Minority Vice Chair, Ambler, Arvon, Butler, Cadle, Espinosa, Evans, A., Evans, D., Fast, Howell, Moffatt, Rohrbach, Statler, Summers, Wagner, Boggs, Longstreth, Moye, Reynolds, Smith, P., Sponaugle, Trecost

RULE-MAKING REVIEW

Sobonya, Chair, Frich, Vice Chair, Hanshaw, Moffatt, Fleischauer, Rowe

RULES

Armstead, Chair, Anderson, Ashley, Cowles, Howell, Lane, Miller, C., Nelson, E., O'Neal, Overington, Pasdon, Shott, Sobonya, Boggs, Caputo, Guthrie, Manchin, Miley, White, H.

SENIOR CITIZEN ISSUES

Rowan, Chair, Border, Vice Chair, Larry Williams, Minority Chair, Moye, Minority Vice Chair, Canterbury, Deem, Duke, Faircloth, Hamilton, Hill, Kelly, Nelson, E., Overington, Rohrbach, Romine, Walters, White, B., Zatezalo, Campbell, Ferro, Moore, Perry, Pethtel, Phillips, R., Rodighiero

SMALL BUSINESS, ENTREPRENEURSHIP AND ECONOMIC DEVELOPMENT

Miller, Chair, Espinosa, Vice Chair, Skinner, Minority Chair, Rowe, Minority Vice Chair, Ashley, Blair, Ellington, Faircloth, Foster, Hanshaw, Hill, Kessinger, Lane, Pasdon, Stansbury, Storch, Waxman, Westfall, Bates, Hornbuckle, Manchin, Miley, Morgan, White, H., Williams

HOUSE OF DELEGATES COMMITTEES

VETERANS' AFFAIRS AND HOMELAND SECURITY

J. Nelson, Chair (*Veterans' Affairs*), Evans, Chair, (*Homeland Security*) Cooper, Vice Chair (*Veterans' Affairs*), McGeehan, Vice Chair (*Homeland Security*), Longstreth, Minority Chair (*Veterans' Affairs*), Smith, Minority Chair (*Homeland Security*), Hornbuckle, Minority Vice Chair (*Veterans' Affairs*), Pushkin, Minority Vice Chair (*Homeland Security*), Arvon, Ashley, Foster, Frich, Howell, Ireland, Kelly, Kessinger, Rowan, Upson, Wagner, Weld, Byrd, Ferro, Fleischauer, Lynch, Trecost

SENATE COMMITTEES

COMMITTEES OF THE SENATE
Regular Session, 2015

STANDING

AGRICULTURE AND RURAL DEVELOPMENT

Senators D. Hall (*Chair*), Trump (*Vice Chair*), Blair, Karnes, Maynard, Sypolt, Beach, Laird, Miller, Williams and Woelfel.

BANKING AND INSURANCE

Senators Nohe (*Chair*), Gaunch (*Vice Chair*), Ferns, D. Hall, M. Hall, Mullins, Trump, Facemire, Palumbo, Prezioso, Romano, Snyder and Woelfel.

CONFIRMATIONS

Senators Boley (*Chair*), Boso, Mullins, Nohe, Takubo, Kessler, Miller, Palumbo and Plymale.

ECONOMIC DEVELOPMENT

Senators Takubo (*Chair*), Ferns (*Vice Chair*), Blair, D. Hall, Leonhardt, Maynard, Mullins, Walters, Kessler, Plymale, Romano, Stollings, Woelfel and Yost.

EDUCATION

Senators Sypolt (*Chair*), Boley (*Vice Chair*), Carmichael, D. Hall, M. Hall, Karnes, Takubo, Trump, Beach, Laird, Plymale, Romano, Stollings and Unger.

ENERGY, INDUSTRY AND MINING

Senators Mullins (*Chair*), Nohe (*Vice Chair*), Blair, Boley, D. Hall, Maynard, Sypolt, Facemire, Kirkendoll, Snyder, Williams, Woelfel and Yost.

SENATE COMMITTEES

ENROLLED BILLS

Senators Maynard (*Chair*), Gaunch (*Vice Chair*), Boso, Miller and Unger.

FINANCE

Senators M. Hall (*Chair*), Walters (*Vice Chair*), Blair, Boley, Boso, Carmichael, Mullins, Sypolt, Takubo, Facemire, Kessler, Laird, Plymale, Prezioso, Stollings, Unger and Yost.

GOVERNMENT ORGANIZATION

Senators Blair (*Chair*), Walters (*Vice Chair*), Boso, Ferns, Gaunch, Leonhardt, Maynard, Mullins, Facemire, Miller, Palumbo, Snyder, Williams and Yost.

HEALTH AND HUMAN RESOURCES

Senators Ferns (*Chair*), Takubo (*Vice Chair*), Gaunch, Karnes, Leonhardt, Trump, Walters, Laird, Palumbo, Plymale, Prezioso, Stollings and Unger.

INTERSTATE COOPERATION

Senators Gaunch (*Chair*), Karnes (*Vice Chair*), Boso, Maynard, Kirkendoll, Palumbo and Unger.

JUDICIARY

Senators Trump (*Chair*), Nohe (*Vice Chair*), Carmichael, Ferns, Gaunch, D. Hall, Karnes, Leonhardt, Maynard, Beach, Kirkendoll, Miller, Palumbo, Romano, Snyder, Williams and Woelfel.

LABOR

Senators D. Hall (*Chair*), Ferns (*Vice Chair*), Blair, Gaunch, Karnes, Maynard, Laird, Prezioso, Stollings, Williams and Yost.

SENATE COMMITTEES

MILITARY

Senators Leonhardt (*Chair*), Boley (*Vice Chair*), Nohe, Sypolt, Walters, Facemire, Laird, Romano and Yost.

NATURAL RESOURCES

Senators Karnes (*Chair*), Maynard (*Vice Chair*), Boso, M. Hall, Leonhardt, Nohe, Takubo, Beach, Facemire, Laird, Miller, Snyder and Williams.

PENSIONS

Senators Gaunch (*Chair*), Trump (*Vice Chair*), M. Hall, Mullins, Kirkendoll, Plymale and Unger.

RULES

Senators Cole (*Chair*), Blair, Carmichael, M. Hall, Sypolt, Trump, Kessler, Plymale, Prezioso, Stollings and Williams.


TRANSPORTATION AND INFRASTRUCTURE

Senators Walters (*Chair*), Leonhardt (*Vice Chair*), Boley, Gaunch, Mullins, Beach, Kirkendoll, Plymale and Woelfel.

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AND CALENDAR DAYS
AND PAGES OF JOURNAL COVERING SAME
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48 th Day.	Monday.	March 2.	1427
49 th Day.	Tuesday.	March 3.	1491
50 th Day.	Wednesday.	March 4.	1641
51 st Day.	Thursday.	March 5.	1687
52 nd Day.	Friday.	March 6.	1729

53 rd Day.	Saturday.	March 7.	1755
55 th Day.	Monday.	March 9.	1769
56 th Day.	Tuesday.	March 10.	1935
57 th Day.	Wednesday.	March 11.	2035
58 th Day.	Thursday.	March 12.	2185
59 th Day.	Friday.	March 13.	2321
60 th Day.	Saturday.	March 14.	2591
61 st Day.	Sunday.	March 15.	3215
62 nd Day.	Monday.	March 16.	3217
63 rd Day.	Tuesday.	March 17.	3225
64 th Day.	Wednesday.	March 18.	3227



West Virginia Legislature
JOURNAL
of the
HOUSE of DELEGATES

Eighty-Second Legislature
First Regular Session

Charleston, Wednesday, January 14, 2015

This being the day fixed by Section 18, Article VI of the Constitution of the State of West Virginia, for the annual assembly of the Legislature, the Members-elect of the House of Delegates met in their Chamber in the Capitol Building in the City of Charleston and, at 12 o'clock meridian, were called to order by the Clerk of the House of Delegates, the Honorable Bo Hoover.

The Clerk announced that the Honorable John Overington, the Delegate-elect from the 62nd Delegate District, was the oldest member in point of continuous service and, in accordance with Section 18, Article VI of the Constitution, would preside over the organization of the House of Delegates until a Speaker was chosen and shall have taken his seat.

Delegate-elect Overington then assumed the Chair.

Prayer was offered and the House was then led in recitation of the Pledge of Allegiance by the Honorable George Ambler, a Delegate-elect from the 42nd District.

**MESSAGES FROM THE EXECUTIVE
AND OTHER COMMUNICATIONS**

Various communications were laid before the House of Delegates, which were read by the Clerk as follows:

WEST VIRGINIA HOUSE OF DELEGATES
OFFICE OF THE CLERK
Charleston, WV 25305

December 31, 2014

The Honorable Timothy R. Miley
Speaker of the House
State Capitol
Charleston, WV 25305

Dear Mr. Speaker:

In January, 1973, I entered the halls of the West Virginia House of Delegates as a temporary employee at the ripe old age of 22. I was a file clerk and a messenger to the Clerk and to the Parliamentarian. Forty-two years later, I leave this magnificent place, warts and all, with satisfaction, pride, and with a certain sense of ownership of an institution which has been such a very good home to me.

In light of events which have changed the House drastically, and in order to assist in a smooth transition, I hereby tender my resignation to you as Clerk of the House, to come effective at 11:59 PM on this date of December 31, 2014.

As the House organizes itself for the 82nd Legislature, I wish you and all the members and staff the very best of luck in your endeavors.

Respectfully yours,

GREGORY M. GRAY
Clerk of the House

WEST VIRGINIA HOUSE OF DELEGATES
OFFICE OF THE SPEAKER
Charleston, WV 25305

January 8, 2015

Bo Hoover, Assistant Clerk
West Virginia House of Delegates
1900 Kanawha Blvd., East
Charleston, WV 25305

Dear Mr. Hoover:

Pursuant to the provisions of West Virginia Code §4-1-11, I hereby appoint Bo Hoover to serve as Clerk of the West Virginia House of Delegates until the commencement of the 1st Regular Session of the 82nd Legislature. He will assume all rights and duties of the vacant House Clerk position.

If you have any questions or concerns, do not hesitate to contact my office.

Sincerely yours,

TIMOTHY R. MILEY
Speaker

A communication from the Honorable Natalie Tennant, Secretary of State, was received and laid before the House, containing the official returns of the election held on the 4th day of November, 2014, covering

the 100 seats in the House of Delegates, which returns were accompanied by certificates for those appearing to have been elected by the voters of the 67 Delegate Districts.

DELEGATES ELECTED

The names of those whose credentials showed they were regularly elected members of the House of Delegates of the Eighty-Second Legislature in accordance with the laws of West Virginia were as follows:

FIRST DISTRICT

Pat McGeehan

Mark Zatezalo

SECOND DISTRICT

Ryan W. Weld

THIRD DISTRICT

Shawn Fluharty

Erikka Storch

FOURTH DISTRICT

David A. Evans

Michael T. Ferro

FIFTH DISTRICT

Dave Pethtel

SIXTH DISTRICT

William Roger Romine

SEVENTH DISTRICT

Lynwood "Woody" Ireland

EIGHTH DISTRICT

E. W. "Bill" Anderson, Jr.

NINTH DISTRICT

Anna Border

TENTH DISTRICT

Tom Azinger

Frank Deem

John R. Kelly

ELEVENTH DISTRICT

Bob Ashley

TWELFTH DISTRICT

Steve Westfall

THIRTEENTH DISTRICT

Scott Cadle

Michael Ihle

FOURTEENTH DISTRICT

Jim Butler

FIFTEENTH DISTRICT

Geoff Foster

SIXTEENTH DISTRICT

Sean Hornbuckle

Carol Miller

Jim Morgan

SEVENTEENTH DISTRICT

Doug Reynolds

Matthew Rohrbach

EIGHTEENTH DISTRICT

Kelli Sobonya

NINETEENTH DISTRICT

Kenneth "Ken" Paul Hicks

Don Perdue

TWENTIETH DISTRICT

Justin J. Marcum

TWENTY-FIRST DISTRICT

Harry Keith White

TWENTY-SECOND DISTRICT

Jeff Eldridge

Michel Moffatt

TWENTY-THIRD DISTRICT

Joshua Nelson

TWENTY-FOURTH DISTRICT

Rupert "Rupie" Phillips

Ralph Rodighiero

TWENTY-FIFTH DISTRICT

Linda Goode Phillips

TWENTY-SIXTH DISTRICT

Clif Moore

TWENTY-SEVENTH DISTRICT

Joe Ellington

Marty Gearheart

John Shott

TWENTY-EIGHTH DISTRICT

Roy G. Cooper

John D. O'Neal

TWENTY-NINTH DISTRICT

Ricky Moye

THIRTIETH DISTRICT

Mick Bates

THIRTY-FIRST DISTRICT

Karen “Lynn” Arvon

THIRTY-SECOND DISTRICT

Tom Fast

Kayla Kessinger

David Perry

THIRTY-THIRD DISTRICT

Roger Hanshaw

THIRTY-FOURTH DISTRICT

Brent Boggs

THIRTY-FIFTH DISTRICT

Andrew D. Byrd

John B. McCuskey

Eric Nelson

Chris Stansbury

THIRTY-SIXTH DISTRICT

Nancy Peoples Guthrie

Larry L. Rowe

Brad White

THIRTY-SEVENTH DISTRICT

Mike Pushkin

THIRTY-EIGHTH DISTRICT

Patrick Lane

THIRTY-NINTH DISTRICT

Ron Walters

FORTIETH DISTRICT

Tim Armstead

FORTY-FIRST DISTRICT

Jordan Hill

FORTY-SECOND DISTRICT

George “Boogie” Ambler

Ray Canterbury

FORTY-THIRD DISTRICT

Denise L. Campbell

Bill Hartman

FORTY-FOURTH DISTRICT

Dana L. Lynch

FORTY-FIFTH DISTRICT

Bill Hamilton

FORTY-SIXTH DISTRICT

Peggy Donaldson Smith

FORTY-SEVENTH DISTRICT

Danny Wagner

FORTY-EIGHTH DISTRICT

Danny Hamrick

Tim Miley

Patsy Samuel Trecoast II

Terry Waxman

FORTY-NINTH DISTRICT

Amy Summers

FIFTIETH DISTRICT

Mike Caputo

Linda Longstreth

Tim Manchin

FIFTY-FIRST DISTRICT

Barbara Evans Fleischauer

Cindy Frich

Brian Kurcaba

Amanda Pasdon

Joe Statler

FIFTY-SECOND DISTRICT

Larry A. Williams

FIFTY-THIRD DISTRICT

Randy E. Smith

FIFTY-FOURTH DISTRICT

Allen V. Evans

FIFTY-FIFTH DISTRICT

Isaac Sponaule

FIFTY-SIXTH DISTRICT

Gary G. Howell

FIFTY-SEVENTH DISTRICT

Ruth Rowan

FIFTY-EIGHTH DISTRICT

Daryl E. Cowles

FIFTY-NINTH DISTRICT

Saira Blair

SIXTIETH DISTRICT

Larry E. Faircloth

SIXTY-FIRST DISTRICT

Walter E. Duke

SIXTY-SECOND DISTRICT

John Overington

SIXTY-THIRD DISTRICT

Michael "Mike" Folk

SIXTY-FOURTH DISTRICT

Eric L. Householder

SIXTY-FIFTH DISTRICT

Jill Upson

SIXTY-SIXTH DISTRICT

Paul Espinosa

SIXTY-SEVENTH DISTRICT

Stephen Skinner

In the absence of objection, the returns of the election of Delegates as presented by the Secretary of State were accepted and filed with the Clerk of the House.

* * * * *

The Clerk then called the roll (**Quorum Call**), and the following answered to their names:

Ambler	Faircloth	Longstreth	Rohrbach
Anderson	Fast	Lynch	Romine
Armstead	Ferro	Manchin	Rowan
Arvon	Fleischauer	Marcum	Rowe
Ashley	Fluharty	McCuskey	Shott
Azinger	Folk	McGeehan	Skinner
Bates	Foster	Miley	Smith, P.
Blair	Frich	Miller	Smith, R.
Boggs	Gearheart	Moffatt	Sobonya
Border	Guthrie	Moore	Sponaule
Butler	Hamilton	Morgan	Stansbury
Byrd	Hamrick	Moye	Statler
Cadle	Hanshaw	Nelson, E.	Storch
Campbell	Hartman	Nelson, J.	Summers
Canterbury	Hicks	O'Neal	Trecost
Caputo	Hill	Overington	Upton
Cooper	Hornbuckle	Pasdon	Wagner
Cowles	Householder	Perdue	Walters
Deem	Howell	Perry	Waxman
Duke	Ihle	Pethtel	Weld
Eldridge	Ireland	Phillips, L.	Westfall
Ellington	Kelly	Phillips, R.	White, B.
Espinosa	Kessinger	Pushkin	White, H. K.
Evans, A.	Kurcaba	Reynolds	Williams
Evans, D.	Lane	Rodighiero	Zatezalo

The roll call disclosing that 100 Delegates-elect had answered to their names, the Presiding Officer declared the presence of a quorum.

All the Delegates-elect present then took the several oaths of office as prescribed by Section 16, Article VI of the Constitution of the State of West Virginia, which oaths of office were administered by the Honorable Margaret L. Workman, Chief Justice of the Supreme Court of Appeals.

ELECTION OF SPEAKER

The Presiding Officer announced that the next order of business was the election of a Speaker of the House of Delegates for the Eighty-Second Legislature and stated that nominations were now in order.

MAJORITY NOMINATION

Delegate Shott, the Delegate from the 27th Delegate District, nominated the Honorable Tim Armstead from the 40th Delegate District, as follows:

DELEGATE SHOTT. Good afternoon fellow Delegates and honored guests. Many people have waited many days, many years for this day. As my three children would often say at times that were significant to them, “totally awesome”.

On this totally awesome day it is my honor, privilege and pleasure to place into nomination the name of Tim Armstead as our next Speaker, the person, the one person most responsible for us being here today.

I want you to assume for a minute you are conducting an interview for the most important person in your organization because in reality that is really what we are here for today. Where would you start? Most people would start with a resume, what’s on paper, what are someone’s experiences. In this case our nominee Tim Armstead is a college graduate who majored in political science and history and demonstrated his interest in the political process by interning while he was in college. First, for a Democratic state senator

and later for Governor Arch Moore as his public relations assistant.

In 1996, Tim joined Governor Cecil Underwood's administration as assistant Chief of Staff. For an interesting parallel, that was a time in which the executive was a different party of the controlling party in the Legislature so it was certainly parallel to what we experience today.

In 1998, after he had filed for a seat in this body he was appointed to fill a seat caused by the untimely death of Delegate Dick Henderson and in that same year he was elected to this body and has been reelected eight times ever since. He has served as Minority Chairman of the Judiciary Committee and then being elected Minority Leader of the Republican Party in 2006 where he has served continuously since that time.

So, we have looked at the resume. Pretty good, huh? What else would you want to know? Well you would probably want to know what results he has accomplished in all those experiences, and I would mention to you two numbers: 25 and 64. When Tim was first elected minority leader there were 25 Republicans in his delegation in his caucus. Today...64. I would suggest to you that those are results that speak for themselves and eight years from 25 to 64. But that's not where we would stop in our announcing our candidate for our most important position in our organization. We would want to know what kind of person we are elevating to that position. So what would we look at next? We'd probably look at letters of recommendation, right? If you had a chance to review the article in the Charleston Gazette on January 2, you would have seen numerous recommendations. At that time the reporter had interviewed a number of colleagues of Tim and concluded that from both sides of the aisle his colleagues describe him as straight forward, sincere, willing to search for common ground, but not at the expense of his principles. In fact in that article, former Democratic House Speaker Bob Kiss who is also the current Revenue Secretary said, "We certainly didn't agree on every policy matter but I think his heart is in the right place." Also, a former Democrat who was the Judiciary Chair during Tim's service was quoted as saying, "While we disagreed all the time, Tim never personalized an issue."

Let me add to those recommendations. I have been in the House over a period of six years, two years as a Delegate then two years as an employee working under Tim as a part-time minority counsel and then again two years as a Delegate. I personally observed him over those six years and I can tell you that he has always treated everyone with courtesy and respect. He's listened, he's deliberated, he's reflected, nobody would ever categorize him as a ready, shoot then aim person. He's dedicated, extremely hard working, and always prepared. He's good hearted, not always a characteristic you find in politics. He will bend over backwards to avoid hurting anyone's feelings and believe me that has been tested, many times. I am confident that if you talked with anyone that has served with Tim they would reflect the same observations that I am sharing with you today. We have many challenges facing us this legislative session. We need leadership that is energetic, but calm and deliberative. Creative yet anchored in the fundamentals that made this nation great, and, perhaps most importantly we need leadership that is approachable, and willing to work across party lines, non-confrontational, non-antagonistic.

Tim Armstead has demonstrated repeatedly all of these qualities and is the right person to lead us through this upcoming session. Therefore, Mr. Chairman, it is my honor and my pleasure and a privilege to place into nomination the name of Timothy Armstead for Speaker of this House during our next 82nd session.

The nomination of Delegate Armstead was seconded by the Honorable Carol Miller of the 16th Delegate District, with the following remarks:

DELEGATE MILLER. Timothy Paul Armstead was born in Clendenin in 1965. His interest in the who, what, where and why of governing started at an early age. It was nurtured by his parents when he went to his first Lincoln Day Dinner. At the age of 14 Tim was asked to leave the parking lot of a local grocery store—he was passing out political brochures.

Tim graduated from University of Charleston with a degree in history/political science. He was a Herndon intern and worked in the Governor's office throughout his higher education. He received his law degree from the West Virginia School of Law.

Tim is an honorable man, a humble man, a gentle man. You see it in his demeanor. He is a quiet man, humorous and soft spoken, but he is also a man of strong convictions. He never dwells on the problem, but rather the solution.

Plato described perfect wisdom. He said it hath four parts: Wisdom, the principle of doing things right. Justice, the principle of doing things equally in public and in private. Fortitude, the principle of not flying from danger, but meeting it. And Temperance, the principle of subduing desires, and living moderately. That's what we will see in our new Speaker. The measure of a man is what he does with power.

I know that Tim's parents are smiling down on us as I second his nomination to be Speaker of the 82nd House of Delegates.

MINORITY NOMINATION

Delegate Pethtel, 5th Delegate District, then nominated the Honorable Timothy R. Miley, the Delegate from the 48th Delegate District, as follows:

DELEGATE PETHTEL. Honorable members of the 82nd West Virginia Legislature and West Virginia House of Delegates. Let me congratulate you on your election or re-election to this great body.

It is an honor and pleasure for me to place the name of Timothy R. Miley in nomination for Speaker of the House of Delegates to the 82nd Legislature.

Tim received his B.B.A. in Finance from Southern Methodist University and JD from Duquesne University. He, his wife Susan, and stepdaughter, Jordin, who are very instrumental in his life, reside in Bridgeport.

He was first elected to the House of Delegates in 2004 and has been re-elected every two years continuously through 2014. He served as Chairman of the Committee on Judiciary during the 79th, 80th and 81st Legislatures until being elected Speaker prior to the 2014 Legislative session with the resignation of Speaker Richard Thompson to the become cabinet Secretary of Veteran Affairs.

First, Tim Miley cares very deeply about the citizens of West Virginia and the future of our state. He believes strongly that the Democratic Party is the political body best suited to implement and carry out public policy that benefits not only for the small businesses and entrepreneurs in West Virginia, but also the working men and women of the state, the working poor of this state, and many who are not working due to any number of reasons such as age or disability.

Secondly, during his brief tenure as Speaker, I believe that what we accomplished together is a reflection of his priorities for the future of our state.

Specifically, for the first time in his 10 years of serving in the House of Delegates, the Democratic Caucus had an agenda as it entered the 2014 Legislative Session. As you may recall, the acronym for the agenda was IFED (I) Integrity and Accountability in Government, (F) Families, (E) Education, (E) Energy and (D) Developing our economy.

A few notable examples that reflect the spirit of the Democratic Party agenda are: increasing the minimum wage, protection of pregnant women in the workplace and the tenacity to pursue increasing the funding for the aged and disabled waiver program. We also passed a bill that enhances penalties for offenses of child pornography with aggravated circumstances.

While I am proud of our past successes, we cannot rest on our accomplishments but, instead, must focus on toward the future and continue developing a strong agenda with a strong message.

First, Tim believes we must always continue to focus on education for the children of our state. We should always focus on improving not just the delivery of educational services but also expanding the opportunities for continued education for our students post high school. He believes we must create a program similar to the Promise Scholarship that will able most students to attend technical and community colleges, business schools and trade schools.

We must recognize that we have a teacher shortage problem that must be addressed by making teacher's salaries competitive with surrounding states and the private sector.

Secondly, we must address the health care crisis in our state by at least expanding access to healthcare in the rural areas of our state. This can be accomplished through the expansion of our telemedicine laws and embracing technology to aid in the delivery of medical services.

Third, we must continue to focus on inspiring young entrepreneurs in our state and identifying obstacles to the success of our small businesses.

Finally, we must continually focus on the infrastructure of our state and identify methods by which maintaining and building the infrastructure can be funded. We all believe that our roads and bridges are crumbling around us.

Once again, it is an honor and pleasure for me to nominate Tim Miley for Speaker of the West Virginia House of Delegates.

The nomination of Delegate Miley was seconded by the Honorable Ricky Moye of the 29th Delegate District, with the following remarks:

DELEGATE MOYE. Thank you, Mr. Chairman. To our returning members, congratulations. To our new members, congratulations. You will soon see the responsibility that comes with sitting in these seats. Timothy Miley was elected two years prior to me. When I first came to the Legislature, he greeted me and treated me with respect. It wasn't long, he was elevated to the position of Chair of the Judiciary, sitting where Delegate Shott is now. I sat a couple of rows back and every year next to the end of session, you've got legislation you want to run and I would slip down to Mr. Miley's desk and ask him about running my legislation. He would always respond to me the same way, Rick we are really busy right now, you need to put it in writing and I did. He would always come back to me with an answer. Not always would he run the legislation but he would give me an honest, straight forward answer as to why he couldn't. Speaker Miley has proven to have a heart of compassion for West Virginia citizens and development and growth of small businesses in our state. Under his leadership, we have raised the minimum wage, something many other states have been unable to accomplish. We have maintained physical responsibility. West Virginia has been ranked as having the 3rd fastest

growing economy for the last couple of years. We have not raised taxes, but instead we have lowered the taxes benefitting consumers and businesses and the results have been phenomenal growth in the northern part of our state. That has attracted the ethane cracker plant in Wood County. To that I am going to tell you, the best has yet to be told about that. The businesses that will offspring from that will propel West Virginia's economy. One very important attribute of Speaker Miley is the way he treats others. Treating everyone with respect and dignity and even if he disagrees with you, you are treated with respect and dignity. You the members of the 82nd legislature have a very unique opportunity. When we are electing a President for the United States, the news media and the critics are always analyzing whether this President is qualified or if the candidates are qualified for the job. Well, you the members of the 82nd legislature for the first time since the 1930s have a choice to vote for a member of the minority party that has held the position of Speaker and has proven he is qualified for the job. To that end, I very, proudly second the nomination of Timothy R. Miley for Speaker of the House of the 82nd Session of the Legislature.

There being no further nominations, on motion of Delegate Cowles, the Presiding Officer declared nominations closed.

* * * * *

The Clerk then called the roll, the result of which was as follows:

Delegates voting for Delegate Armstead – 64, as follows:

Ambler	Evans, A.	Kelly	Rowan
Anderson	Evans, D.	Kessinger	Shott
Arvon	Faircloth	Kurcaba	Smith, R.
Ashley	Fast	Lane	Sobonya
Azinger	Folk	McCuskey	Stansbury
Blair	Foster	McGeehan	Statler
Border	Frich	Miley	Storch
Butler	Gearheart	Miller	Summers
Cadle	Hamilton	Moffatt	Upton
Canterbury	Hamrick	Nelson, E.	Wagner
Cooper	Hanshaw	Nelson, J.	Walters
Cowles	Hill	O’Neal	Waxman
Deem	Householder	Overington	Weld
Duke	Howell	Pasdon	Westfall
Ellington	Ihle	Rohrbach	White, B.
Espinosa	Ireland	Romine	Zatezalo

Delegates voting for Delegate Miley - 35, as follows:

Armstead	Fluharty	Moore	Rodighiero
Bates	Guthrie	Morgan	Rowe
Boggs	Hartman	Moye	Skinner
Byrd	Hicks	Perdue	Smith, P.
Campbell	Hornbuckle	Perry	Sponaugle
Caputo	Longstreth	Pethtel	Trecost
Eldridge	Lynch	Phillips, L.	White
Ferro	Manchin	Pushkin	Williams
Fleischauer	Marcum	Reynolds	

On the call of the roll for the election of Speaker, Delegate R. Phillips abstained from voting.

The Presiding Officer stated that the total number of votes cast was 99, of which the Honorable Tim Armstead of the 40th Delegate District received 64, and the Honorable Timothy R. Miley of the 48th Delegate District received 35, with one vote of abstention by Delegate R. Phillips, of the 24th District, and declared that the Honorable Tim Armstead, having received the majority of the votes cast, was duly elected Speaker of the House of Delegates. (Applause, the members rising)

Whereupon,

The Presiding Officer appointed Delegates Shott, Miller and Miley as a committee to escort the Speaker-elect to the Chair.

The committee then escorted the Speaker-elect to the Clerk's Desk, where he took the oath of office as prescribed for the Speaker, which oath of office was administered by the Honorable David A. Faber, Senior Judge, United States District Court.

Delegate Miley delivered the following remarks prior to presenting the Speaker to the House:

DELEGATE MILEY. Let me be the first to publically congratulate Delegate Armstead as Speaker of this body for the next two years. I have to tell you in the build up to today, I never quite thought that all the talk of historical significance was going to be about perhaps having the majority party vote for a minority member as Speaker like Delegate Moye suggested. But I am happy to be the one to first publicly congratulate you Tim. I have worked with Delegate Armstead for the past 10 years and everything that has been said about you is absolutely true. While we may or may not agree on issues, I have no question as to what his motives are and the ultimate end game and end goal he wants to accomplish. I look forward to working with you, as do I am sure, for the other members of the minority party to accomplish those goals. We may not always agree on the best way to get there but I don't have any doubt that all of us want the same thing for the State of West Virginia. I have no doubt that your family is proud of you, your colleagues are proud of you. I have to tell you that your persistence in hanging in the minority for that long until this day came is incredible and speaks volumes about your character and your work ethic. Thank you for allowing me this opportunity to congratulate you for the first time and I look forward to working with you.

At the conclusion of Delegate Miley's remarks, the Speaker then addressed the House as follows:

MR. SPEAKER, MR. ARMSTEAD. To my fellow delegates, I want to express, first of all, my heartfelt appreciation for the honor to serve as the Speaker of this House of Delegates. It has been one of the great honors of my life to be a Delegate from the 32nd District, the Delegate from the 40th District from the Elk River area of the House for the past 16 years.

Today, it is hard to find the words to adequately express what I feel as we start into the first days of this legislative session.

I am truly thankful to God for the path that has brought me to this point in my life. I want to thank, today, Delegate Shott and Delegate Miller for your nomination and seconding. Those were very kind words and I hope I live up to those words. Thank you so much, not only for your nomination and seconding, but for your support in leadership in this House. I also want to thank my family for their support and sacrifices they have made over the years. I wish that my parents Ed and Myrtle Armstead could be here but I guess Carol said, I think they know today and I am so thankful and grateful for their influence in my life, as I know all of us are for all of our family members, for our parents that helped us throughout the years. I certainly want to thank my, wife, Anna and my daughter, Katie, who have always been there for me with love and encouragement, support and filling in when I was here. I know all of us, all of us appreciate and are thankful for the sacrifices that our families make. So I wanted to take just a moment today, because so many of them are here with us today, but I would like for us to take a moment to give a round of applause in support and appreciation for our families and our friends that are here who are always here to support and help us in this process.

Let me, also, take a moment to congratulate the new Minority Leader of the House, Delegate Miley. I want to thank you, Mr. Leader, not only for your friendship over the years but I wanted to say very publicly today, we have had a tremendous amount of work to do over the past few months. This transition has been deemed as historic but let me tell you how it is historic, not only in what will take place from this point on but it has been historic in terms of the volume of work and the amount of work that had to take place from November until today and I want to thank you, Mr. Leader, and your leadership team for the professional and friendly, cooperative manner that you have conducted that transition. It has meant a great deal to our caucus and I think it has set a stage moving forward in this House of cooperation. As you said, we may not agree on everything but the cooperation and the friendly manner in which that was conducted has meant a lot to our caucus and I think it will be a great sign of things to come in terms of our continued cooperation. So thank you

thank you for your friendship and thank you for the manner in which this has taken place over the last couple of months.

As we know, there has never been a change of party leadership in the House of Delegates in this Capitol. I am sure you have heard that talked about over the past couple of months. You know as, many of us students, we came here maybe in elementary school or middle school to this Capitol. Some, this may be their first trip to this Capitol but if you look throughout this building, Cass Gilbert, that did the architect designed all types of symbolism throughout the building and I have mentioned this in the past, in debates on the floor, but there is symbolism in this room as well, and one of those symbols is the eagle or the eagles that are along the top of the chamber.

If you go to the Senate chamber, which I don't know why you would want to go to the Senate chamber when you can come here, but if you were to go to the Senate chamber you would see that the eagles' wings are spread. They are in flight, but here, in this House the symbolism of those eagles is important because those eagles' wings are closed. They have landed. They are close to the ground. They are close to the people. That is a symbol that Cass Gilbert put into this chamber when he designed the Capitol, that we are the ones who are closest to the people in terms of their relationship with our state government. We are the ones that live in their communities. We are the ones that see them at the grocery store and at ballgames. We are the ones that truly are their contacts, their voice in this Capitol. Our role is to bring to this Capitol their hopes and their goals and their aspirations and their dreams, also sometimes, their frustrations and their challenges. You know it is easy, easy to say what is good about West Virginia because there are so many things about West Virginia that we can be proud of, that we love as West Virginians. We could list those all day but we also need to realize that there are challenges we face. Now we all know West Virginians. We know they are hardworking. They love their families, their neighbors, their communities. They are people of strong and abiding faith. They are always ready to help their neighbors and we see that time and time again throughout the history of our state. They get up early and they put in a hard day's work and they dream of a better day for their children and their grandchildren. West Virginians

are independent. They rely on hard work, ingenuity and faith. They don't want a handout, just an opportunity, a job. They want to be able to get up every day and work hard. If given a chance, West Virginians will outwork and outpace the competition. They will exceed all expectations and they will find a way to make the impossible, possible. We have seen it time and time again. This is a great time to think about though, what are the challenges that our fellow West Virginians face. When we talk about those challenges, that doesn't at all take away from our optimism about the state. It doesn't take away from the love for the state but, if we truly love West Virginia and we truly want to do what is right, we have to be honest about where we are at all times and, when we have challenges that we need to face, we need to face those challenges not, as someone said today, looking at problems but looking at solutions and there are a lot of solutions that we can bring to this chamber. We can debate them. We can discuss them. We can pass them. We can put them into law and help to solve many of the challenges that West Virginians face today.

As we sit here today, over nearly 50,000 of our fellow West Virginians are out of work. So many more are either working two jobs to make ends meet or they have given up looking for a job. We can do better. The statistics show that there are 85,000 children who live in homes in West Virginia who do not know where their next meal is coming from. We can do better. We can do better. So many of the problems and challenges we face, including drug addiction crime, stem from poverty and our long term economic outlook in our state. We can do better. West Virginia ranks 47th in K-12 achievement in student achievement. Now we have good, outstanding, talented, creative teachers who want the best for their students. They want to have the opportunity to reach those students in the classroom but we have so much red tape, so much bureaucracy, so many obstacles that stand in their way. Ladies and gentlemen, we can do better.

Our tax structure should be fair and it should allow our people to keep more of their hard earned money to send our children to school, to buy homes, to put food on their table. Their current system is burdensome in so many ways and it is not competitive when we compete against surrounding states to create jobs in our state, but we can do better. We

had a legal system... we need a legal system that is fair to all parties, plaintiffs and defendants that is based on standard and processes that are rational, predictable and fair. We continue, though, to be ranked at the bottom in terms of our court system and the fairness of our court system, but we can do better. Now, we are not going to all agree on what those solutions are but I have a saying that my mother once said to me, "When two people agree on everything, perhaps one of them isn't necessary." So I have used that as a guide throughout my life that we should listen to one another. We should hear each other's view. We should have, we should fill this hall and the committee rooms throughout this capitol with vigorous debate because that is what makes good legislation. That is what gets us to the right solution to these challenges. That is what gets us to the right solution to these challenges. Now there are so many other challenges that I haven't mentioned today but what is so exciting to me today is that I look around this room and I see so many members of this chamber who have fought year after year to make West Virginia better and they are joined this year by so many new faces of people who bring talent, excitement and new ideas to this chamber and together we are ready to roll up our sleeves. We are ready to go to work and we are ready to meet the challenges we face in West Virginia.

Now, while this transition has been said to be historic in so many ways, it will only truly be historic to West Virginians when it touches their lives. The mere fact that the number of people in this room and their political affiliation is not truly the history. The history is what we do with that and what we do to make the lives of the men and women who work every day in our state, their children who go to school in our state, what we do to make their lives better. In order to make, in order to reach the solutions that we need to find throughout this process, we must ensure that every member of this House, man or woman, Republican or Democrat, has the opportunity to put his or her God-given talents, abilities, experience and knowledge to work. All 100 members to work to construct meaningful legislation that will make our future brighter and, together, we will do just that.

Finally, on this historic day I am reminded of a story that relates to our 16th President. I have had the opportunity as Minority Leader in the past to honor on his birthday in this chamber, Abraham Lincoln, who was the creator of our state.

There is a story that I may have shared in the past. It is not one I had heard a great deal, about President Lincoln, but the President was visiting some relatives once that lived in a cabin and there was a young girl that, which he was related to. She was playing in the yard and out in a puddle and the President lifted that young girl up and went into the cabin and let her put her foot prints on the top, her muddy footprints on the top of the ceiling of that cabin. After President Lincoln's assassination, the eulogy to the President, that story was told. It was said that just as President Lincoln lifted that child up and allowed her to leave her lasting footprints, well beyond the time that he served as our President and the time we had him in our nation, that he also lifted up the future generation of our country to allow them to leave an enduring mark on the history of our country well beyond his time.

My sincere hope is that we work together to lift up our future generations and that all we do here will help them leave their mark and that their lives and their future will be brighter than even we had as West Virginians. It is time for us to work together to write a new and exciting chapter in the history of West Virginia and I look forward to serving you, as your Speaker, and to working with each of you to do just that. Thank you.

At the conclusion of his remarks his wife, Mrs. Anna Armstead, accompanied by their daughter, Katie, presented a gavel to the Speaker and he assumed the Chair. (Applause, the members rising in ovation)

* * * * *

ELECTION OF CLERK

The next order of business being the election of the Clerk, the Speaker stated that nominations were now in order.

Delegate Sobonya, the Delegate from the 18th District, nominated Stephen J. Harrison, of the County of Kanawha, as follows:

DELEGATE SOBONYA. I am extremely honored and pleased to nominate Steve Harrison to serve as the Clerk for the West Virginia House of Delegates.

Steve Harrison is a native West Virginian. He is a graduate of Sissonville High School in Kanawha County and in 1990 graduated with a triple concentration of Economics, Political Science, and Organizational Behavior & Management from Brown University. During his collegiate years, he was also a standout football player having been a GTE District 1 All-American. He also played in the 1989 Epsom Ivy Bowl, an all-star game in Japan, following his senior season.

In 1992, Steve was elected to a four-member House of Delegates District (District 32) and joined three others in a Republican sweep that year. These four men, Dick Henderson, Jay Nesbitt, Ron Walters and Steve Harrison drew the ire of then House Speaker Chuck Chambers, which he dubbed the “Four Horsemen.” Our own future, our now Speaker, Tim Armstead, was later part of this talented group of “Four Horsemen”. These men stood for smaller, limited government, lower taxes and strong ethics.

After serving five terms in the House of Delegates, Steve ran against an incumbent Senator and in 2002 he was elected to represent Kanawha County in the 8th Senatorial District. In 2006, he opted not to seek re-election to devote more time to his profession, his church and his family. The definition of the word honorable is as this: honest, moral, ethical, principled, right-minded. This describes Steve Harrison.

I know first-hand that Steve Harrison is an honorable man. I first met Steve in the mid-1990’s. Prior to my election to the West Virginia House of Delegates, I served as a volunteer lobbyist for West Virginians for Life. In that capacity working many years with Steve Harrison on the outside, I learned very quickly that he is steadfast in his principles-never wavering.

As a legislator he was a “friend of the taxpayer” and he was known as both a fiscal and moral conservative.

Steve Harrison reflects deep-seeded West Virginia values.

In the private sector, he was a long-time banker, he’s a devoted husband to his wife Kristen for 22 years, and a wonderful father to a set a twins, four year old Benjamin and Maggie.

The Clerk is an important position. Historically, the Clerk is responsible for keeping records and accounts. Even

before America became a nation, and West Virginia became a state, record keeping in the United Kingdom House of Commons started back in 1315, and in 1363, the first Clerk was appointed. Originally, the title “Clerk” simply referred to someone who could read and write and I think hopefully our future clerk can read and write, but that was what they had to do was read and write back then. The Clerk had to read out bills, petitions and other documents to the members, many of whom could not read. This is where the various stages of bills come from - first, second and third readings - as a Clerk actually read the bills aloud. In 1547, the House of Commons Clerks also started recording the actions and decisions of the House in a journal. Over the years they increased their detail of their records. Today, responsibility for recording all decisions of the Assembly is still one of the important parts of the Clerk’s duties. Alongside the tasks originally started centuries ago, the Clerk now has considerable management responsibilities.

Steve Harrison has the legislative and managerial experience to make a great Clerk.

If you go over to the museum at the Culture Center here on this campus is a display of the early house journals that date back from the 1800s where speeches of legislators who came before us are recorded in handwritten journals and where the Acts of the Legislature are written down as a recorded history for generations to come. It is humbling to know that what we as legislators say and do here as a legislative body will be recorded by our House Clerk for our children, grandchildren, great grandchildren and those beyond and will serve as a living history.

Ladies and gentlemen, this is a historical time for our state and I can’t think of a better person with the experience and necessary leadership skills to serve as House Clerk other than the Honorable Steve Harrison.

Please join me in supporting my friend, Steve Harrison, and electing him to serve the great State of West Virginia as the Clerk of the House of Delegates. Thank you.

The nomination was seconded by Delegate Walters of the 39th Delegate District, with the following remarks:

DELEGATE WALTERS. Thought I’d bring a prop today, so, but we will get to that. I have the privilege to second the

nomination of Steve Harrison and what an honor. I personally believe that I am truly blessed by God to do this nomination. Steve is a friend of mine for over 23 years. Steve and I came to this House 22 years ago with a group of 33 freshmen. Ironically today the group of freshmen are 33 too. Today is the day I wasn't sure I could ever serve long enough or live long enough to see. Over 80 years . . . the last Republican served as the House Clerk. Steve will be the first Republican Clerk to serve in this building. History is made today and I am proud that Steve is part of that history.

Over the years Steve has held many positions of responsibility in our community. He is a member of this House and all the committees he served on. He was cochair of the freshman caucus our first year there and I will assure you after the last night of the session and the start of our second year there, we kindly asked the Speaker to join us at that time and we asked him not to do to us what happened on that last night because they used to just run bills "yea" or "nay". They would have committee meetings late into the night and we as a caucus told the Speaker we weren't going to vote for it and when it came to the end of the year, five days before the end, the Speaker came back to that caucus and we reminded him that we weren't going to do it and we didn't. So we stopped a few bills that year. But Steve was the Republican cochair and his friend Mike Oliverio was the Democrat cochair. Steve served as a State Senator, I don't know why he wanted to go to the lower house but he certainly did get the opportunity to serve there. He has often been a leader in his church. He organized the prayer breakfast for many years. In many ways, the four Delegates of the old 32nd District owe our "Four Horsemen" label to the reputation of Steve Harrison. He always reminded us it was our mission to challenge regardless if it was economic issues, taxation issues, education issues, and yes, social issues. But he always asked to do it in a respectful manner, so with that in mind the first thing we did was cut our ties to high taxes and send them to the Chairman of Finance. Now I will tell you one more story about Steve. Steve, one year, almost became the labor delegate of the year. He introduced a bill to give a vendor preference to small business. It got into committee and the West Virginia Jobs Act was inserted in and the vendor preference was taken out and they almost nominated him the labor delegate of the year. So he has plenty experience on both sides of issues.

He and I sat in more than 50 town meetings together where we went throughout our district and held six a year and enjoyed every minute of that service. I want to take a little bit of time today to thank Kristen, his wife, for the joy she has brought Steve in his life and for letting us share in his leadership, his organizational skills, his steady God directed hand and thoughts and kindness. I have watched Steve for more than 20 years and I will share a couple of quotes which I believe show the man that he is and the leader he will be. Walt Bettinger said remember work/life balance is a myth, watch where someone spends their time and sets their priorities and you will know what is important to them. Oscar Wilde said the smallest act of kindness is worth more than the grandest intention. Steve is an example of a clear path and an honorable man and I am privileged and truly honored today to address you and second his nomination and I ask that he be elected by acclamation. Thank you very much.

On motion of Delegate Cowles, nominations were closed and the Honorable Stephen J. Harrison, of the County of Kanawha, was elected Clerk of the House by acclamation. (Applause, members rising in ovation)

Mr. Harrison then took the oath of office as prescribed for the Clerk, which oath of office was administered by the Honorable David A. Faber, Senior Judge, United States District Court.

ELECTION OF SERGEANT-AT-ARMS

The next order of business being the election of Sergeant-at-Arms, nominations were now in order.

Delegate A. Evans, a Delegate from the 54th Delegate District, nominated Marshall Clay, of the County of Fayette, as follows:

DELEGATE A. EVANS. I am pleased and honored to nominate Marshall Wayne Clay for the position of Sergeant-at-Arms. He was born in Oak Hill, West Virginia, Fayette County.

Marshall is a family man and a man of faith. Retired from the Navy as a Senior Chief Petty Officer (E-8) who served

from 1975-1995 and is a 2008 Rollins/Burke Graduate Intern and has worked at the Capitol for a number of years as a Legislative Assistant during the 2009, 2012, 2013 and 2014 Legislative Sessions.

Marshall is a dependable, honest and straight forward worker who has done his job with dignity, good humor and integrity.

It is a privilege to know Marshall, a man with insight, kindness and compassion and the ability to work with everyone.

I highly recommend Marshall Wayne Clay for the position of Sergeant-at-Arms.

The nomination was seconded by Delegate Cooper of the 28th Delegate District, with the following remarks:

DELEGATE COOPER. It is also my honor and privilege to second this nomination of Marshall for this position. If you had to use three words to describe Marshall, you would say of course he is dedicated and you know folks are going to find that out if we select him today we will see him always going about his business dedicated to his job. You wouldn't believe how far the man drives on a snowy day to get here, how far he has driven in the two years I have been here. Of course he is hard working. A third thing, you never see Marshall when he is rattled. He is a steady hand and myself and Marshall share a couple of things. We are both retirees of the US Navy and actually we held the same pay grade. We served in the same Navy at different times, him quite a bit after I did but Marshall learned those traits in the US Navy and he has brought them to this Capitol. It is my pleasure to second his nomination. I also want to add when you see Marshall and I talking to each other, maybe laughing, shaking our head or something at each other we are telling sea stories. Now if you want to know the difference between a sea story and a fairy tale I would refer you to Marshall and again, Mr. Speaker, it is my pleasure to second this nomination. Thank you.

On motion of Delegate A. Evans, nominations were closed and the Honorable Marshall Clay, of the County of Fayette, was elected

Sergeant-at-Arms by acclamation. (Applause, members rising in ovation)

Mr. Clay then took the oath of office as prescribed for the Sergeant-at-Arms, which oath of office was administered by the Honorable David A. Faber, Senior Judge, United States District Court. (Applause, the members rising in ovation)

ELECTION OF DOORKEEPER

The next order of business being the election of Doorkeeper, nominations were now in order.

Delegate E. Nelson, the Delegate from the 35th Delegate District, nominated Frank Larese, of the County of Kanawha, as follows:

DELEGATE E. NELSON. Thank you Mr. Speaker and congratulations. Congratulations also to fellow delegates. I am honored to stand before you to nominate Frank Larese for the position of Doorkeeper. The Doorkeeper's duties are to announce all messages to this body and he is charged with the oversight of each door and access to the chamber. Frank is a native of Fayette County, that makes two of them, but has called Charleston home for a number of years. Has been very active in our community. Frank is one of our own. Mr. Speaker it is with great pleasure to nominate Frank Larese for the position of Doorkeeper.

The nomination was seconded by Delegate McCuskey of the 35th Delegate District, with the following remarks:

DELEGATE MCCUSKEY. Thank you, Mr. Speaker. Welcome everybody, new members, as well as congratulations old members. Frank, like me, wasn't born in Kanawha County. I was born in Harrison County and a lot of people don't know that. Being from Harrison County, I know what really great spaghetti sauce tastes like. People in the north central part of the state know what I am talking about. I had a baby sitter from back home, who used to always tell me, the hardest part about making wonderful spaghetti sauce was keeping people from eating it while

you're trying to make it. I have had Frank Larese's spaghetti sauce and it is fantastic and I know that he can't keep people away from it and for that reason I know he is going to be a wonderful Doorkeeper. Mr. Speaker I am honored to second the nomination of Frank Larese. Thank you.

On motion of Delegate E. Nelson, nominations were closed and the Honorable Frank Larese, of the County of Kanawha, was elected Doorkeeper by acclamation. (Applause, members rising in ovation)

Mr. Larese then took the oath of office as prescribed for Doorkeeper, which oath of office was administered by the Honorable David A. Faber, Senior Judge, United States District Court. (Applause, the members rising in ovation)

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RESOLUTIONS INTRODUCED

Mr. Speaker, Mr. Armstead, offered a resolution, which was read by the Clerk as follows:

H. R. 1 - "Adopting Rules of the House of Delegates."

Resolved by the House of Delegates:

That the Rules of the House of Delegates in effect at the expiration of the 81st Legislature are hereby adopted and shall govern the proceedings of the regular sessions of the 82nd Legislature and any extraordinary sessions thereof insofar as applicable, subject to amendment as provided by Rule 133, except that Rules 77, 78, 91a and 108a be amended to read as follows:

"Jurisdiction of Committees

77. In general and without limitation, standing committees shall have functions and jurisdiction of subjects and other matters as follows:

1. *Committee on Agriculture and Natural Resources:* (a) Agriculture generally, including agricultural production and marketing, animal industry and animal health, adulteration of seeds, commercial feeding stuffs and commercial fertilizer, processed foods, insect pests and pesticides, soil conservation, milk and milk products, meats and meat products, agricultural extension service, entomology and plant quarantine, poultry and poultry products, and human nutrition and home economics; (b) natural resources in general, including game and fish, forest and wildlife areas, parks and recreation, water resources and reclamation.

2. *Committee on Banking and Insurance:* (a) Banks and banking, and financial institutions generally; (b) control and regulation of all types of insurance, including organization, qualification and licensing of insurers; and (c) securities and exchanges.

3. *Committee on Education:* (a) Education generally; (b) boards of education, and administration and control of schools; (c) textbooks and school curricula; (d) vocational education and rehabilitation; (e) qualifications, employment and tenure of teachers; (f) libraries; and (g) public schools and institutions of higher education.

4. *Committee on Energy:* (a) Mining and extraction of coal and other fossil fuels; (b) extraction and distribution of natural gas; (c) energy production employment, safety, local land use and community impacts; and (d) alternative energy development and efficiency measures.

5. *Committee on Finance:* (a) Tax and revenue measures increasing or decreasing the revenue or fiscal liability of the State; (b) collection of taxes and other revenue; (c) annual Budget Bills and supplementary appropriation bills; (d) proposals reducing public expenditures; (e) proposals relating to the principal and interest of the public debt; and (f) claims against the State.

6. *Committee on Government Organization:* (a) Legislation and proposals dealing with the Executive Department of state government

with respect to creation, duties and functions; consolidation and abolition; and transfer, imposition and elimination of functions and duties of departments, commissions, boards, offices and agencies; and (b) measures relating to the Legislative Department, other than apportionment of representation and redistricting for the election of members of the two houses.

7. *Committee on Health and Human Resources:* (a) Public health and public welfare generally; (b) mental health; (c) public and private hospitals and similar institutions; (d) prevention and control of communicable and infectious diseases; (e) pure food and drugs; (f) poison and narcotics; (g) correctional and penal institutions; and (h) public assistance and relief.

8. *Committee on Industry and Labor:* (a) Employment and establishment of industry; (b) labor standards; (c) labor statistics; (d) mediation and arbitration of labor disputes; (e) wages and hours of labor; (f) child labor; (g) safety and welfare of employees; (h) industry and labor generally; and (i) infrastructure.

9. *Committee on Interstate Cooperation:* Constitute the House members of the West Virginia Commission on Interstate Cooperation as provided by Article 1B, Chapter 29 of the Code.

10. *Committee on the Judiciary:* (a) Judicial proceedings, civil and criminal generally; (b) state and local courts and their officers; (c) crimes and their punishment; (d) corporations; (e) collection and enforcement of property taxes; (f) forfeited, delinquent, waste and unappropriated lands; (g) real property and estates therein; (h) domestic relations and family law; (i) revision and codification of the statutes of the State; (j) election laws; (k) proposals to amend the Constitution of the United States or the Constitution of the State; (l) legislation relating to constitutional conventions; and (m) other matters of a nature not deemed properly referable to any other standing committee.

11. *Committee on Pensions and Retirement:* (a) Continuing study and investigation of retirement benefit plans of the State and political

subdivisions thereof; (b) making recommendations with particular attention to financing of the various pension funds and financing of accrued liabilities; (c) considering all aspects of pension planning and operation; and (d) analyzing each item of proposed pension and retirement legislation with particular reference as to cost, actuarial soundness and adherence to sound pension policy.

12. *Committee on Political Subdivisions:* (a) Counties, districts and municipalities generally; (b) division of the State into senatorial districts and apportionment of delegate representation in the House; and (c) division of the State into districts for the election of representatives to Congress.

13. *Committee on Roads and Transportation:* (a) Highways, public roads, railways, canals and waterways, aeronautics, aircraft and airways; (b) motor vehicle administration and registration; (c) licensing of motor vehicle operators and chauffeurs; (d) traffic regulation and laws of the road; and (e) regulation of motor carriers of passengers and property for hire.

14. *Committee on Rules:* (a) Rules, joint rules, order of business and parliamentary rules in general; (b) recesses and final adjournments of the House and the Legislature; (c) payment of money out of the contingent or other fund of the House or creating a charge upon the same; (d) employees of and services to the House, and purchase of furniture, supplies and office equipment; (e) election and qualification of members of the House and state officers, privileges of members and officers of the House, and witnesses attending the House or any committee thereof; (f) punishment of members of the House for disorderly conduct; and punishment of any person not a member for contempt, disrespectful behavior in the presence of the House, obstructing its proceedings, and for any assault, threat or abuse of a member of the House; (g) House printing; (h) House Library, statuary and pictures, acceptance or purchase of works of art for the Capitol, purchase of books and manuscripts for the House, erection of monuments to the memory of individuals; ~~and~~ (i) sale of food and administration and assignment of office space in the House wing of the

Capitol; and (j) Resolutions referred to the Committee on Rules pursuant to Rule 110.

15. *Committee on Senior Citizen Issues*: Proposal, revision and recodification of statutory provisions relating to all senior citizen issues.

16. *Committee on Small Business, Entrepreneurship and Economic Development*: (a) small business; (b) entrepreneurship; (c) e-commerce; (d) e-government; (e) economic development; (f) job creation; and (g) commerce generally.

17. *Committee on Veterans' Affairs and Homeland Security*: (a) Veterans' measures; (b) education of veterans; (c) cemeteries of the State in which veterans of any war or conflict are or may be buried; (d) measures generally affecting the health and welfare of veterans; ~~and~~ (e) measures relating to detection, protection against, response to, and recovery from, terrorist attacks, internal or external; and (f) military affairs."

"Composition of Committees.

78. The Committee on Rules shall consist of not less than ~~seven~~ fifteen nor more than ~~eighteen~~ twenty-five members, which number shall include the Speaker, Majority Leader and Minority Leader; the Committee on Interstate Cooperation of seven members; and all other standing committees shall consist of not less than fifteen nor more than twenty-five members, except that the number of members of the Committee on Pensions and Retirement shall be appointed in accordance with Joint Rule 29 or in such number as may be determined by the Speaker."

"Bills, Resolutions and Petitions Bills and Joint Resolutions

Time Limit on Introducing

91a. No House joint resolution and no House bill, other than a House supplementary appropriation bill or a House bill originating in

a House standing or select committee, shall be introduced in the House after the forty-~~first~~second day of a regular session unless permission to introduce the joint resolution or bill be given by a House resolution, setting out the title to the joint resolution or bill and adopted by a two-thirds vote of the House members present. The forty-~~first~~second day of the regular session held in the year two thousand nine and every fourth year thereafter shall be computed from and include the second Wednesday of February of such years. When permission is requested to introduce a joint resolution or bill under provisions of this rule, quadruplicate copies of the joint resolution or bill shall accompany the resolution or bill when introduced.”

**“Policy of the House as to Concurrent and House Resolutions;
Defining Purpose and Scope of Such Resolutions;
Preintroduction Review by Committee on Rules.**

108a. It is hereby declared to be the policy of the House of Delegates that concurrent and house resolutions be limited to the general purposes set forth in subdivisions (2) and (3) of Rule 108 and shall be restricted to expressions of sentiments and actions having a bearing upon matters incident to legislative business and the functioning of the legislative process insofar as possible.

Such resolutions shall not embrace congratulatory expressions to individuals, organizations, associations or other entities having no relation to the Legislature or public affairs generally, athletic events, scholastic contests, or any other matter not related to the scope and areas of legislative business: *Provided*, That this rule shall not bar the introduction of resolutions memorializing deceased members of the Legislature and public officials or commending or congratulating public officials on actions in connection with governmental affairs.

~~Before a Any concurrent or house resolution is filed with the Clerk for introduction, it shall be submitted to the Committee on Rules Clerk for determination of compliance with this rule, and no such resolution shall be introduced without the approval of said committee.”~~

And,

By adding thereto a new Rule, designated Rule 95c, to read as follows:

“Economic Impact Statement

95c. Upon the introduction of any legislation which has a potential impact on the state’s economy, the Speaker may request from any institution under the authority of the West Virginia Higher Education Policy Commission, including but not limited to any state college or university, West Virginia University, or Marshall University, a review of the proposed legislation for purposes of preparing an Economic Impact Statement. The Economic Impact Statement may address the probable effect of any proposed legislation on the economy of the State of West Virginia including, but not limited to, the effect of the legislation on employment, job creation or reduction, and compensation. The statement shall include the names of those persons who participated in the drafting of the statement, including the time spent preparing the statement. The institution shall also make available a lead author of the statement or other qualified representative of the institution to discuss the statement with any committee of the House in which the legislation was referred. The Speaker may also request from any institution that produced a statement, a follow-up study two and five years following enactment of the legislation to analyze the economic impacts of the legislation. It shall be the responsibility of the Speaker to obtain any requested Economic Impact Statement, which shall be based on generally accepted methodology. The Rules Committee may, but is not required to, make by resolution recommendations as to the form and additional contents of the Economic Impact Statement.

The phrase “Economic Impact Statement” or the initials “ES” must be clearly stamped or endorsed on the jackets of all bills that have statements attached to them. The failure to comply with any provision of this Rule shall not prohibit the consideration or passage of any proposed legislation.”

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the resolution (H. R. 1) to a committee was dispensed with, and it was taken up for immediate consideration.

Delegate Williams moved to amend the resolution on page seven, line seventeen, following the period, by inserting the following:

“Senior Citizens Impact Statement

95d. Upon the introduction of any legislation which has a potential impact on the senior citizens of this state, the Speaker may request from any institution under the authority of the West Virginia Higher Education Policy Commission, including, but not limited to, any state college or university, West Virginia University, or Marshall University, a review of the proposed legislation for the purpose of preparing a Senior Citizens Impact Statement. It shall be the responsibility of the Speaker to obtain any requested Senior Citizens Impact Statement, which shall be based on generally accepted methodology. The Rules Committee may, but is not required to, make by resolution, recommendations as to the form and contents of the Senior Citizens Impact Statement.

The phrase ‘Senior Citizens Impact Statement’, or ‘SCIS’ must be clearly stamped or endorsed on the jackets on all bills that have statements attached to them. No act is void or voidable if a Senior Citizens Impact Statement is not attached at the time of passage.”

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

The yeas and nays having been ordered, they were taken (**Roll No. 1**), and there were—yeas 34, nays 66, absent and not voting none, with the yeas being as follows:

YEAS: Bates, Boggs, Byrd, Campbell, Caputo, Eldridge, Ferro, Fleischauer, Fluharty, Guthrie, Hartman, Hicks, Hornbuckle,

Longstreth, Lynch, Manchin, Marcum, Miley, Moore, Morgan, Moyer, Perdue, Perry, Pethtel, L. Phillips, Pushkin, Reynolds, Rodighiero, Rowe, Skinner, P. Smith, Sponaugle, H. White and Williams.

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

Delegate Miley then moved to amend the resolution on page seven, line eight, following the words “The Speaker”, by striking out the words “may also” and inserting in lieu thereof the word “shall”.

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

The yeas and nays having been ordered, they were taken (**Roll No. 2**), and there were—yeas 34, nays 66, absent and not voting none, with the yeas being as follows:

YEAS: Bates, Boggs, Byrd, Campbell, Caputo, Eldridge, Ferro, Fleischauer, Fluharty, Guthrie, Hartman, Hicks, Hornbuckle, Longstreth, Lynch, Manchin, Miley, Moore, Morgan, Moyer, Perdue, Perry, Pethtel, L. Phillips, Pushkin, Reynolds, Rodighiero, Rowe, Skinner, P. Smith, Sponaugle, Trecost, H. White and Williams.

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

Delegates Fleischauer and Guthrie moved to amend the resolution on page seven, line sixteen, following the period, by inserting the following new section, to read as follows:

“Children and Families Impact Statement

95a. Upon the introduction of any legislation which has a potential impact on the children and families, the Speaker may request from any institution under the authority of the West Virginia Higher Education Policy Commission, including but not limited to any state college or

university, West Virginia University, or Marshall University, a review of the proposed legislation for purposes of preparing an Children and Families Impact Statement. The Impact Statement may address the probable effect of any proposed legislation on children and families of the State of West Virginia including, but not limited to, the effect of the legislation on children in poverty, services provided by the state to families, educational opportunities for children and their parents, and whether any proposed legislation will harm or enhance the availability of services provided to children in poverty and single parent households. The statement shall include the names of those persons who participated in the drafting of the statement, including the time spent preparing the statement. The institution shall also make available a lead author of the statement or other qualified representative of the institution to discuss the statement with any committee of the House in which the legislation was referred. The Speaker shall request from any institution that produced a statement, a follow-up study two and five years following enactment of the legislation to analyze the accuracy of any conclusions and findings made in the Impact Statement. It shall be the responsibility of the Speaker to obtain any requested Impact Statement, which shall be based on generally accepted methodology. The Rules Committee may, but is not required to, make by resolution recommendations as to the form and additional contents of the Impact Statement.

The phrase ‘Children and Families Impact Statement’ or the initials ‘CAFIS’ must be clearly stamped or endorsed on the jackets of all bills that have statements attached to them. The failure to comply with any provision of this Rule shall not prohibit the consideration or passage of any proposed legislation.”

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

The yeas and nays having been ordered, they were taken (**Roll No. 3**), and there were—yeas 34, nays 66, absent and not voting none, with the yeas being as follows:

YEAS: Bates, Boggs, Byrd, Campbell, Caputo, Ferro, Fleischauer, Fluharty, Guthrie, Hartman, Hicks, Hornbuckle, Longstreth, Lynch, Manchin, Marcum, Miley, Moore, Morgan, Moye, Perdue, Perry, Pethel, L. Phillips, Pushkin, Reynolds, Rodighiero, Rowe, Skinner, P. Smith, Sponaugle, Trecost, H. White and Williams.

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

Delegates Pushkin and Longstreth moved to amend the resolution on page seven, line sixteen, following the period, by inserting the following new section, to read as follows:

“Veterans Impact Statement

95a. Upon the introduction of any legislation which has a potential impact on the veterans and their families, the Speaker may request from any institution under the authority of the West Virginia Higher Education Policy Commission, including but not limited to any state college or university, West Virginia University, or Marshall University, a review of the proposed legislation for purposes of preparing a Veterans Impact Statement. The Impact Statement may address the probable effect of any proposed legislation on our state veterans and their families including, but not limited to, the effect of the legislation on services provided by the state to veterans and their families, rehabilitative and educational services the state provides to veterans, and whether any proposed legislation will harm or enhance the availability of these services provided to our state veterans. The statement shall include the names of those persons who participated in the drafting of the statement, including the time spent preparing the statement. The institution shall also make available a lead author of the statement or other qualified representative of the institution to discuss the statement with any committee of the House in which the legislation was referred. The Speaker shall request from any institution that produced a statement, a follow-up study two and five years following enactment of the legislation to analyze the accuracy of any

conclusions and findings made in the Impact Statement. It shall be the responsibility of the Speaker to obtain any requested Impact Statement, which shall be based on generally accepted methodology. The Rules Committee may, but is not required to, make by resolution recommendations as to the form and additional contents of the Impact Statement.

The phrase ‘Veterans Impact Statement’ or the initials ‘VIS’ must be clearly stamped or endorsed on the jackets of all bills that have statements attached to them. The failure to comply with any provision of this Rule shall not prohibit the consideration or passage of any proposed legislation.”

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

The yeas and nays having been ordered, they were taken (**Roll No. 4**), and there were—yeas 34, nays 66, absent and not voting none, with the yeas being as follows:

YEAS: Bates, Boggs, Byrd, Campbell, Caputo, Eldridge, Ferro, Fleischauer, Fluharty, Guthrie, Hartman, Hicks, Hornbuckle, Longstreth, Lynch, Manchin, Marcum, Miley, Moore, Morgan, Moye, Perdue, Perry, Pethtel, L. Phillips, Pushkin, Reynolds, Rodighiero, Rowe, Skinner, P. Smith, Sponaule, H. White and Williams.

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

There being no further amendments, the resolution was then adopted.

[NOTE: The rules are printed in their entirety as part of the record of proceeding of today. The Introductory to the House Rules has been included and, while not part of the Rules, will serve to give an historic overview and synopsis of information pertinent to the organization and operation of the Legislature.]

RULES OF THE HOUSE OF DELEGATES

INTRODUCTORY

The last complete revision of the Rules of the House of Delegates was in 1935. The rules as adopted at that time will be found in the Journal of the House of Delegates, Regular Session, 1935, pages 45-78.

Since then a number of new rules have been adopted and others amended. All amendments and additions are indicated herein by means of a reference to the Journal showing the session at which the amendment was adopted. HR indicates House Resolution.

Membership of the House

By an act of the Legislature (Ch. 3, Second Extraordinary Session, 2011), the House of Delegates shall consist of one hundred members. Sixty-seven Delegate Districts, embracing all counties, each District embracing one or more counties, were established. Delegates are elected for a term of two years.

Qualifications

No person shall be a Delegate who has not for one year next preceding his election, been a resident within the district or county from which he is elected, and if a Delegate remove from the district or county for which he was elected, his seat shall be thereby vacated. (Const., Art. VI, Sec. 12.)

No person holding any other lucrative office or employment under this State, the United States, or any foreign government; no member of Congress; and no person who is sheriff, constable, or clerk of any court of record, shall be eligible to a seat in the Legislature. (Const., Art. VI, Sec. 13.)

No person who has been, or hereafter shall be, convicted of bribery, perjury, or other infamous crimes, shall be eligible to a seat in the Legislature. No person who may have collected or been entrusted with public money, whether State, county, township, district or other municipal organization, shall be eligible to the Legislature, or to any office of honor,

trust, or profit in this State, until he shall have duly accounted for and paid over such money according to law. (Const., Art. VI, Sec. 14.)

No Senator or Delegate, during the time for which he shall have been elected, shall be elected or appointed to any civil office of profit under this State, which has been created, or the emoluments of which have been increased during such term, except offices to be filled by election by the people. Nor shall any member of the Legislature be interested, directly or indirectly, in any contract with the State, or any county thereof, authorized by any law passed during the term for which he shall have been elected. (Const., Art. VI, Sec. 15.)

Oaths

Members of the House of Delegates, before they enter upon their duties, shall take and subscribe to the following oaths or affirmation: "I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of West Virginia, and faithfully discharge the duties of Delegate according to the best of my ability, and that I will not accept or receive, directly or indirectly, any money or other valuable thing, from any corporation, company, or person, for any vote or influence I may give or withhold, as Delegate, on any bill, resolution or appropriation, or for any act I may do or perform as Delegate." These oaths shall be administered in the hall of the house to which the member is elected, by a Judge of the Supreme Court of Appeals, or of a Circuit Court, or by any other person authorized by law to administer an oath; and the Secretary of State shall receive and file said oaths subscribed by each member; and no other oath or declaration shall be required as a qualification. Any member who shall refuse to take the oath herein prescribed, shall forfeit his seat; and any member who shall be convicted of having violated the oath last above required to be taken, shall forfeit his seat and be disqualified thereafter from holding any office of profit or trust in this State. (Const., Art. VI, Sec. 16.)

Under authority of Ch. 4, Art. 1, Sec. 6, of the Code of West Virginia, the presiding officer or Clerk of either house may administer the oaths of office to any member or officer of such house.

Privileged from Civil Arrest

Members of the Legislature shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest during the session, and for ten days before and after the same; and for words spoken in debate, or any report, motion or proposition made in either house, a member shall not be questioned in any other place. (Const., Art. VI, Sec. 17.)

Compensation and Expenses of Members

Compensation and expenses of members are fixed by the combined action of the Citizens Legislative Compensation Commission, created by Article VI, Section 33, of the Constitution. The Commission submits a resolution to the Legislature establishing compensation for members and allowances for travel and expenses of members in connection with their legislative service. The recommendations of the Commission are thereafter enacted into general law. The Legislature may reduce but shall not increase any item of compensation or expense allowance established by the Commission.

The amendment to the Constitution providing for this method of fixing legislative salaries and expenses was ratified by the voters at the general election in 1970.

The Citizens Legislative Compensation Commission is required by the Constitution to submit its determination of compensation and expenses every four years.

**Assembly of the Legislature and Organization
of the Two Houses**

The Legislature assembles annually in regular session at the seat of government on the second Wednesday of January, and not oftener unless convened by the Governor. The custom is for each house to convene at 12:00 o'clock noon. Upon convening in odd-numbered years, each house proceeds to organize by the election of officers for two-year terms. Under the Constitution, the oldest member of each house in point of continuous service present at the assembly of each new Legislature, following the call to order by the Clerk, presides over such house until a presiding officer is elected and takes his seat—a President of the Senate and a

Speaker of the House of Delegates. If two or more members have equal continuous service, the one agreed upon by such members or chosen by them by lot calls his house to order and presides over it until a President or Speaker, as the case may be, is elected.

The practice is for the Clerks of the previous houses to call the particular house to order and call the oldest member in point of continuous service to preside until a presiding officer is elected.

The session is then opened with prayer and the Pledge of Allegiance, following which a list of the members-elect and notices of contested elections are received. The roll is then called and the oath of office administered to the members determined to have been elected.

Upon the conclusion of the above formalities, the Senate is ready to proceed to elect a President and the House of Delegates a Speaker. Following the election of these officers, each house then proceeds to the election of other officers, i.e., a Clerk, Sergeant at Arms and Doorkeeper. All officers are elected by *viva voce* vote.

It is then in order for each house by resolution to adopt rules governing legislative proceedings and each to inform the other of its organization. Then a concurrent resolution is adopted raising a joint committee to wait upon the Governor to inform him that the Legislature is organized and in readiness to receive any message or communication he may desire to present.

However, at the session of the Legislature following each general election at which a Governor and other officials of the executive department are elected, immediately upon the organization of the two houses, they shall meet in Joint Assembly in the Hall of the House of Delegates, where the Speaker, before proceeding to any other business, opens and publishes the election returns in the presence of a majority of each house. (Const., Art. VII, Sec. 3.)

Ordinarily, the Governor appears before a Joint Assembly to deliver his annual message. He advises the Legislature that he would be pleased to address a Joint Assembly and the

Legislature by resolution provides for the two houses to assemble for this purpose.

Length of Legislative Sessions

The regular session of the Legislature held in 1973 and every fourth year thereafter shall meet on the second Wednesday of January, and, after organization of each house by the election of officers and opening and publishing election returns, shall then adjourn until the second Wednesday of February following. Such sessions, upon reconvening, shall not exceed sixty calendar days computed from and including the second Wednesday of February. Regular sessions held in all other years shall not exceed sixty days.

Any regular session may be extended by a concurrent resolution adopted by a vote of two thirds of the members elected to each house.

Extraordinary Sessions

The Constitution provides two methods for initiating the convening of extraordinary sessions.

It is the duty of the Governor to convene the Legislature on application in writing of three fifths of the members elected to each house. (Const., Art. VI, Sec. 19.) When this occurs, the session is plenary in nature.

He may, on extraordinary occasions, convene it at his own instance; but when so convened the Legislature shall enter upon no business except that stated in the proclamation by which it was called together. (Const., Art. VII, Sec. 7.)

Resignations and Filling of Vacancies

Resignations of members of the House should be made to the Speaker, Governor and chairman of the executive committee of the party of which the member belongs in the county or delegate district from which he was elected.

Vacancies in the House are filled by an appointment by the Governor, in each instance from a list of three qualified persons submitted by the county or delegate district party executive committee. (Ch. 3, Art. 10, §5 of the Code.)

RULES**ELECTION AND DUTIES OF OFFICERS****Officers and Their Compensation**

1. The House, at the commencement of each Legislature, shall elect a Speaker, Clerk, Sergeant at Arms and Door-keeper. All officers, except the Speaker, shall receive such compensation as the House may determine.

Vote to be Viva Voce

2. In the election of officers by the House, the vote shall be given *viva voce*, and a majority of the whole number of votes given, a quorum being present, shall be necessary to elect. If, upon any vote, there be no election, the person having the lowest number of votes shall be dropped, and any votes thereafter given to such person shall not be taken into the counting to affect the result in any way. But if two or more have the lowest and equal number of votes, they may be voted for again. No question before the House, or in committee of the whole, shall be voted on by ballot.

DUTIES AND RIGHTS OF THE SPEAKER**Call To Order**

3. The Speaker shall take the chair on each legislative day precisely at the hour to which the House shall have adjourned; shall immediately call the members to order and after prayer and the Pledge of Allegiance, if a quorum is present, proceed to the order of business. (HR 21, Reg. Sess., 1985)

Effect of the 1985 amendment. The Pledge of Allegiance was added to the Call to Order.

Preservation of Order

4. The Speaker shall preserve order and decorum while the House is in session; enforce the rules and orders of the House; prescribe the order in which business shall come up for consideration, subject to the rules and orders of the House; announce the question of business before the House when properly requested by any member; receive all mes-

sages and communications; put to vote all questions which are properly moved; announce the result of all votes and authenticate, when necessary, the acts and proceedings of the House.

Decorum in Debate

5. In debate, the Speaker shall prevent personal reflections and confine members to the question under discussion, but he shall not engage in any debate, or propose his opinion on any question without first calling some other member to the chair. When two or more members arise at the same time, he shall name the one entitled to the floor.

Questions of Order

6. The Speaker shall decide all questions of order subject to an appeal to the House when demanded by any ten members. He may speak to questions of order in preference to other members, and may make the concluding speech on any appeal from his decision, notwithstanding, he may have before spoken on the question; but no other member shall speak more than once on such appeal without leave of the House.

When properly requested by a member, the Speaker shall inform the House upon any point of order or practice pertinent to the business before it.

Preserving Order in Galleries

7. The Speaker shall have general control of the House Chamber, lobbies, and rooms and of the corridors and passages in that part of the Capitol assigned to the use of the House. In case of any disorderly conduct or disturbance in the galleries, corridors or passages, he shall have the power to order the same to be cleared, and may cause any person guilty of such disturbance or disorderly conduct to be brought before the bar of the House. In all such cases the members present may take such measures to prevent a repetition of such misconduct, either by the infliction of censure or such

other penalty, as may be authorized by law, on the parties thus offending, as the House may deem best.

Appointment of Speaker Pro Tempore, Presiding Officer in Absence of Speaker

8. The Speaker shall appoint a Speaker *pro tempore*, who, during the absence of the Speaker, shall preside and perform all duties of the Speaker: *Provided*, That the Speaker may designate, by appointment in writing entered upon the Journal of the House, any member, other than the Speaker *pro tempore*, who, during the absence of the Speaker, shall preside and perform the duties of the Speaker until the Speaker returns to the chair: *Provided, however*, That the Speaker may call any member to the chair to perform the duties of Speaker but such substitution shall not extend beyond an adjournment: *Provided further*, That the Speaker *pro tempore* or any other member hereunder designated shall so preside for a period, not to exceed three consecutive legislative days, but for no longer period, except by special consent of the House. (HR 20, Reg. Sess., 1979)

Effect of 1979 amendment. Created a Speaker pro tempore to preside and perform the duties of the Speaker in his absence.

Appointment of House Employees

9. For the performance of technical, clerical, stenographic, custodial and other services required by the House, at the beginning of each regular session of the Legislature, upon the recommendation of the Committee on Rules, the Speaker shall appoint such persons to the various positions herein specified, in such number as he shall deem necessary to efficiently carry on the work of the House, but not to exceed the total number herein authorized.

(1) For the Clerk's department the following:

One docket and calendar clerk, who shall number each bill and resolution and keep a correct record of the status thereof, make the proper endorsements on all bills, resolutions,

memorials and petitions, keep a record of the proceedings of the House to be used in preparation of the daily Journal, and prepare a daily calendar; one House reporter, who shall be a competent stenographer and typist and shall daily take, collate and transcribe and arrange in logical orders such matters and things as are required for the official records and the House Journal and perform all other necessary duties in relation thereto; two roll call and record clerks, who shall prepare the roll calls for printing, and, under the supervision of the docket and calendar clerk, perform such other duties as may be assigned them; one supervisor of proofreading and five proofreaders, who shall have a knowledge of and experience in proofreading, as evidenced by such test as the Committee on Rules may require; one bookkeeper and payroll clerk, who, under the supervision of the Clerk, shall keep the accounts of the House and prepare requisitions for payment of compensation of officers and employees, and bills for services, supplies and contingent expenses; one supply clerk, who shall keep and issue supplies and keep an inventory of all properties, equipment and supplies; one bill editor, who shall read and edit all bills before introduction thereof; one enrolling clerk, who shall serve as clerk to the committee on enrolled bills and shall have some knowledge of and experience in proofreading; one parliamentary clerk, who shall serve as House parliamentarian and assist in the preparation of the House Journal and other publications; and one Journal stenographer, who shall type and compile the House Journal.

(2) For other duties and positions the following:

One supervisor of stenographers and fifteen legislative stenographers, who shall be expert in stenography and typing, to perform general stenographic and clerical duties for members and committees; eight typists; eight committee clerks, who shall serve as general committee clerks and perform such other duties as may be assigned them; one clerk, one assistant clerk and two stenographers to the

Committee on the Judiciary; one clerk, one assistant clerk and one stenographer to the Committee on Finance; one superintendent of the House document room and five document room clerks; one superintendent of the mailing room and three mailing room clerks; two assistant sergeants at arms, one clerk and one secretary to the sergeant at arms; six assistant doorkeepers; one voting machine and sound technician; two public-address system technicians; four pages; one general information clerk; one supervisor of duplicating department and two duplicating machine operators; five collating and file clerks; two cloakroom attendants; and one chief janitor and five assistant janitors.

(3) In addition to the foregoing, the Speaker may appoint a House chaplain, a secretary, a clerk, a stenographer and, if needed, five general legislative clerks to perform such duties as he shall direct; the majority leader may appoint a secretary and a stenographer; the minority leader may appoint a counsel, a clerk to the minority, an assistant clerk to the minority, a secretary to the minority leader and a stenographer to the minority leader; and the Clerk of the House of Delegates may appoint a secretary, a stenographer and three assistant clerks.

At an extraordinary session of the Legislature, the committee shall recommend only such persons for appointment to positions designated for regular sessions as shall be necessary to perform the duties incident to the work of the session. Such persons as are recommended shall be selected with due regard to experience and qualifications.

All employees of the House shall report each day to the Clerk of the House of Delegates or some person designated by him, and the Clerk shall keep a record of the attendance of such employees, and no employee shall be paid for days he is not in attendance, Sundays excepted, unless excused by the Committee on Rules. All employees shall be on duty daily during such hours as shall be designated by the Committee on

Rules. The appointing authority shall have power to discharge any employee at any time. The word “employee” as herein used shall include all persons employed by the House.

Notwithstanding the designation of positions or duties herein prescribed, any employee may be assigned additional duties by the person by whom appointed, and may be assigned to such positions and duties as may be deemed proper to secure the most efficient and expeditious work.

The employees designated herein shall not include personnel required to staff a drafting office or drafting service authorized and maintained by the House. The Speaker shall make such appointments for this purpose as the House shall authorize.

The compensation of all employees shall be fixed by resolution. (HR 22, Reg. Sess., 1963; HR 2, Reg. Sess., 1967; HR 2, Reg. Sess., 1971)

Effect of 1963 amendment. The rule was completely rewritten. A limitation was placed upon the number of persons to be employed by the House during sessions of the Legislature, positions designated and duties prescribed.

Effect of 1967 amendment. The amendment substituted the word “employees” for the word “attaches” in paragraph (1).

Effect of 1971 amendment. As a result of the 1970 amendment to the Constitution providing for annual 60-day sessions of the Legislature, the rule was rewritten to remove provisions applicable to the former 30-day sessions. The amendment made changes in the first and second paragraphs of subdivision (3).

Appointment of Committees and Subcommittees

10. The Speaker shall appoint all committees, except when the House shall otherwise order. In appointing standing committees he shall designate a chairman and may designate a vice chairman. In the absence of the chairman of a committee having a vice chairman, such vice chairman shall preside, and if there be no vice chairman, the committee shall elect a temporary chairman. When the House authorizes the appointment of a committee, the Speaker may wait until the next legislative day to appoint the same.

The Speaker may also name subcommittees of standing committees, prescribe their jurisdiction and designate the chairmen thereof. Legislative proposals and other business coming within the prescribed jurisdiction of any established subcommittee of a standing committee shall upon being committed to such standing committee be referred by the chairman thereof to the appropriate subcommittee. Reports of subcommittees shall be made to the committee and not to the House. (HR 2, Reg. Sess., 1967)

Effect of 1967 amendment. The last paragraph was added to the rule.

Chairman of Committee on Rules

11. The Speaker shall be *ex officio* member and chairman of the Committee on Rules.

Acts and Writs Signed by the Speaker

12. All acts shall be signed by the Speaker; and all writs, warrants and subpoenas issued by the order of the House or any committee having authority to issue same shall be under his hand and attested by the Clerk.

Putting Questions

13. The Speaker shall rise to put a question but may state it sitting.

Vote of the Speaker

14. In all cases of a call of the yeas and nays, the Speaker shall vote, unless excused; in other cases he shall not be required to vote unless the House is equally divided, or unless his vote, if given to the minority, will make the division equal and in case of such equal division the question shall be lost. When the yeas and nays are taken, the Speaker's name shall be called last.

Examination of Journal

15. It shall be the duty of the Speaker to examine the Journal of the House, daily, before it is read and cause all errors and omissions therein to be corrected.

**CLERK, SERGEANT-AT-ARMS AND DOORKEEPER
CLERK**

Clerk to Have Charge of Clerical Business of House

16. The Clerk shall have charge and supervision of all the clerical business of the House. He shall perform the duties imposed on him by law and the rules of the House. He shall have charge of the Clerk's desk and shall see that no one is permitted therein except himself and those assisting him.

Duties of Clerk

17. It shall be the Clerk's duty to read to the House all papers ordered to be read; to call the roll and note and report the absentees, when a call of the House is ordered; to call the roll and note the answers of members, when a question is taken by yeas and nays; to assist, under the direction of the Speaker, in taking the count when any vote of the House is taken; to notify committees of their appointment and the business referred to them; to superintend the execution of all printing ordered by the House, and to report to the Speaker, to be submitted to the House, every failure of the printer to execute the same properly and promptly. He shall attest all writs, warrants and subpoenas issued by order of the House and shall certify to the passage of all bills, and to the adoption of all joint and concurrent resolutions by the Legislature. In addition to his other duties, the Clerk shall keep the accounts for pay and mileage of members, officers and employees, and for printing and other contingent expenses of the House, and prepare and sign warrants or requisitions for the same.

The Clerk shall superintend the recording of the Journal of the proceedings, the engrossing and enrolling of bills, and shall cause to be kept and prepared for the printer the Daily Journal of the proceedings of the House. (HR 2, Reg. Sess., 1967)

Effect of 1967 amendment. The word "employees" was substituted for "attaches."

Clerk to Have Custody of All Records

18. The Clerk shall have the custody of all records and papers of the House, and shall not allow them to be taken from the table

or out of his possession without the leave of the House, unless to be delivered to the chairman of a committee to which they may have been referred and then he shall take a proper receipt therefor. He shall endorse on bills and papers brief notes of proceedings had thereon by the House and preserve the same in convenient files for reference.

Appointment of Assistants

19. The Clerk may appoint such assistants and other personnel as is authorized by Rule 9, and shall have the power to remove any appointee and appoint another in his stead. (HR 22, Reg. Sess., 1963)

Effect of 1963 amendment. The amendment brought the rule into conformity with Rule 9.

Clerk to Have Charge of All Printing

20. The Clerk shall have supervision and charge of all printing done for the House and the public printer shall print only such documents and other matter as the Clerk authorizes.

Payment for Printing

21. The public printer shall have all bills for printing approved by the supervisor of public printing and then present the same to the Clerk who shall draw his warrant or requisition for same upon the Auditor payable from the Legislative Printing Fund. The supervisor of public printing shall see that all bills are in accordance with the state contract for legislative printing before he approves their payment. A copy of all bills for printing shall be furnished the Clerk by the public printer.

SERGEANT-AT-ARMS

Duties

22. It shall be the duty of the Sergeant-at-Arms to attend the House and the Committee of the Whole during their sittings and to maintain order under the direction of the Speaker. He shall execute the commands of the House from time to time, together with such process, issued by the authority thereof, as shall be directed to him by the Speaker.

Under the direction of the Speaker, he shall superintend the distribution of all documents and papers to be distributed to the members. He shall see that no person, except those authorized to do so, disturbs or interferes with the desks of the members, or with the books, papers, etc., thereat.

He shall have charge under the Speaker for the purpose of maintaining order of the Hall of the House, its lobby, galleries and other rooms in the Capitol assigned for its use, and shall exclude from the floor all persons not entitled to the privilege of the same. He shall attend to seating visitors, and shall see that the janitors and cloak-room attendants perform their duties, and see that the House Chamber is properly ventilated, heated, and lighted.

DOORKEEPER

Duties

23. It shall be the duty of the Doorkeeper to attend the House during its sessions, and to announce all messages. He shall have charge of the main door of the Chamber during the sittings of the House, and shall see that the other doors are properly attended; have general charge and oversight of the assistant doorkeepers; detail such assistant doorkeepers for such general or special duties as the Sergeant-at-Arms may deem proper; assist the Sergeant-at-Arms in seeing that the rules relating to admission to the floor are strictly enforced, and shall perform such other duties as the Speaker or the House may order.

RIGHTS AND DUTIES OF MEMBERS

Absence From the House

24. No member shall absent himself from the service of the House unless he have leave, or be sick and unable to attend, but any member who conscientiously believes that the seventh day of the week ought to be observed as the Sabbath shall be excused from attending upon the House on that day.

Every Member to Vote

25. Every member present when a question is put, or when his name is called, shall vote unless he is immediately and particularly interested therein, or the House excuses him. A motion to excuse a member from voting must be made before the House divides, or before the call of the yeas and nays is commenced, and it shall be decided without debate, except that the member making the motion may briefly state the reason therefor.

Members Shall Be in Places When Voting

26. While the yeas and nays are being taken every member shall be in his seat, and during the session of the House no person other than a member shall occupy the chair of a member.

Quorum

27. A majority of all the members elected to the House shall be necessary to proceed to business; seven members may adjourn, and ten members may order a call of the House, send for absentees, and make any order for their censure or discharge. On a call of the House, the doors shall not be closed against any member until his name shall have been called twice. [Const., Art. VI, §32.]

When Less than Quorum Present

28. In case a number less than a quorum of the House shall convene, they are hereby authorized to send the Sergeant-at-Arms, or any other person or persons by them authorized, for any and all absent members as the majority of such members shall agree, at the expense of such absent members, respectively, unless such excuse for nonattendance shall be made as the House, when a quorum is convened, shall judge sufficient; and, in that case, the expense shall be paid out of the contingent fund of the House. This rule shall apply to the first meeting of the House, at the legal time of meeting, as well as to each day of the session after the hour has arrived to which the House stood adjourned.

Taking Members into Custody

29. No member of the House shall be taken into custody by the Sergeant-at-Arms, on any question of complaint of breach of

privilege, until the matter is examined by the Committee on Rules, and reported to the House of Delegates, unless by order of the Speaker of the House of Delegates. (HR 2, Reg. Sess., 1967)

Effect of 1967 amendment. Committee on Rules was substituted for Committee on Elections.

Punishment of Members

30. The House of Delegates may punish its own members for disorderly behavior, and, with the concurrence of two thirds of the members elected thereto, expel a member, but not twice for the same offense. [Const., Art. VI, §25.]

Providing for Undisturbed Transaction of Business

31. The House of Delegates may punish, by imprisonment, any person not a member, for disrespectful behavior in its presence; for obstructing any of its proceedings, or any of its officers in the discharge of his duties, or for any assault, threat or abuse of any member for words spoken in debate; but such imprisonment shall not extend beyond the termination of the session. [Const., Art. VI, §26.]

ORDER AND DECORUM IN DEBATE

Recognition and Decorum

32. When a member is about to speak in debate or deliver any matter to the House, he shall rise in his place and respectfully address the presiding officer as “MR. SPEAKER,” and, upon being recognized, shall proceed, confining himself to the question under debate, avoiding all personalities and indecorous or disrespectful language.

When a member arises and addresses the Chair, the Speaker may recognize him by name; but no member in debate shall designate another by name.

Recognition by the Chair

33. When two or more members shall rise at the same time, the Speaker shall name the one who is to speak first, and his decision shall be final and not open to debate or appeal. However,

in all other cases the member who shall rise first and address the Chair shall be first recognized.

Mover of Question to Have Preference in Debate

34. No question shall be debated until it has been propounded by the Speaker, and then the mover of the question shall have the right to open and close the debate thereon.

Member Out of Order

35. When any member, in speaking or otherwise, transgresses the rules of the House, the Speaker shall, or any member may, call him to order; in which case the member so called to order shall immediately sit down, but may be permitted, with leave of the House, to explain; and the House shall, if appealed to, decide the case, but without debate. If there be no appeal, the decision of the Chair shall be submitted to; if the decision be in favor of the member so called to order, he is at liberty to proceed; if the decision be against him, and the case requires it, he shall be liable to the censure of the House, or such other punishment as the House may properly impose.

Calling to Order for Words Spoken in Debate

36. If a member be called to order for words spoken in debate, the person calling him to order shall repeat the words excepted to and they shall be taken down at the Clerk's table. And no member shall be held to answer, or be subjected to the censure of the House, for words spoken in debate, if any other member has spoken or other business has intervened after the words were spoken and before the exception to them was taken.

Decorum During Debate

37. While the Speaker is putting a question, ascertaining the result, or addressing the House, no one shall walk out of or across the House; and when a member is speaking, no one shall engage in conversation or pass between him and the Speaker.

Limitation on Debate

38. No member shall speak except in his place, and not more than twice on a question, except by leave of the House. And if a

question be pending at the time of an adjournment and is renewed on the succeeding day, no member who shall have spoken twice on the preceding day shall be permitted again to speak without leave of the House. The House by majority vote may limit debate on any question.

Members Not to Be Disturbed While Speaking

39. No one shall disturb or interrupt a member who is speaking, without his permission, except to call to order if he be transgressing the rules.

Speaking Before Negative Is Put

40. When the Speaker is putting the question, any member who has not spoken before to the matter may speak to the question before the negative is put.

PUTTING QUESTIONS AND VOTING

Putting Questions; Division

41. All questions on which the yeas and nays are not taken shall be put distinctly in this form, to wit: "As many as are in favor [as the question may be] say 'Aye'," and after the affirmative vote is expressed, "As many as are opposed say 'No'." If the Speaker be in doubt as to the result, or if a division is called for by any member, the House shall divide. Those in the affirmative of the question shall first rise from their seats and be counted, and afterwards those in the negative. The count may be made by the Speaker, or, if he so directs, by the Clerk, or two members, one from each side, to be named for that purpose by the Speaker. When the result is ascertained, the Speaker shall rise and state the decision of the House. Such vote shall not be printed in the Journal unless the yeas and nays are called for by one tenth of the members present. (HR 3, 1st Ex. Sess., 1968)

Effect of 1968 amendment. The language of the rule was modified slightly.

Yeas and Nays

42. The yeas and nays shall be taken on motions to dispense with the constitutional rule requiring a bill to be fully and

distinctly read on three different days and on fixing the effective date of an act of the Legislature; on agreeing to a joint resolution proposing an amendment to the Constitution of the State; on the passage of a bill notwithstanding the objections of the Governor; on the passage of a supplementary appropriation bill; on the passage of bills on third reading; on the passage of a House bill amended by the Senate; on all questions where a specific vote is required by the Constitution, the joint rules of the Senate and House of Delegates, or by these rules; on quorum calls; and on questions when called for by one tenth of the members present.

The result of all votes taken by yeas and nays shall be entered on the Journal. When the yeas and nays are inserted on the Journal, the result of the vote as to total yeas, nays and absentees shall be recorded, and the names of the Delegates voting yea or nay, whichever is the smaller number, and the names of Delegates absent and not voting shall be inserted on the Journal. The names of Delegates omitted shall constitute the vote on the prevailing side.

On all roll calls, when the voting machine is not used, before the result is announced, the Clerk shall read to the House the names of those who voted in the affirmative or in the negative, whichever is the smaller number, and announce the names of those absent and not voting, at which time any member may correct a mistake committed in taking down his vote. The result shall then be announced, but if the House so orders, the announcement of the result may be postponed to the succeeding day, with liberty to absent members at any time before the result is announced by the Speaker, to appear and vote "Aye" or "No," in the presence of the House; and any member may, in the presence of the House, change his vote before the result is announced.

When the yeas and nays are called for by a member on any question, the Speaker shall hold this demand in abeyance until debate has closed upon the question under consideration, or until the previous question has been moved and sustained.

Upon calls of the House, in taking the yeas and nays, the names of the members shall be called alphabetically, except the name of the Speaker shall be called last. (HR 19, Reg. Sess., 1945; HR 3, 1st Ex. Sess., 1968; HR7, Reg. Sess., 2007)

Effect of 1945 amendment. Eliminated requirement for Clerk to read names of persons voting in the affirmative and the negative on roll calls when the voting machine is used, and prescribes when Speaker shall put demand for yeas and nays.

Effect of 1968 amendment. The amendment rewrote the rule.

Effect of 2003 amendment. Provides for the taking of the yeas and nays on the passage of all bills and clarifies that one roll call is sufficient to pass a group of bills on third reading, Consent Calendar.

Effect of 2007 amendment. Removed the provision covering one roll call vote to pass third reading Consent Calendar bills and restated that a roll call is to be taken on all bills on third reading.

Pairs

43. Members may pair on any question by filing a signed statement of the same with the Clerk, who shall read the same to the House before the vote is taken. A blank form of pair for use of members shall be provided by the Clerk. No pair shall be recognized unless made in person by the member signing the same, nor unless one or both of the parties thereto are absent.

Division of Question

44. Any member may call for a division of any question before the vote thereon is taken, if it comprehend propositions in substance so distinct that, one being taken away, a substantive proposition will remain for the decision of the House, but the member calling for the division of a question shall state in what manner he proposes it shall be divided. A motion to strike out and insert shall be deemed indivisible, but a motion to strike out being lost, shall preclude neither amendment nor motion to strike out and insert.

Calling of Yeas and Nays

45. No member or any person shall visit or remain by the Clerk's table while the yeas and nays are being called.

Tie Vote Loses Question

46. In all cases when the House is equally divided, the question shall be lost.

Verification of Vote

47. When a question upon which the yeas and nays have been taken has prevailed or failed by not more than five votes, the Speaker may, upon request of five members, order a verification of the vote. During such verification, no member shall change his vote unless it was erroneously recorded, nor may any member not having voted cast a vote. A verification must be called for immediately after a vote is announced and before any other business has intervened.

Explanation of Vote

48. No member shall be allowed to make any explanation of his vote during the taking of the yeas and nays; but after the roll has been called and the vote announced, any member may explain his vote and the explanation shall be recorded in the Journal if he requests it. The Speaker may limit the time allowed members for explaining votes.

When Members Not to Vote

49. When a question is put, any member having a direct personal or pecuniary interest therein should announce this fact and request to be excused from voting. This disqualifying interest must be such as affects the member directly and not as one of a class. (HR 23, Reg. Sess. 1977)

Effect of 1977 amendment. Provided that disqualifying interest must affect member directly and not as one of a class.

Voting by Machine

49a. A voting machine may be used in taking the yeas and nays on any question, for quorum calls and for determining the result when a division is demanded. When a vote is to be taken on the voting machine, the Speaker shall announce the question to be voted upon and direct the Clerk to prepare the machine. The Clerk shall then sound the gong which shall be notice to all members to vote. After reasonable time has been given all members to vote the Speaker shall ask the question, "Have all members voted?," vote himself, if the vote being taken is upon a question on which he is required to vote, and then direct the Clerk to close the machine and ascertain the result. As soon as this is done, the Clerk shall hand the record of the vote to the Speaker and he shall promptly announce the result. No vote may be changed after it has been recorded.

No member shall vote for another member, nor shall any person not a member cast a vote for a member. In addition to such penalties as may be prescribed by law, any member who shall vote or attempt to vote for another member may be expelled as a member of the House or punished in such other manner as the House may determine. If a person not a member shall vote or attempt to vote for any member, he shall be barred from the floor of the House for the remainder of the session and may be further punished in such manner as the House may deem proper, in addition to such punishment as may be prescribed by law.

All other rules governing voting and the taking of the yeas and nays, insofar as applicable, shall apply to taking votes by means of the voting machine. (HR 1, 1st Ex. Sess., 1936)

MOTIONS

Stating the Question

50. When a motion is made, it shall be stated by the Speaker; or, being in writing, it shall be passed to the desk and read aloud by the Clerk before debate.

Form of Motion

51. Every motion, except subsidiary or incidental motions, shall be reduced to writing, if the Speaker or any member desires it; but this exception shall not apply to motions to amend.

Withdrawal of Motions

52. After a motion is stated by the Speaker or read by the Clerk, it is deemed to be in possession of the House, but may be withdrawn at any time before a decision or amendment, unless the previous question has been ordered, in which case it can only be withdrawn by leave of the House.

Order and Precedence of Motions

53. When a question is under debate, no motion shall be received except:

1. To adjourn.

2. To lay on the table.
3. For the previous question.
4. To postpone to a day certain.
5. To go into a Committee of the Whole on the pending question immediately.
6. To commit to a Committee of the Whole.
7. To commit to a Standing Committee.
8. To commit to a Select Committee.
9. To amend.
10. To postpone indefinitely.

These several motions shall have precedence in the order in which they are arranged. A motion to strike out the enacting clause of a bill shall have precedence of another motion to amend; and if carried, the bill is rejected.

Motion to Adjourn

54. A motion to adjourn shall always be in order, except when the House is voting, or while a member is addressing the House, or when no business has been transacted since the motion to adjourn has been defeated.

Motions Not Debatable

55. The following motions shall be decided without debate and shall not be amended:

1. To adjourn.
2. To fix the time to which the House shall adjourn.
3. To lay on the table.
4. For the previous question.
5. To suspend the constitutional rule requiring bills to be read on three several days.
6. To recess.

Motions Not in Order

56. No motion directing the appropriation or payment of money shall be in order.

Effect of Indefinite Postponement

57. When a question is postponed indefinitely, it shall not be again acted on during the session.

Motion to Reconsider

58. After any question has been decided in the affirmative or in the negative, it shall be in order for any member who voted with the prevailing side to move for a reconsideration of the vote thereon at any time on the same day or the next succeeding day of actual session. When the yeas and nays have not been recorded in the Journal, any member, irrespective of whether he voted with the prevailing side or not, may make the motion to reconsider. If the House refuse to reconsider, or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order unless by unanimous consent. No vote shall be reconsidered upon motions to adjourn, to lay on the table, to take from the table, or for the previous question.

The motion to reconsider may be put and acted upon when made. If seconded, it shall take precedence of all other questions, except the consideration of a conference report and the motion to adjourn, and unless by motion postponed until some future date be acted upon at once. When a motion to reconsider is made and not acted upon at the time, it shall be placed upon the calendar, under unfinished business, and be acted upon the next day of actual sitting of the House. A motion to reconsider shall not be withdrawn without leave of the House.

No bill, resolution, message, report, amendment or motion, upon which a motion is pending to reconsider the vote thereon, shall be taken out of the possession of the House until final disposition of the motion to reconsider. No motion for reconsideration of the vote on any question, which has gone out of the possession of the House, shall be in order, unless subsequently recalled by vote of the House and in possession of the Clerk.

When a motion to reconsider has been carried, its effect shall be to place before the House the original question in the exact position it occupied before it was voted upon. (HR 2, Reg. Sess., 1967)

Effect of 1967 amendment. The amendment rewrote this rule.

Debate on Motions to Reconsider

59. Debate shall be allowed on a motion to reconsider only when the question which it is proposed to reconsider is debatable.

Where debate upon a motion to reconsider is in order, no member shall speak more than once nor for a longer period than three minutes.

Reconsideration of Question Requiring More Than Majority Vote

60. When a majority of members present vote in the affirmative on any question, but the question be lost because it is one in which the concurrence of a greater number than a majority of a quorum is necessary to an affirmative decision, any member may move for a reconsideration.

Effect of Motion to Table

61. A motion to lay on the table shall only have the effect of disposing of the matter temporarily, and may be taken from the table at any time after the eighth order of business has been passed.

Motion Must Be Germane

62. No motion on a subject different from that under consideration shall be admitted under color of amendment.

Previous Questions

63. When any question is before the House, any member being in order and having the floor may move the previous question, but such motion to be put must be sustained by being seconded by ten members. The question being moved, the Speaker shall say, "*Is the motion sustained?*" and those favoring the motion shall rise. If a sufficient number arise, the previous question shall be thereby seconded, and the question shall then be put in this form, "*Shall the main question be now put?*" If this question be decided in the affirmative by a majority of the members voting, a quorum being present, it shall have the effect of cutting off all debate and bringing the House to a direct vote upon the immediate question or questions upon which it has been asked and ordered, except when the motion applies to the main question, the member in charge of the measure under consideration shall have five minutes to close the discussion before the vote is taken; and when the motion applies to an amendment, the person

proposing the amendment shall have three minutes to close the discussion on the amendment. Should the previous question be decided in the negative, the House shall proceed with the matter before it as though the previous question had not been moved.

When a member moves the previous question, he shall specifically state in his motion whether it shall apply to the main question and the amendments or to the amendment or amendments only.

The previous question shall not be admitted in the Committee of the Whole.

MEETING OF THE HOUSE

Time of Meeting

64. The House shall meet every day, except Sunday, unless it shall be otherwise directed by special order, precisely at the hour to which it shall have adjourned at its last sitting; but if no hour were fixed at such sitting, then at two o'clock P.M.

ORDER OF BUSINESS

Daily

65. The daily order of business shall be as follows:

- I. To read, correct, and approve the Journal.
- II. Introduction of guests.
- III. To receive and consider reports of standing committees.
- IV. To receive and consider reports of select committees.
- V. To receive and consider messages from the Executive, state officials, other communications and remonstrances.
- VI. To receive messages from the Senate, and consider amendments proposed by the Senate to bills passed by the House.
- VII. To receive (a) resolutions, (b) petitions, (c) motions.

- VIII. Bills introduced on motion for leave and referred to appropriate committees.
- IX. To act on unfinished business of the preceding day, and resolutions lying over from previous day, but no resolution shall lose its place on the calendar by not being acted upon on the day following on which it was offered.
- X. House and Senate Bills on third reading.
- XI. House and Senate Bills on second reading.
- XII. House and Senate Bills on first reading.
- XIII. To act upon leave of absence for members.
- XIV. Remarks by members of the House.
Item XIV, Remarks by members of the House, shall not be operative after the forty-seventh day of the session.
- XV. Miscellaneous business.

(HR 10, Reg. Sess., 2001, HR 3, Reg. Sess., 2002)

Effect of 2001 Amendment. Item II language was added, and original item II was moved to the end of the order, appearing as XIII.

Effect of 2002 Amendment. Item XIV language is new, and original item XIV was moved to the end of the order, appearing as XV. Also, after the forty-seventh day of a regular session, there will not be an order of business for remarks of members.

Recess for Introductions

65a. Upon the request of any member, the Speaker may, not more than twice daily, order a recess for the purpose of introductions. During such recess any member, upon recognition, may introduce to the House citizens seated in the galleries. No such introduction shall exceed one minute in any case nor shall such recess exceed five minutes without leave of the Speaker. Rules of order and decorum shall remain in force during such recess as if the House is in session. (HR 33, Reg. Sess., 1978)

Effect of 1978 Amendment. Provided for introductions to the House of citizens in the galleries.

Priority of Business

66. All questions relating to priority of business shall be decided without debate.

Special Orders

67. Any subject made a special order of business shall be laid before the House by the Speaker, or may be called up by any member, when the time fixed for its consideration arrives. If not called up or acted upon at the time fixed, it shall lose its standing as a special order.

Reports and Messages Receivable at Any Time

68. Messages from the Governor and Senate, communications and reports from state officers, reports from the Committee on Rules, reports from the Committee on Enrolled Bills, and reports of Conference Committees may be received at any time when the House is not actually engaged in taking a vote on some question, in which case it shall be received as soon as the result of the vote is announced. When received it shall be disposed of as the House may direct. (HR 2, Reg. Sess., 1967)

Effect of 1967 amendment. Reports from the Committee on Elections were removed from the rule due to another amendment abolishing this committee and transferring its jurisdiction with respect to questions involving the election and qualification of members to the Committee on Rules.

Consideration of Local Bills

69. Local bills shall be placed upon a special calendar to be known as the Local Bill Calendar, and on Friday of each week, after the ninth order of business is passed, shall be taken up and disposed of before any other business is acted upon: *Provided*, That this rule shall not prohibit the consideration of local bills at such times as the House may determine after the last Friday within the constitutional duration of the regular sessions of the Legislature. (HR 23, Reg. Sess., 1937)

Effect of 1937 amendment. The amendment added the proviso providing for consideration of local bills after the last Friday of a session.

Special Calendar

70. The House may by resolution authorize the Committee on Rules to arrange a special daily calendar and the consideration of bills on this calendar shall take precedence over the Regular House calendar.

Consent Calendar

70a. Rescinded by H. R. 6, January 16, 2007.

Effect of 2007 amendment. The Rule was completely abolished.

COMMITTEES**Kinds of Committees**

71. Committees may be of four kinds, namely: Committee of the Whole House, Standing Committees, Select or Special Committees, and Conference Committees.

Committee of the Whole

72. The House may resolve itself into a Committee of the Whole at any time on the motion of any member, and in forming a Committee of the Whole, the Speaker shall leave the chair and a chairman shall be appointed by him to preside over said committee. It shall consider and report on such subjects as may be committed to it by the House. The proceedings in Committee of the Whole shall not be recorded on the Journal except so far as reported to the House by the Chairman of the Committee.

Rules of Proceeding in the Committee of the Whole

73. The rules of proceeding in the House shall be observed, as far as practicable, in Committee of the Whole, except that any member may speak oftener than twice on the same subject, but he shall not speak a second time until every member desiring to speak shall have spoken; nor shall a motion for the previous question nor a motion to lay on the table or to adjourn be made therein. The yeas and nays need not be taken in Committee of the Whole.

Consideration of Bills in Committee of the Whole

74. Upon demand by any member, bills committed to a Committee of the Whole House shall, in Committee of the Whole, be read by sections. All amendments made shall be noted by the Clerk and reported to the House by the Chair-

man. After being reported to the House, the bill shall again be subject to amendment before a vote on the report is taken.

Motion to Rise Decided Without Debate

75. A motion that the Committee of the Whole rise shall always be in order, and shall be decided without debate.

Standing Committees

76. At the commencement of each Legislature, the Speaker shall appoint the standing committees established by this rule. The Speaker shall refer bills introduced, resolutions offered, and messages, petitions, memorials and other matters presented to such committee as he shall deem appropriate to consider and report thereon.

Standing committees are hereby created as follows:

1. Committee on Agriculture and Natural Resources
2. Committee on Banking and Insurance
3. Committee on Education
4. Committee on Energy
5. Committee on Finance
6. Committee on Government Organization
7. Committee on Health and Human Resources
8. Committee on Industry and Labor
9. Committee on Interstate Cooperation
10. Committee on the Judiciary
11. Committee on Pensions and Retirement
12. Committee on Political Subdivisions
13. Committee on Roads and Transportation
14. Committee on Rules
15. Committee on Senior Citizen Issues
16. Committee on Small Business, Entrepreneurship and Economic Development
17. Committee on Veterans' Affairs and Homeland Security

(HR 13, Reg. Sess., 1945; HR 4, Reg. Sess., 1947; HR 2, Reg. Sess., 1967; HR 4, Reg. Sess., 1977; HR 6, Reg. Sess., 1981; HR 24, Reg. Sess., 1986; HR 2, Reg. Sess. 2001; HR 2, Reg. Sess., 2003; HR 2, Reg. Sess., 2005; HR1, Reg. Sess., 2009; HR4, Reg. Sess., 2014)

Effect of 1945 amendment. Established a Standing Committee on Veterans' Affairs.

Effect of 1947 amendment. Reduced number of standing committees from 29 to 24; changed the membership of committees from not less than seven nor more than twenty-five to not less than eleven nor more than twenty-five; and changed the number of members of the Committee on Rules from seven to not less than five nor more than nine.

Effect of 1967 amendment. The principal change was the reduction of the number of standing committees from 24 to 13. Some provisions of the old rule were embodied in amendments to other rules made at this time.

Effect of 1977 amendment. Established a Standing Committee on Government Organization.

Effect of 1981 amendment. Removed Committee on State and Federal Affairs from Standing Committees.

Effect of 1986 amendment. Changed Committee on Health and Welfare to Health and Human Resources.

Effect of 1996 amendment. Established the Committee on Veterans' Affairs.

Effect of 2001 amendment. Expanded the duties and changed the Committee on Industry and Labor to the Committee on Industry and Labor, Economic Development and Small Business.

Effect of 2003 amendment. Renamed the Committee on Veterans' Affairs the Committee on Veterans' Affairs and Homeland Security.

Effect of 2005 amendment. Added the Committee on Pensions and Retirement as a Standing Committee of the House.

Effect of 2009 amendment. This amendment separated the Committee on Agriculture and Natural Resources into two separate committees. It also expanded the duties and changed the name of the Committee on Industry and Labor, Economic Development and Small Business to the Committee on Energy, Industry and Labor, Economic Development and Small Business. Additionally, it added the Committee on Senior Citizen Issues as a Standing Committee of the House.

Effect of 2014 amendment. Reorganized and created various committees.

Jurisdiction of Committees

77. In general and without limitation, standing committees shall have functions and jurisdiction of subjects and other matters as follows:

1. *Committee on Agriculture and Natural Resources:* (a) Agriculture generally, including agricultural production and marketing, animal industry and animal health, adulteration of

seeds, commercial feeding stuffs and commercial fertilizer, processed foods, insect pests and pesticides, soil conservation, milk and milk products, meats and meat products, agricultural extension service, entomology and plant quarantine, poultry and poultry products, and human nutrition and home economics; (b) natural resources in general, including game and fish, forest and wildlife areas, parks and recreation, water resources and reclamation.

2. *Committee on Banking and Insurance*: (a) Banks and banking, and financial institutions generally; (b) control and regulation of all types of insurance, including organization, qualification and licensing of insurers; and (c) securities and exchanges.

3. *Committee on Education*: (a) Education generally; (b) boards of education, and administration and control of schools; (c) textbooks and school curricula; (d) vocational education and rehabilitation; (e) qualifications, employment and tenure of teachers; (f) libraries; and (g) public schools and institutions of higher education.

4. *Committee on Energy*: (a) Mining and extraction of coal and other fossil fuels; (b) extraction and distribution of natural gas; (c) energy production employment, safety, local land use and community impacts; and (d) alternative energy development and efficiency measures.

5. *Committee on Finance*: (a) Tax and revenue measures increasing or decreasing the revenue or fiscal liability of the State; (b) collection of taxes and other revenue; (c) annual Budget Bills and supplementary appropriation bills; (d) proposals reducing public expenditures; (e) proposals relating to the principal and interest of the public debt; and (f) claims against the State.

6. *Committee on Government Organization*: (a) Legislation and proposals dealing with the Executive Department of state government with respect to creation, duties and functions; consolidation and abolition; and transfer, imposition and elimination of functions and duties of departments, commissions, boards, offices and agencies; and (b) measures relating to the Legislative Department, other than apportion-

ment of representation and redistricting for the election of members of the two houses.

7. *Committee on Health and Human Resources:* (a) Public health and public welfare generally; (b) mental health; (c) public and private hospitals and similar institutions; (d) prevention and control of communicable and infectious diseases; (e) pure food and drugs; (f) poison and narcotics; (g) correctional and penal institutions; and (h) public assistance and relief.

8. *Committee on Industry and Labor:* (a) Employment and establishment of industry; (b) labor standards; (c) labor statistics; (d) mediation and arbitration of labor disputes; (e) wages and hours of labor; (f) child labor; (g) safety and welfare of employees; (h) industry and labor generally; and (i) infrastructure.

9. *Committee on Interstate Cooperation:* Constitute the House members of the West Virginia Commission on Interstate Cooperation as provided by Article 1B, Chapter 29 of the Code.

10. *Committee on the Judiciary:* (a) Judicial proceedings, civil and criminal generally; (b) state and local courts and their officers; (c) crimes and their punishment; (d) corporations; (e) collection and enforcement of property taxes; (f) forfeited, delinquent, waste and unappropriated lands; (g) real property and estates therein; (h) domestic relations and family law; (i) revision and codification of the statutes of the State; (j) election laws; (k) proposals to amend the Constitution of the United States or the Constitution of the State; (l) legislation relating to constitutional conventions; and (m) other matters of a nature not deemed properly referable to any other standing committee.

11. *Committee on Pensions and Retirement:* (a) Continuing study and investigation of retirement benefit plans of the State and political subdivisions thereof; (b) making recommendations with particular attention to financing of the various pension funds and financing of accrued liabilities; (c) considering all aspects of pension planning and operation; and (d) analyzing each item of proposed pension and retire-

ment legislation with particular reference as to cost, actuarial soundness and adherence to sound pension policy.

12. *Committee on Political Subdivisions:* (a) Counties, districts and municipalities generally; (b) division of the State into senatorial districts and apportionment of delegate representation in the House; and (c) division of the State into districts for the election of representatives to Congress.

13. *Committee on Roads and Transportation:* (a) Highways, public roads, railways, canals and waterways, aeronautics, aircraft and airways; (b) motor vehicle administration and registration; (c) licensing of motor vehicle operators and chauffeurs; (d) traffic regulation and laws of the road; and (e) regulation of motor carriers of passengers and property for hire.

14. *Committee on Rules:* (a) Rules, joint rules, order of business and parliamentary rules in general; (b) recesses and final adjournments of the House and the Legislature; (c) payment of money out of the contingent or other fund of the House or creating a charge upon the same; (d) employees of and services to the House, and purchase of furniture, supplies and office equipment; (e) election and qualification of members of the House and state officers, privileges of members and officers of the House, and witnesses attending the House or any committee thereof; (f) punishment of members of the House for disorderly conduct; and punishment of any person not a member for contempt, disrespectful behavior in the presence of the House, obstructing its proceedings, and for any assault, threat or abuse of a member of the House; (g) House printing; (h) House Library, statuary and pictures, acceptance or purchase of works of art for the Capitol, purchase of books and manuscripts for the House, erection of monuments to the memory of individuals; (i) sale of food and administration and assignment of office space in the House wing of the Capitol; and (j) Resolutions referred to the Committee on Rules pursuant to Rule 110.

15. *Committee on Senior Citizen Issues:* Proposal, revision and recodification of statutory provisions relating to all senior citizen issues.

16. *Committee on Small Business, Entrepreneurship and Economic Development*: (a) small business; (b) entrepreneurship; (c) e-commerce; (d) e-government; (e) economic development; (f) job creation; and (g) commerce generally.

17. *Committee on Veterans' Affairs and Homeland Security*: (a) Veterans' measures; (b) education of veterans; (c) cemeteries of the State in which veterans of any war or conflict are or may be buried; (d) measures generally affecting the health and welfare of veterans; (e) measures relating to detection, protection against, response to, and recovery from, terrorist attacks, internal or external; and (f) military affairs." (HR 4, Reg. Sess., 1947; HR 2, Reg. Sess., 1967; HR 4, Reg. Sess., 1977; HR 6, Reg. Sess., 1981; HR 24, Reg. Sess., 1986; HR 2, Reg. Sess., 2001; HR 2, Reg. Sess., 2003; HR 2, Reg. Sess., 2005; HR1, Reg. Sess., 2009; HR4, Reg. Sess., 2014)

Effect of 1947 amendment. This rule originally prescribed the duties of the Committee on Elections and Privileges. The 1947 amendment changed the name to Committee on Elections.

Effect of 1967 amendment. This amendment abolished the Committee on Elections and transferred its functions to the Committee on Rules and revised the rule to include jurisdiction of all standing committees.

Effect of 1977 amendment. Created the Committee on Government Organization and prescribed its duties.

Effect of 1981 amendment. Removed Committee on State and Federal Affairs from Standing Committees.

Effect of 1986 amendment. Changed Committee on Health and Welfare to the Committee on Health and Human Resources.

Effect of 1996 amendment. Created the Committee on Veterans' Affairs.

Effect of 2001 amendment. Expanded the duties and changed the Committee on Industry and Labor to the Committee on Industry and Labor, Economic Development and Small Business.

Effect of 2003 amendment. Changed the name of the Committee on Veterans' Affairs to the Committee on Veterans' Affairs and Homeland Security and sets forth its duties and jurisdiction.

Effect of 2005 amendment. Added the Committee on Pensions and Retirement and sets forth its duties and jurisdiction.

Effect of 2009 amendment. This amendment separated the Committee on Agriculture and Natural Resources into two separate committees and set forth

their duties. It also expanded the duties and changed the name of the Committee on Industry and Labor, Economic Development and Small Business to the Committee on Energy, Industry and Labor, Economic Development and Small Business. Additionally, it added the Committee on Senior Citizen Issues and prescribed its duties.

Effect of 2014 amendment. Reorganized and created various committees.

Composition of Committees.

78. The Committee on Rules shall consist of not less than fifteen nor more than twenty-five members, which number shall include the Speaker, Majority Leader and Minority Leader; the Committee on Interstate Cooperation of seven members; and all other standing committees shall consist of not less than fifteen nor more than twenty-five members, except that the number of members of the Committee on Pensions and Retirement shall be appointed in accordance with Joint Rule 29 or in such number as may be determined by the Speaker.” (HR 4, Reg. Sess., 1947; HR 2, Reg. Sess., 1957; HR 22, Reg. Sess., 1963; HR 2, Reg. Sess., 1967; HR 6, Reg. Sess., 1997; HR 2, Reg. Sess., 2001; HR 2, Reg. Sess. 2003; HR 2, Reg. Sess., 2005; HR1, Reg. Sess., 2011; HR1, Reg. Sess., 2015)

Effect of 1947 amendment. The rule was completely rewritten and the jurisdiction of the committee expanded and delineated.

Effect of 1957 amendment. At this time the number of members of the Committee on Rules was contained in Rule 76 at not less than five nor more than nine. The amendment changed the number to not less than seven nor more than twelve, and included the Speaker, majority leader and minority leader within the committee membership.

Effect of 1963 amendment. The rule was rewritten expanding and detailing the duties and jurisdiction of the Committee on Rules. Among new duties given the committee were prescribing qualifications and recommending persons to fill positions under Rule 9.

Effect of 1967 amendment. The amendment rewrote the rule fixing membership of all standing committees.

Effect of 1997 amendment. The amendment increased the maximum number of members of the Committee on Rules from twelve to fourteen.

Effect of 2001 amendment. The amendment decreased the maximum number of members of the Committee on Rules from fourteen to twelve.

Effect of 2003 amendment. The amendment increased the maximum number of members of the Committee on Rules from twelve to sixteen.

Effect of 2005 amendment. The amendment increased the membership of the Committee on Rules to eighteen and specified that the Speaker may set the number of members on the Committee on Pensions and Retirement.

Effect of 2011 amendment. The amendment increased the maximum number of members of the Committee on Rules from eighteen to twenty.

Duties of Committees

79. The several standing committees shall not only consider matters specifically referred to them, but whenever deemed practicable suggest such legislation as will provide upon general principles for all similar cases. It shall be the duty of each committee to inquire into the condition and administration of the laws relating to the subjects which it has in charge; to investigate the conduct and look to the responsibility of all public officers and agents concerned; and to suggest such measures as will correct abuses, protect the public interests, and promote the public welfare. (HR 2, Reg. Sess., 1967)

Effect of 1967 amendment. This rule, originally dealing with duties of the Committee on Finance, was rewritten and made applicable to standing committees generally.

Bill Not to Be Divided among Committees, Speaker May Direct Second Reference

80. A bill may not be divided among two or more committees although it may contain matters properly within the jurisdiction of several committees, but must be referred to one committee as an entirety.

When the Speaker is of the opinion that a bill should be considered by more than one committee, at the time of referring it he may direct that when the committee to which it is referred completes its consideration thereof and makes a recommendation with respect thereto, the committee's report shall also recommend that it be referred to the committee as previously directed by the Speaker. When a bill is so reported, it shall automatically be referred as directed, unless by unanimous consent the House shall dispense with such second reference. (HR 2, Reg. Sess., 1967)

Effect of 1967 amendment. This rule, originally applicable to the Committee on Claims only, was rewritten.

Report of Committees

81. The several standing committees shall have leave to report by bill or otherwise. All committees shall submit their reports to the House in writing, and the same shall be printed in the Journal. Reports of committees shall be advisory only. Committee chairmen shall see that the originals of all bills, resolutions, and such other documents as are referred to them are returned to the House, with the report upon the matter to which they pertain. (HR 4, Reg. Sess., 1947)

Effect of 1947 amendment. Originally this rule dealt with functions of the Standing Committee on Executive Offices and Library, which was rescinded by the amendment and successive rules renumbered.

Discharging Committee from Consideration of Bill

82. When a bill or resolution has been in the hands of a committee five legislative days after having been referred to it, the committee may be discharged from further consideration of the bill or resolution by a majority vote of all the members present. The chairman of a committee may move that his committee be discharged from consideration of the matter at any time after commitment, and after the fiftieth day of the session any member may move to discharge a committee from consideration of any bill or resolution at any time after the same has been referred to it.

Committee Meetings

83. Meetings of all committees shall be upon a call of the chairman, but no committee shall sit during a session of the House without leave of the House. It shall be the duty of the chairman of a committee to announce, or have announced, from the floor of the House, or by the Speaker or Clerk, during the session of the House, the time and place of the next meeting of the committee, and at such time, if practicable, announce the bills, resolutions or other business to be considered at such meeting. In case of failure of the chairman of any committee to call a meeting of such committee upon the request of a member, then fifty percent or more of the

members of such committee shall have a right to call a meeting of such committee.

Notwithstanding any other rule to the contrary, on motions to report a bill or a resolution to the House, to table a bill or a resolution or to postpone consideration of a bill or a resolution indefinitely, the clerk of the committee shall make a record of the vote and following adjournment of the meeting make available to the public a list showing those voting in the affirmative or those voting in the negative, whichever shall be the smaller number, and those absent and not voting.

All meetings of standing committees shall be open, except a standing committee may, by majority vote of the members present, hold an executive session for the specific purposes of: (1) Conducting committee discussion of legislative personnel; (2) conducting committee discussion of state government personnel; (3) consideration of and action on charges against a member of the House; or (4) where such meetings involve compiling information, investigating accusations or taking testimony which, if publicly disclosed, might unjustly injure or unfairly reflect on the reputation of innocent persons: *Provided*, That the Committee on Rules, while holding an executive session for the specific purposes of (1), (2), (3) and (4) above, shall by roll call vote record any definitive action and shall make such vote record available to the public.

In no other instances shall a vote be taken while a standing committee is holding an executive session. (HR 27, Reg. Sess., 1965; HR 5, Reg. Sess., 1970; HR 5, Reg. Sess., 1971; HR 11, Reg. Sess., 1975; HR 7, Reg. Sess., 1976)

Effect of 1965 amendment. A provision was added at the end of the rule providing that no one not a member except the Clerk should be present in a committee when a vote was taken.

Effect of 1970 amendment. The provision of the rule prohibiting anyone other than the clerk of a committee to be present when a vote was taken was changed to provide that all committee meetings except executive sessions should be open to the public.

Effect of 1971 amendment. The last paragraph of the rule was added by the amendment.

Effect of 1975 amendment. Inserted word “resolution” in the first two paragraphs following the word “bills”, and added the last paragraph as shown in the text above.

Effect of 1976 amendment. Deleted paragraph providing for executive session to set special daily calendar.

Committee Hearings

84. On written request of the introducer of a bill or any interested person or organization timely made to the Chair or clerk of a committee, a public hearing shall be held on any measure on the official agenda of the committee. A request for a public hearing shall only be proper in any committee to which the measure has been referred before the bill is explained. If the request for a public hearing be made after the committee agenda has been published, the Chair of the Committee may either remove such measure from the agenda and schedule the hearing to be held no sooner than the second calendar day following publication of the notice of public hearing, or may proceed with consideration of such measure in committee, in which case a public hearing shall be held by a subsequent committee to which the measure has been referred, if any, no sooner than the second calendar day following publication of the notice of public hearing. If such measure on which a public hearing is requested as aforesaid be reported to the floor, and no public hearing has been held by a committee prior to such measure being reported to the floor, the Chair of the Committee shall schedule a public hearing no sooner than the second calendar day following publication of notice of the public hearing, but prior to the measure being considered for passage.

For purpose of this Rule 84, publication of notice of public hearing shall be deemed to have been effective when the public hearing has been announced on the floor of the House. The subject, time and location of any public hearing shall also be placed on the legislative website.

The Chair of the Committee may limit the time of the proponents and opponents at such hearing.

The hearing may be conducted by the entire committee or a subcommittee thereof, as the committee shall direct.

When a bill is referred to more than one committee, no more than one hearing shall be required when properly and timely requested under the provision of this rule: *Provided*, That a public hearing request made after the 43rd day on House bills or after the 53rd day on Senate bills shall not be in order unless such bill is originated in committee, in which case the request for a public hearing shall be granted and the public hearing shall be scheduled in accordance with this Rule: *Provided further*, That after the 43rd day, in order to conduct the business of the House in a timely and efficient manner, the House may, by a vote of a majority of the members present, limit the number of length of public hearings, if there are public hearing requests pending for more than five bills in any committee. (HR 27, Reg. Sess., 1965; HR2, Reg. Sess., 1971; HR6, Reg. Sess., 2002; HR 44, Reg. Sess., 2012)

Effect of 1965 amendment. The amendment provided for committee hearings to be held either by the full committee or a subcommittee and directed that all hearings should be open to the public.

Effect of 1971 amendment. The amendment rewrote the first paragraph and added the second paragraph.

Effect of 2002 amendment. Clarifies when public hearings shall be held and eliminates the necessity of holding duplicate hearings.

Effect of 2012 amendment. The amendment completely rewrote the rule, setting forth details for requests for and holding of, public hearings.

Witnesses Before Committees

84a. Every committee of the House shall have authority upon its own motion to administer oaths to any witness appearing before the committee at any hearing or during the deliberations of any committee. If any witness to whom an oath has been administered shall refuse to answer a question put to such witness by any member of the committee, the committee may report such refusal to the House and upon motion duly made by any member of the House, the House may cause to be issued a subpoena to compel such witness to appear before the committee to give testimony. Upon appearance pursuant to subpoena the witness may be questioned by the chairman and any member of the committee. The Clerk of the House, the chairman of the committee and

in the absence of the chairman, any member of the committee may administer the oath to the witness and may require that such oath be subscribed to by the witness.

No committee shall invoke this rule unless in the judgment of a majority of members appointed to the Committee special circumstances so require. (HR 15, Reg. Sess., 1976)

Effect of 1976 amendment. The amendment gave each committee the authority to administer oaths to witnesses and provided for the issuance of subpoenas by the House.

Committee Clerks

85. The Speaker shall assign to the various committees such clerks and other clerical and stenographic help as may be necessary to properly carry on the work of the committees. Committee clerks shall keep such records and perform such duties as the chairmen of the respective committees may direct.

Committee Records

86. The chairman of each committee shall keep, or cause to be kept, a record in which there shall be entered:

(a) The time and place of each hearing, and of each meeting of such committee.

(b) The attendance of committee members at each meeting.

(c) The names and addresses of all persons appearing before the committee, with the name of person, persons, firm or corporation, and addresses, in whose behalf such appearance is made.

(d) The vote of each member on all motions, bills, resolutions and amendments acted upon, when a ye and nay vote is taken.

Such a record shall be read and approved at the next regular meeting of the committee. The committee records shall be open to inspection of the public at proper times and

places and at the close of the session shall be filed with the Clerk of the House.

Committee Quorum; Subcommittees

87. A majority of any committee shall constitute a quorum for the transaction of business. A subcommittee, which shall report to the regular committee, may be appointed to consider and report to the committee on any matter referred to it.

Minority Views

88. The minority of any committee may present its recommendations in writing with the report of the committee, and the same shall be printed in the Journal, and said recommendation may, by a vote of the House, be substituted for and become the report of the committee.

House Rules to Govern Committee

89. The rules governing the proceedings of the House shall apply to the proceedings of the committee, insofar as the same are applicable.

Select or Special Committees

90. Select or special committees may be provided for on motion or resolution, designating the number and object, and, unless otherwise ordered, shall be appointed by the Speaker.

Conference Committees and Reports

91. All reports of conference committees shall be presented after having been signed by a majority of the conferees of each House and be printed in the Journal. No matter shall be considered by said committee, or reported upon by it, except that in disagreement between the two houses.

BILLS, RESOLUTIONS AND PETITIONS BILLS AND JOINT RESOLUTIONS

Time Limit on Introducing

91a. No House joint resolution and no House bill, other than a House supplementary appropriation bill or a House bill

originating in a House standing or select committee, shall be introduced in the House after the forty-second day of a regular session unless permission to introduce the joint resolution or bill be given by a House resolution, setting out the title to the joint resolution or bill and adopted by a two-thirds vote of the House members present. The forty-second day of the regular session held in the year two thousand nine and every fourth year thereafter shall be computed from and include the second Wednesday of February of such years. When permission is requested to introduce a joint resolution or bill under provisions of this rule, quadruplicate copies of the joint resolution or bill shall accompany the resolution or bill when introduced.” (HR 22, Reg. Sess., 1981; HR 17, Reg. Sess., 1994; HR 11, Reg. Sess., 1995; HR1, Reg. Sess., 2015).

Effect of 1981 amendment. The rule was rewritten in order to provide for introduction of House bills after the fiftieth day by a simple House resolution rather than a concurrent resolution. The rule also provides that bills may originate in committee after the fiftieth day.

Effect of 1994 amendment. The rule was changed to set the last day for bill introduction at the forty-first day of the session, instead of the fiftieth.

Effect of 1995 amendment. The rule was changed to set the last day for bill introduction at the forty-fifth day of the session, instead of the forty-first.

Effect of 2008 amendment. The rule was changed to set the last day for bill introduction at the forty-first day of the session, instead of the forty-fifth.

Effect of 2015 amendment. Changed the last day of bill introduction from the forty-first day to the forty-second day of the session.

Method of Introducing

92. Bills for introduction in the House on the opening day of any session of the Legislature may be filed with the Clerk not later than the day preceding the opening of such session. During sessions bills to be introduced shall be filed with the Clerk not later than 12:00 o'clock meridian on the legislative day next preceding their introduction. Before formal introduction, the Clerk shall number such bills as are presented and edit and correct them as to form. When the time for introducing bills is reached in the regular order of business, the Clerk shall report each of said bills by title in the same manner as if it were introduced from the floor. This rule shall not

deny a member the right to introduce a bill from the floor in case of urgency. (HR 26, Reg. Sess., 1963; HR 3, 1st Ex. Sess., 1968; HR 3, Reg. Sess., 1972)

Effect of 1963 amendment. The “fiscal note” rule was added.

Effect of 1968 amendment. The amendment changed the time for filing bills for introduction from 4:00 P.M. to 12:00 Noon.

Effect of 1972 amendment. The amendment rewrote the rule, the principal change being to remove the “fiscal note” provisions from this rule and place them in a new rule, 95a.

Bill Carryover

92a. Any bill or joint resolution pending in the House at the time of *sine die* adjournment of the First Regular Session of a Legislature, or extended First Regular Session thereof, which has not been rejected, laid on the table or postponed indefinitely by the House, shall carry over in its original form to the Second Regular Session only at the request of the first-named sponsor of the bill or resolution, such request to be made to the Clerk of the House not later than ten days prior to the commencement of the session.

After receiving notice from the first-named sponsor of his or her intent to carry over the bill, the Clerk of the House shall notify all cosponsors that the bill will be carried over. All cosponsors shall have ten days after the date of notice to notify the Clerk of the House that their names should be removed from the bill to be carried over.

Any such bill or joint resolution shall retain its original number and shall be deemed to be reintroduced on the first day of the Second Regular Session and shall, except as otherwise directed by the Speaker, be treated as referred to the committee or committees to which it was originally referred.

In the case of any House bill or joint resolution which has been passed or adopted by the House, such bill or resolution shall likewise be deemed to be reintroduced and referred, except as otherwise directed by the Speaker, to the committee or committees to which it was originally referred.

This rule shall not apply to any bill or joint resolution solely sponsored by a former member, to supplemental appropriation or budget bills, to bills which promulgate legislative rules, to bills which expire or continue state agencies pursuant to the West Virginia Sunset Law, to bills of a local nature, or to any bill or joint resolution introduced during any extraordinary session. (HR 2, Reg. Sess., 1988; HR 12, Reg. Sess., 1996)

Effect of 1988 amendment. Allows House bills or joint resolutions pending at the time of *sine die* adjournment of the 1st Regular Session to carryover to the 2nd Regular Session.

Effect of 1996 amendment. Allows bill or joint resolution to be carried over at the request of the first-named sponsor. Allows cosponsors to have ten days after date of notice to notify Clerk to have their name removed.

Bills to Be Presented in Duplicate

93. All bills for introduction shall be presented in duplicate bearing the name of the first-named sponsor and the name or names of all cosponsors by whom they are to be introduced. The original copy shall constitute the official bill for use of committees and for the permanent files of the House, and one copy shall be for the Clerk's office files. (HR 3, 1st Ex. Sess., 1968; HR 12, Reg. Sess., 1996; HR29, Reg. Sess., 2011)

Effect of 1968 amendment. The amendment rewrote the rule, the principal change being to require a bill for introduction to be presented in quadruplicate instead of triplicate.

Effect of 1996 amendment. Provides for placing the name of the first-named sponsor and the name or names of all cosponsors on all bills to be introduced.

Effect of 2011 amendment. The amendment updated the rule by reducing the required number of copies from four to two. This update reflects the current needs of the Clerk's Office in presenting bills for introduction.

Joint Sponsors of Bill

94. A bill may be introduced bearing the names of not more than eleven members as joint sponsors of the bill. (HR. 40, Reg. Sess., 1937; HR 18, Reg. Sess., 1992; HR 15 Reg. Sess., 2005)

Note: This rule was originally adopted as Rule 94a. In 1992, the number was increased from two to seven and in 2005, it was increased from seven to eleven.

Introduction of Bills by Request

94a. A bill may be introduced by request. All bills introduced by request shall bear the words “by request,” following the designation of the name or names of the bill sponsor or sponsors. (HR 13, Reg. Sess., 1988)

Effect of 1988 amendment. Allows the introduction of bills by request.

Reference to Committees

95. Bills introduced by any member, on motion for leave, or by any standing committee, shall be read by their titles and referred to the appropriate committee without printing, and all such bills shall be treated in committee as resolutions of inquiry. If the committee report a bill different from one so introduced, either by amendment or substitution, such bill shall be received and treated in the House as the original bill, and the committee report and Journal of the House shall show that the bill was either amended or substituted in committee: *Provided*, That in no instance shall a House or Senate bill be referred to the Committee on Rules. (HR 11, Reg. Sess., 1975)

Effect of 1975 amendment. No bill shall be referred to Committee on Rules.

Fiscal Notes

95a. Prior to consideration, by the House or by any committee thereof, of any bill which either increases or decreases the revenue or fiscal liability of the State or any county, municipality or other subdivision of the State or in any manner changes or modifies any existing tax or rate of taxation, such bill shall have attached thereto a fiscal note, which “fiscal note” shall conform to the requirements as to form and content prescribed by the “Fiscal Note Manual,” prepared and adopted by the Committee on Rules to govern preparation of fiscal notes to bills introduced in the House of Delegates.

In the case of a bill which either increases or decreases the revenue or fiscal liability of the state or any county, municipality or other subdivision of the state, nothing herein shall prohibit consideration of such a bill if, in the opinion of the chairman of the committee to which the bill has been referred, or in the opinion of the Speaker, a reasonable time has elapsed since a fiscal note was requested and no fiscal note or an incomplete fiscal note has been furnished.

It shall be the responsibility of the legislator introducing a bill to obtain such note when required. Such note shall be attached to the bill when filed for introduction, if at all possible, and shall accompany any bill requiring such note when the same is reported from committee.

A legislator introducing a bill requiring an increase in the revenue or fiscal liability of the State or any county, municipality or other subdivision of the State, should have attached thereto the legislator's specific plan, idea, method or manner for generating the revenue needed or required by the proposed bill.

The jackets of all measures with fiscal notes attached or requiring such notes shall have the words "Fiscal Note" or the initials "FN" clearly stamped or endorsed thereon.

Rule 95a, as amended herein, shall not take effect until January 15, 1989.

No Act shall be void or voidable for noncompliance with this rule. (HR7, Reg. Sess., 1979; HR 14, Reg. Sess., 1988)

Note: A fiscal note rule was adopted in 1963 as a part of Rule 92, but was suspended from session to session until it went into effect at the 1969 Regular Session.

Effect of 1979 amendment. Effective January 15, 1980, fiscal notes are required of all political subdivisions.

If in the opinion of the chairman of a committee or the Speaker a reasonable time has elapsed since a fiscal note was requested, the bill may be considered.

Effect of 1988 amendment. Provides for legislator introducing bill to attach plan, method or manner for generating necessary revenue.

Correctional System Fiscal Impact Note

95b. Prior to consideration, by the House or by any committee thereof, of any bill which proposes to create new criminal conduct punishable by incarceration, or either increases or decreases any criminal penalty involving a term of incarceration, the Division of Corrections, in conjunction with any applicable State agency, shall provide a correctional system fiscal impact note outlining the projected fiscal impact on the State's correctional system of the legislative proposal. The note shall include projected increases or decreases in persons incarcerated, the fiscal impact the proposal likely will have on existing availability of correctional facilities and facility space; whether the proposal will likely decrease or increase inmate populations and, in the case of increased inmate populations, whether additional costs will necessarily be incurred for expanded and increased correctional or jail facilities, equipment and personnel and, if so, the projected cost therefor.

In the case of a bill which either increases or decreases the revenue or fiscal liability of the State or any county, municipality or other subdivision of the State, nothing herein shall prohibit consideration of such a bill if, in the opinion of the chairman of the committee to which the bill has been referred, or in the opinion of the Speaker, a reasonable time has elapsed since a fiscal note was requested and no fiscal note or an incomplete fiscal note has been furnished.

No act shall be void or voidable for noncompliance with the rule.

Rule 95b, as herein set forth, shall take effect January 1, 2007. (Com. Sub. for HR 31, Reg. Sess., 2005)

Effect of 2005 amendment. Provided for a Correctional System Fiscal Impact Note.

Jobs Impact Statement

95c. Upon the introduction of any legislation which has a potential impact on the state's economy, the Speaker may request from any institution under the authority of the West Virginia Higher Education Policy Commission, including, but not limited to, any state college or university, West

Virginia University, or Marshall University, a review of the proposed legislation for purposes of preparing a Jobs Impact Statement. It shall be the responsibility of the Speaker to obtain any requested Jobs Impact Statement, which shall be based on generally accepted methodology. The Rules Committee may, but is not required to, make by resolution recommendations as to the form and contents of the Jobs Impact Statement.

The phrase ‘Jobs Impact Statement’ or initials ‘JS’ must be clearly stamped or endorsed on the jackets of all bills that have statements attached to them. No act is void or voidable if a Jobs Impact Statement is not attached at the time of passage.” (HR1, Reg. Sess., 2014)

Effect of the 2014 amendment. Provided for a Jobs Impact Statement.

What Bills to Contain

96. Bills proposing laws or changes in laws shall consist of a title, beginning with the words “A BILL to,” and contain a brief statement of the object of the proposed measure, and if it amends or changes a law, a reference to the law proposed to be changed. The bill proper shall begin with the enacting clause, “*Be it enacted by the Legislature of West Virginia,*” and state at large the measure proposed. [Const., Art. VI, §30.]

Bill Not to Embrace More Than One Object

97. No bill shall embrace more than one object, and that shall be stated in the title, and no law shall be revived or amended by reference to its title only; but the law revived, or the section amended, shall be inserted at large in the new act. [Const., Art. VI, §30.]

Reporting Bills from Committee

98. When a bill is reported from committee with the recommendation that it do pass, it shall be placed on the calendar for the succeeding day and come up on first reading unless the House by action otherwise directs. If on the calendar when referred, it shall be replaced on the reading from which it was taken.

If a bill be reported favorably with amendments, the report and Journal shall so show, and when the bill reaches second reading the committee amendments shall be acted upon before other amendments are offered, except amendments to the committee amendments.

If a committee to which a bill has been referred reports that the same ought not to pass, the Speaker shall immediately propound the question, "*Shall the bill be rejected?*" If this question is decided in the negative, the bill shall be disposed of in the same manner as if reported favorably.

Printing of Bills

99. All bills favorably reported from committee and such other bills as the House may order shall be printed promptly. (HR 2, Reg. Sess., 1967)

Effect of 1967 amendment. The amendment changes the stage at which bills are to be printed from when advanced to second reading to when reported from committee.

Recommitment of Bills

100. A bill may be recommitted at any time before it passes. Should such recommitment take place after its engrossment, and an amendment be reported, the bill shall be placed on second reading when reported back.

Reading Bills

101. Before any bill is read by the Clerk, he shall state to the House whether it is on first, second or third reading.

Bills to Have Three Readings

102. No bill shall become a law until it has been fully and distinctly read on three different days, unless in case of urgency, by a vote of four fifths of the members present, taken by yeas and nays on each bill, this rule be dispensed with. Upon any bill there may be a motion to dispense with the constitutional rule, in order that the bill may be read twice or three times on the same day, and upon the first or second reading of any bill there may be a motion to dispense with the

constitutional rule in order that the bill may, upon such reading, be read by its title: *Provided*, That in all cases there shall be three readings on each bill, and that an engrossed bill shall be fully and distinctly read. [Const., Art. VI, §29.]

Bills—First Reading

103. The first reading of a bill shall be for information; and if opposition be made to it, the question shall be “*Shall the bill be rejected?*” If no opposition be made, or if the question to reject be lost, it shall be regarded as ordered to its second reading, unless the House otherwise specially directs. On the first reading of a bill, it may at any stage of the reading be rejected on motion.

Bills—Printing and Availability to Members

104. No bill shall be put upon its second reading until the same shall have been printed, or otherwise mechanically reproduced, and shall have been made available to the members of the House in the House Document Room, no later than 6:00 P.M. or the hour of adjournment, whichever be later, on the day next preceding the day upon which it is to be read a second time.

Upon receipt of the printed or reproduced bill, the Clerk shall, forthwith, place copies of said bill on the desks of each member and, if possible, in the bill books; however, the failure of the Clerk to do so shall not be cause for delaying action on the bill.

Bills, resolutions and other documents in electronic format and available to the members on the Chamber Automation System shall be in compliance with the provisions of this rule. (HR 31, Reg. Sess., 1971; HR 4, Reg. Sess., 2002)

Effect of 1971 amendment. The amendment rewrote the rule. The last paragraph was added.

Effect of 2002 amendment. The last paragraph was added as a result of the installation of the Chamber Automation System.

Amending and Engrossing Bills

105. On the second reading of a bill on the demand of any two members, it shall be read section by section for

amendment, and when the amendments as may be moved are disposed of, the question, unless the House otherwise order, shall be, if a House bill, "*Shall the bill be engrossed and ordered to the third reading?*" If a House bill shall be ordered to its engrossment and third reading, and amendments have been made thereto, the type from which the bill was originally printed shall be changed to conform with the amendments. The bill shall then be reprinted and shall be the engrossed bill, and shall be designated as such. If no amendments are made the bill as originally printed may be ordered to its third reading and shall become the engrossed bill, and shall be designated as such. All House bills ordered to their engrossment and third reading shall be jacketed and engrossed with their number, title, by whom introduced, and if the bill is finally passed, the date of its passage and the signature of the Clerk. If a House bill is passed by the Senate and returned to the House without amendment, or if amended and the amendment or amendments be agreed to, it shall then be turned over to the Joint Committee on Enrolled Bills. In the case of a Senate bill on second reading, if the same be amended by the House and passed as amended, the amendment or amendments shall be noted in full on slips of paper in typewriting and attached to the bill at the proper place by the Clerk before the bill is returned to the Senate, and all the amendments shall also appear in the House Journal.

Time Bills to Go into Effect

106. In the passage of a bill by the House, a motion may be made that it take effect from its passage, or at some time other than ninety days after its passage; and if said motion be adopted by a vote of two thirds of all the members elected to the House, taken by yeas and nays, the Clerk shall communicate that fact to the Senate along with the bill. [Const., Art. VI, §30.]

Senate Bills

107. Senate bills passed by the Senate and reported to the House shall be referred to the appropriate committee unless the House otherwise directs. After this they shall be treated in the same manner as House bills.

RESOLUTIONS

108. Resolutions shall be of three classes, as follows:

(1) *Joint Resolutions*: All proposed amendments to the State Constitution shall take the form of a joint resolution, which shall be subject to the rules which govern the proceedings on bills, except that it shall be read on three several days, and, to be adopted, must on its third reading be agreed to by a two-thirds vote of the members elected to the House. [Const., Art. XIV, Sec. 2.] When a proposed amendment to the Constitution is under consideration, the vote of a majority of the members present shall be sufficient to decide an amendment thereto or any collateral or incidental questions thereto short of the final question.

(2) *Concurrent Resolutions*: Concurrent resolutions shall be used for the purpose of expressing the sentiments of the Legislature, for authorizing expenditures incidental to the sessions and business of the Legislature, for agreeing upon adjournments beyond the constitutional limitation, for creating special joint committees, for raising a joint assembly and other inferior and incidental purposes of legislation, and such other purposes as the Legislature may deem proper. The adoption of such resolutions must be concurred in by both houses.

(3) *House Resolutions*: These simple resolutions shall be used for expressing the will or order of the House on matters in which the concurrence of the Senate is not necessary. A House resolution shall be proper to express the sentiments of the body, to authorize expenditures from its contingent fund, for agreeing upon any question, and for all incidental purposes pertaining to the organization and work of the House. (HR 2, Reg. Sess., 1967)

Effect of 1967 amendment. The amendment inserted the word "State" preceding the word "Constitution" in line two of subdivision (1).

Note: Joint resolutions are used only for amendments to the State Constitution and to ratify amendments to the Federal Constitution. Such resolutions do not have to be submitted to the Governor for his approval.

Policy of the House as to Concurrent and House Resolutions; Defining Purpose and Scope of Such Resolutions; Preintroduction Review by Committee on Rules.

108a. It is hereby declared to be the policy of the House of Delegates that concurrent and house resolutions be limited to the general purposes set forth in subdivisions (2) and (3) of Rule 108 and shall be restricted to expressions of sentiments and actions having a bearing upon matters incident to legislative business and the functioning of the legislative process insofar as possible.

Such resolutions shall not embrace congratulatory expressions to individuals, organizations, associations or other entities having no relation to the Legislature or public affairs generally, athletic events, scholastic contests, or any other matter not related to the scope and areas of legislative business: *Provided*, That this rule shall not bar the introduction of resolutions memorializing deceased members of the Legislature and public officials or commending or congratulating public officials on actions in connection with governmental affairs.

Any concurrent or house resolution shall be submitted to the Clerk for determination of compliance with this rule. (HR 3, Reg. Sess., 1974; HR1, Reg. Sess., 2015)

Effect of 1974 amendment. This section was added by HR 3, Reg. Sess., 1974. Resolutions shall not embrace congratulatory expressions to individuals, organization, etc., having no relation to the Legislature. All resolutions must have preintroduction review by the Committee on Rules.

Effect of 2015 amendment. Changed the requirement that resolutions be submitted to the Committee on Rules prior to introduction for determining compliance with this rule.

Introduction of Resolutions

109. All resolutions to be introduced in the House shall be filed with the Clerk not later than two hours prior to the convening of the session at which they are to be introduced. They shall be presented in quadruplicate and copies shall be for the same purpose as that of bills. When the proper order of business is reached, the Clerk shall proceed in the same manner as if they were introduced from the floor. This rule

does not deny a member the right to introduce a resolution from the floor in case of urgency. The different classes of resolutions shall be numbered by the Clerk and entered in full in the Journal. (HR 3, 1st Ex. Sess., 1968)

Effect of 1968 amendment. The word “triplicate” was changed to “quadruplicate.”

Action on Resolutions

110. Upon introduction, all resolutions shall be read by their titles, referred to the appropriate committee, and be inserted in full in the Journal. Resolutions other than joint resolutions, proposing amendments to the State Constitution, reported from committee shall lie over one day and come up under the ninth order of business the following legislative day.

Joint resolutions proposing amendments to the State Constitution shall be treated as bills and proceedings thereon shall be in accordance with section two, article fourteen of the State Constitution.

Resolutions adopted by the Senate and reported to the House shall be subject to the same rule as that governing resolutions introduced in the House. (HR 2, Reg. Sess., 1961; HR 2, Reg. Sess., 1963; HR 2, Reg. Sess., 1971)

Effect of 1961 amendment. The amendment required that resolutions, other than joint resolutions, lie over one day and come up under the ninth order of business the following legislative day.

Effect of 1963 amendment. The rule was rewritten with the principal changes being the requirement that all resolutions be referred to a committee and inserted in full in the Journal when reported from committee. A new paragraph was also added making the rule applicable to Senate resolutions reported to the House.

Effect of 1971 amendment. The amendment provided for inserting resolutions in full in the Journal upon introduction instead of when reported from committee.

PETITIONS

111. All petitions, remonstrances, memorials and other papers addressed to the House shall be filed by the member with the Clerk prior to the convening of the House. When in

the regular order of business the time is reached for presenting petitions or any such papers, the Clerk shall read a list of those on file, giving the member's name presenting same and a brief resume of the contents thereof, and the same shall be referred to the committee of the member's selection unless otherwise ordered by the House. Each member, upon filing any such petition, remonstrance or other paper, shall endorse thereon his name, and if not so endorsed it shall not be received. The Journal shall show the name of the member presenting such papers, a brief resume of the contents thereof, and the disposition made of same.

AMENDMENTS

Forms For

112. The Clerk shall furnish to members sheets with a proper heading printed in blank upon which amendments shall be written, and all amendments offered shall be on such blanks and bear the name of the member offering the same.

Must Be Germane

113. No amendment shall be in order that is not germane to the matter under consideration; and the Speaker, when the question is raised, shall rule as to the admissibility of the proposed amendment.

Time for Offering

114. Amendments may be offered to any bill or joint resolution and acted upon on their second reading and before they are ordered to their engrossment and third reading. No bill shall be amended on third reading, except by unanimous consent of the members present. Amendments to resolutions other than joint resolutions shall be in order at any time the same are being considered. Committee amendments shall be subject to amendment and shall be disposed of before any other amendments are in order.

Reading and Stating

115. Amendments shall be read by the Clerk and stated by the Speaker before being acted upon.

By Striking Out Enacting Clause

116. A motion to amend by striking out the enacting clause of a bill shall have precedence over another motion to amend, and, if carried, the bill or resolution is rejected.

Amendment to an Amendment

117. A motion to amend a pending amendment may be received, but until it is disposed of no other motion to amend will be in order. But pending such amendment, a motion to amend in the nature of a substitute, and a motion to amend that substitute, may be received, but shall not be voted upon until the original matter is perfected.

Amendment to Have Precedence Over Substitute

118. If a substitute for a bill or resolution be offered, a motion to amend the original bill or resolution shall have precedence.

Motion to Amend to Have Precedence Over One to Strike Out

119. If a motion be made to strike out part of a bill or resolution, a motion to amend the part proposed to be stricken out shall have precedence.

Filling Blanks

120. In filling blanks, the largest sum and longest time proposed shall be first put, and the question shall be put on names in the order they were nominated.

No Amendment by Way of Rider

121. No amendment by way of rider shall be received to any bill after engrossment.

Agreeing to Senate Amendments

122. When a House bill or House joint resolution shall be amended by the Senate, the question on agreeing to the bill or resolution as amended shall be again voted on by yeas and

nays, and the result entered on the Journal, and in such a case the affirmative vote of a majority of the members elected to the House shall be necessary. [Const., Art. VI, §31.]

Amendment by Section

123. If a bill is being considered section by section, only amendments to the section under consideration shall be in order. After all sections have been considered separately, the whole bill shall be open for amendment except that an amendment seeking to strike out matter previously inserted and containing substantially no new proposition shall not be in order.

Amending Titles

124. After the passage of a bill or joint resolution, amendments to its title may be offered when the title is read for approval.

Amendments to Senate Bills

125. Any Senate bill or resolution may be amended in the same manner as a House bill or resolution. If a Senate bill or resolution is amended, the same shall be noted by the Clerk on the jacket containing same before it is reported to the Senate.

After the reading of a Senate amendment to a House bill or resolution, the question shall be, "*Will the House concur in the Senate Amendment?*" But it shall be in order to move that the House concur in the Senate amendment with an amendment; or that the House refuse to concur and ask the Senate to recede.

If the Senate shall refuse to concur in a House amendment to a Senate bill or resolution, the following motions shall be in order and shall be privileged in the order named: *First*, That the House recede; *Second*, That the House insist and ask for a committee of conference; *Third*, That the House adhere.

Amendments to be Printed in Journal

126. All amendments proposed, unless withdrawn, shall be printed in the Journal.

Speaking on Amendments

127. On an amendment being moved, a member who has spoken to the main question may speak again to the amendment.

JOURNAL**Clerk to Keep**

128. The Clerk of the House, under the direction of the Speaker, shall keep a full and correct Journal of the proceedings.

Approval and Correction

129. When the Journal has been read to the end that any mistake made in the entry may be corrected, if no objection is made, it shall stand approved; but if objection be made, the first question of the House shall be to dispose of the same, and when such objections are disposed of and the Journal corrected, as the House may order, it shall stand as approved.

Printing Official Copies

130. After the printed Journal has been approved and fully marked for correction, the type from which it was printed shall be changed in accordance therewith. From the type so corrected shall be printed the number of copies required by law for the regular bound volumes of the Journal, which shall be properly indexed. In addition thereto six copies shall be printed on 6x9 heavy weight bond paper, with a certificate at the end thereof, certifying that the same is the Official Journal of the House and the same shall be signed by the Speaker and Clerk. Such printed Journal shall be the official record of the House. They shall be bound in flexible binding, and bear the imprint on the back, "Official Journal

of the House of Delegates of West Virginia,” with designation of regular or special session, as the case may be, and the year. After being signed by the proper officers, two of these copies shall be retained in the office of the Clerk, and one copy shall be lodged in the office of the Governor, one with the Secretary of State, one with the Department of Archives and History, and one with the Clerk of the Senate.

Journal to Be Printed Daily

131. It shall be the duty of the Clerk to furnish a copy of each day’s proceedings of the Journal to the printer, to be printed and distributed without delay.

Form and Content of Journal

132. The Journal shall be kept and published in minute form so as to show a running account of all proceedings and actions taken. Every written motion, unless it be withdrawn on the same day submitted and before action has been taken thereon, and such other material and matters required by these rules and the joint rules of the Senate and House shall be printed in the Journal. No remarks of members, speeches, newspaper editorials and articles, or other material shall be printed in the daily Journal, except explanations of votes as provided by these rules and such portions of remarks as may be necessary for the record in instances where a member may be called to order for words spoken in debate.

The Clerk shall keep and publish an Appendix to the bound and official Journals of each session of the House. There shall be included in the Appendix all remarks of members and other material ordered printed by the House.

An address or remarks by a member made on the floor of the House may be printed in the Appendix with the consent of the House on the request of the member making such address or remarks or by request of another member, if the member making such address or remarks consents to said request. (HR 2, Reg. Sess., 1961; HR 10, Reg. Sess., 2000)

Effect of 1961 amendment. The rule was expanded extensively in delineating the form and content of the Journal, providing for an Appendix to the Journal and the printing therein of remarks of members and other material.

Effect of 2000 amendment. Permits a member to request remarks of another to be printed in the Appendix with the consent of the member making the remarks.

Inserting Remarks in Journal

132a. (HCR 15, Reg. Sess., 1959; rescinded by HR 2, Reg. Sess., 1961)

A typographical error in the Journal shows the repealed rule as 122a instead of 132a.

CHANGE OR SUSPENSION OF RULES

Rescinding or Amending Rules

133. All propositions to amend or rescind any standing rule or order of the House shall be by resolution and be at once referred, without debate, to the Committee on Rules, and shall be reported therefrom within five legislative days thereafter. Any such resolution may be adopted by a majority vote, a quorum being present. (HR 4, Reg. Sess., 1974)

Effect of 1974 amendment. The rule was rewritten with the principal change being that a standing rule or order after being referred to the Committee on Rules shall be reported therefrom within five legislative days.

Note: The power to make its rules of procedure is given the House under Sec. 24, Art. 6 of the Constitution.

Suspension of Rules

134. These rules shall not be suspended, except by a vote of at least two thirds of the members present. Unless there be an unanimous consent for the suspension of rules, the vote shall be determined by yeas and nays.

Note: The motion to suspend the rules is usually preceded by a member requesting unanimous consent of the House to do a particular thing. If no one objects, the House is deemed to assent, and what is desired is allowed accordingly. If objection is made, then the member may move that the rules be suspended for the specific purpose or object he has in view. A motion to lay on the table may not be applied to a motion to suspend the rules. (Hind's Precedents, Sec. 5405.)

Manual and Rules

135. On any question of order or parliamentary practice where the rules of the House or the joint rules of the House

and Senate are silent or inexplicit, *Jefferson's Manual* and the *Digest of the Rules and Practices of the House of Representatives of the United States Congress* shall be considered as authority.

Note: Jefferson's Manual was prepared by Thomas Jefferson for his own guidance as President of the United States Senate in the years he was Vice President, from 1797 to 1801. The House of Representatives, in 1837, by rule which still exists, provided that the provisions of the Manual should "govern the House in all cases to which they are applicable and in which they are not inconsistent with the standing rules and orders of the House." The Manual is regarded by English parliamentarians as the best statement of what the law of Parliament was at the time Jefferson wrote it. (House Manual and Digest), 70th Congress, 1st Sess., Sec. 278.

MISCELLANEOUS RULES

Persons Admitted to the Floor—Members' Gallery

136. No person except members of the Congress of the United States, members of the State Senate, former members of the West Virginia Legislature, the Clerk of the Senate, duly accredited representatives of the press, radio and television, and legislative employees engaged in the proper discharge of their duties shall be admitted within the House Chamber while the House is in session. No introductions shall be made while the House is in session. At the convening of the House, the Sergeant at Arms shall see that all persons not entitled to the privilege of the floor under this rule retire from the Chamber.

The west or center balcony of the House Chamber shall be designated "Members' Gallery" and reserved for guests of members of the House, and admission thereto shall be by pass in such form as may be approved by the Committee on Rules and signed by member issuing the same to a guest. (HR 2, Reg. Sess., 1961; HR 2, Reg. Sess., 1967)

Effect of 1961 amendment. The rule was completely rewritten. Various persons who were formerly admitted to the House Chamber while the House was in session were eliminated from the rule, including ex-Governors, judges, former officers of the House and Senate, members of other state Legislatures, heads of state departments, elective state officers, the Governor's secretary; prohibited introductions while the House is in session; and designated the west gallery as the "Members' Gallery" and provided manner for admission of guests thereto.

Effect of 1967 amendment. The word “employees” was substituted for “attaches.”

Smoking and Use of Tobacco Products Prohibited

136a. Smoking and the use of tobacco products are prohibited in the House chamber and House galleries during sessions and in House committee rooms during committee meetings or public hearings. (HR 19, Reg. Sess., 1990; HR 6, Reg. Sess., 2000)

Effect of 1990 amendment. Prohibited use of tobacco in House chamber and galleries during sessions and in committee rooms during meetings or public hearings.

Effect of 2000 amendment. Prohibited smoking in the vestibule of the House Chamber.

Attire of Persons Admitted to Floor

136b. No member of the House or any person who has privileges of the floor, except pages, individuals authorized to be present for special ceremonies, television camera operators, media photographers, sound technicians and maintenance personnel, shall be admitted to the floor of the House while the House is in session unless properly attired. Minimum standards of dress shall consist of the wearing of a coat and tie by males and the wearing of a suitable dress or an appropriate blouse and skirt or pants suit by females.

Lobbying in the House Chamber

137. No person engaged in lobbying, including persons entitled to the privilege of the floor under Rule 136 when engaged in lobbying activities, shall be permitted upon the floor of the House or in the foyer thereto at any time during a session of the Legislature. If any person not a member while within the Chamber when the House is in session attempts in any manner whatsoever to influence the vote or opinion of any member upon any subject of legislative consideration, he shall be removed from the Chamber and be debarred therefrom during the remainder of the session. Any employee who shall, at any time, engage in such activity shall be subject to immediate dismissal. (HR 2, Reg. Sess., 1961; HR 2, Reg. Sess., 1963; HR 2, Reg. Sess., 1967)

Effect of 1961 amendment. The rule was rewritten. The last sentence relative to dismissal of House employees for engaging in lobbying was a new provision.

Effect of 1963 amendment. This amendment made the rule applicable to persons entitled to the floor under Rule 136 such as former members.

Effect of 1967 amendment. The word “employee” was substituted for the word “attache.”

Registration of Lobbyists

137a. Rescinded by H. R. 19, February 6, 1978.

Effect of 1978 amendment. The rule was rescinded and a joint rule was added to cover both houses.

Use of Electronic Communication Devices Prohibited

137a. Unless authorized by the Speaker, no person may use a cell phone or other electronic communication device on the House floor during a session. A cell phone or other electronic device may be used in the vestibule of the House Chamber or other locations designated by the Speaker. Members are prohibited from using a computer to electronically communicate with another person not on the House floor during session for the purpose of receiving information relating to any pending legislative matter. (HR 6, Reg. Sess., 2005)

Effect of 2005 amendment. The rule was added to prohibit the use of cell phones or other electronic communications devices on the floor during a session of the House.

News Correspondents and Reporters

138. (a) Any person accorded the privilege of the press gallery or press table must be a news correspondent or reporter for a newspaper, a radio or television station, or of a recognized press association, who is not engaged in any department of state government, or in any other business; and no more than one representative of each shall be admitted to the press table or press gallery at one time.

(b) All applications for admission to the press gallery or press table must be made to the Speaker. Such applications shall state the name and location of the newspaper, news

association, radio or television station, and be signed by the applicant. The Speaker may request the news representatives to establish a committee on accreditation of applicants, and he shall consider recommendations made by such committee.

(c) The Speaker shall verify statements made in such application and if the application is approved by him, he shall issue a correspondent's card, signed by him.

(d) The correspondents shall not visit the members in their seats during the session of the House, and shall abide by such rules and regulations as may be adopted by the Rules Committee of the House.

(e) The card issued by the Speaker must be presented when required by any Sergeant-at-Arms. It shall not be transferable. The transfer or loan of such card to anyone shall be followed by its cancellation and the withdrawal of all its privileges from the correspondent so offending.

(f) The gallery or press tables allotted to news correspondents shall be for their exclusive use, and persons not holding correspondents' cards shall not be entitled to admission thereto. (HR 10, Reg. Sess., 1951; HR 2 and HR 10, Reg. Sess., 1961)

Effect of 1951 amendment. The amendment added the proviso at the end of paragraph (a) and provided for approval by the Speaker in lieu of the Committee on Rules as formerly.

Effect of 1961 amendments. Under HR 2, paragraphs (a), (b) and (f) were rewritten. News reporters for radio and television stations were included in those who may be accredited, and the authorization for establishing a committee on accreditation of applicants in paragraph (b) was added.

HR 10 amended the rule by deleting the word "daily" preceding the word "newspapers" in paragraph (a).

Lounging Prohibited in the Hall of the House

139. It shall be the duty of the Sergeant-at-Arms to prevent all persons not connected with the Legislature from assembling in the halls at any time when the House is not in session for the purpose of lounging or loafing. For the purpose of enforcing this rule, the Sergeant-at-Arms or his

assistants shall be in attendance at all times, and the persistent neglect or disregard of this rule shall be cause for dismissal by the Speaker, or removal.

Peddling Prohibited

140. No person shall be permitted to hawk, peddle or offer for sale any article of traffic at any time within the hall of the House; and it shall be the duty of the Sergeant-at-Arms to strictly enforce this rule.

Regulating Use of Halls

141. The Speaker shall have power to regulate the use of the halls and stairways of the part of the Capitol building used by the House for refreshments and like purposes when the Legislature is in session.

Oaths

142. The Speaker or Clerk shall have authority to administer any oaths required by the business of the House.

Janitors

143. The janitors appointed for or assigned to the House shall, under direction of the Speaker, have care of the House Chamber, committee rooms and halls of the House and keep the same in a neat and proper condition at all times.

* * * * *

RESOLUTIONS INTRODUCED

Mr. Speaker, Mr. Armstead, offered a resolution, which was read by the Clerk as follows:

H. C. R. 1 - "Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising a Joint Assembly therefor."

WHEREAS, His Excellency, the Governor, has advised that he will be pleased to address a Joint Assembly of the Senate and House of Delegates at the convenience of the two houses; therefore, be it

Resolved by the Legislature of West Virginia:

That His Excellency, the Governor, be hereby invited to address a Joint Assembly of the Legislature at 7:00 o'clock postmeridian this day; and, be it

Further Resolved, That the President of the Senate and the Speaker of the House of Delegates appoint three members of each of the respective houses of the Legislature as a committee to wait upon His Excellency, the Governor, and escort him into the Hall of the House of Delegates at the time herein appointed for hearing the address.

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the resolution (H. C. R. 1) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

Whereupon,

In accordance with the provisions of the resolution, the Speaker appointed as members of the committee to wait upon His Excellency, the Governor, the following:

Delegates Arvon, Hamrick and Hartman.

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

Mr. Speaker, Mr. Armstead, offered the following resolution, which was read by the Clerk as follows:

H. R. 2 - "Authorizing the publication of a Legislative Manual, providing for a mailing list for House Journal, authorizing other

mailings upon request, and authorizing payment of travel and other expenses of the House.”

Resolved by the House of Delegates:

I. That the Clerk of the House of Delegates is hereby authorized to compile and have printed without delay a Legislative Manual containing the rules of the Senate and of the House of Delegates and such matter and material as he may deem to be useful and convenient to the members of the Legislature. The Clerk of the House of Delegates shall cooperate with the Clerk of the Senate in compiling said manual and include therein such material with reference to the Senate as said Clerk of the Senate may prepare so as to obviate the necessity of the Senate publishing a manual.

II. That during the sessions of the 82nd Legislature, the Clerk of the House of Delegates is hereby authorized to have mailed from the House document room copies of the daily Journal of the House of Delegates to lists of persons to be furnished to the Clerk by the members of the House of Delegates, such lists not to exceed five names from each Delegate; and the expenses of such mailing, including postage, shall be paid by the Auditor out of the contingent fund of the House of Delegates upon proper requisitions of the Clerk. All such mail shall bear the stamp of the Clerk of the House of Delegates, and the Clerk shall designate such persons as to deliver such mail to the Central Mailing Office and notify the postmaster of such designation, and said office shall not accept such mail from any person or persons other than those so designated by the Clerk.

The Clerk is hereby further authorized to mail copies of Journals, bills and other documents printed by the House of Delegates to persons requesting the same.

III. That in accordance with article two-a, chapter four of the code, the Clerk of the House of Delegates is hereby authorized to draw his requisitions upon the Auditor for travel expenses of members of the

House of Delegates for such number of miles traveled as shall be certified to him by the various members, for payment of per diem and mileage of elected officers and such members of the House as authorized by the Speaker, and for other authorized expenses during the 82nd Legislature.

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the resolution (H. R. 2) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

On motion of Delegate Cowles, the Speaker was authorized to appoint a committee of three to notify the Senate that the House of Delegates had assembled in the First Session of the Eighty-second Legislature as provided by Section 18, Article VI of the Constitution of the State, with a quorum present, had organized by the election of Tim Armstead, 40th Delegate District, as Speaker; Stephen J. Harrison, of the County of Kanawha, as Clerk; Marshall Clay of the County of Fayette, as Sergeant-at-Arms; and Frank Larese of the County of Kanawha, as Doorkeeper, and was ready to proceed to the business of the session.

Whereupon,

The Speaker appointed as members of such committee:

Delegates Deem, Storch and Rowe.

At the request of Delegate Cowles, and by unanimous consent, the applicable provisions of House Rule 136, relating to privileges of the floor, were suspended for the remainder of the day to extend privileges of the floor to invited guests and families of members.

On motion of Delegate Cowles, the Speaker, was authorized to appoint a committee of three on the part of the House of Delegates, to join with a similar committee of the Senate, to inform His Excellency, the Governor, that the Legislature had assembled for the First Regular

Session of the Eighty-second Legislature as provided by Section 18, Article VI of the Constitution of the State, with a quorum of each house present, had organized by the election of officers of the respective houses, and was ready to enter upon the business of the session.

Whereupon,

The Speaker appointed as members of such committee:

Delegates Arvon, Hamrick and Hartman.

Delegate Arvon, from the committee to inform His Excellency, the Governor, that the Legislature had assembled for the First Regular Session of the Eighty-second Legislature, with a quorum of each house present, had organized by the election of officers of the two houses as provided by the Constitution, and was ready to enter upon the business of the session, announced the performance by the committee of its assigned task.

* * * * *

Mr. Speaker, Mr. Armstead, offered the following resolution, which was read by the Clerk as follows:

H. R. 3 - "Authorizing printing and distribution of Acts of the Legislature and Journals of the House of Delegates."

Resolved by the House of Delegates:

That under authority of section thirteen, article one, chapter four of the Code of West Virginia, the Clerk of the House of Delegates is hereby authorized to have printed not to exceed 500 copies of the Acts of the 2015 regular session of the Legislature, bound in buckram, and to include therein the Acts of any extraordinary session which may not have been printed.

The Clerk of the House shall provide copies of said Acts for distribution as provided by section six, article eight, chapter fifty-one of the code insofar as such distribution is practicable.

The Clerk of the House of Delegates is also authorized to publish not to exceed 250 copies of the Journal of the House of Delegates for the first regular session of the 82nd Legislature and to include therein the unpublished Journals of any extraordinary sessions. In addition, there shall be printed twelve official copies of any Journal published, properly bound and designated. A copy of the Journal and five copies of said Acts shall be furnished to each member of the Legislature, upon request of each such member. The Clerk shall retain sufficient copies of the buckram bound Acts to supply legislative offices and the remaining copies shall be retained by the Clerk, for sale by his department.

For the work required in indexing, printing and distributing said Acts and in the publication of said Journal of the House of Delegates and for completing other work of the session, the Speaker is hereby authorized to appoint such persons as he may deem necessary to perform technical, clerical, stenographic, custodial and other services required by the House of Delegates.

The Speaker shall certify a list of persons entitled to compensation under authority of this resolution to the Clerk of the House of Delegates, and the Clerk shall draw his requisition in favor of such persons at per diems or at monthly salaries, which shall be paid from the Per Diem of Officers and Employees Fund or the Contingent Fund of the House of Delegates.

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the resolution (H. R. 3) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

Mr. Speaker, Mr. Armstead, offered the following resolution, which was read by the Clerk as follows:

H. R. 4 - “Authorizing the appointment of employees for this, the First Regular Session of the Eighty-second Legislature, two thousand fifteen”.

Resolved by the House of Delegates:

That the Speaker of the House of Delegates be, and he is hereby, authorized to appoint employees to perform technical, clerical, stenographic, custodial and other services for this session of the Legislature to receive the per diems and salaries as herein provided, as follows:

(1) For per diem employees, the following rates:

Eight stenographers at \$65.00 - \$100.00

Four committee clerks at \$65.00 - \$125.00

Eight committee assistant clerks at \$65.00- \$105.00

One legal assistant at \$125.00

Three legislative assistants at \$65.00 - \$125.00

Four messengers at \$65.00 - \$80.00

Seven attorneys at \$165.00 - \$360.00

One Journal Room Supervisor at \$130.00

Three Journal Room Clerks at \$65.00 - \$82.00

One Doorkeeper at \$150.00

Six assistant Doorkeepers at \$80.00

One Sergeant-at-Arms at \$150.00

Three assistant Sergeants-at-Arms at \$65.00-\$95.00

One Page at \$85.00

One Assistant Page at \$75.00

Three maintenance assistants at \$65.00

One clerk assistant at \$150.00

One administrative assistant at \$153.00

(2) For salaried full-time employees, the following employees at the following rates, in addition to and exclusive of any experience increment or pay in lieu of an experience increment as may be payable under Section 2, Article 5, Chapter 5 of the Code of West Virginia of 1931, as amended:

One Chief Clerk at seven thousand four hundred sixteen dollars and sixty-seven cents per month;

One Assistant Clerk/Parliamentarian at five thousand dollars per month;

One Bill Status Clerk at three thousand one hundred forty-two dollars and twenty-two cents per month;

One Journal Clerk at three thousand eighty-three dollars and thirty-three cents per month;

One Documents Clerk at three thousand five hundred eighty-three dollars and sixty-seven cents per month;

One Administrative Assistant/Receptionist at two thousand nine hundred seventy-eight dollars and forty-two cents per month;

One Fiscal Officer at three thousand six hundred twenty-five dollars per month;

One Assistant Fiscal Officer at three thousand five hundred forty-nine dollars and thirty-two cents per month;

One Purchasing Agent at three thousand three hundred fifty-three dollars and forty-two cents per month;

One Mail Clerk at two thousand four hundred fifty-eight dollars and thirty-three cents per month;

One Communications Director to the House at five thousand two hundred ninety-one dollars and sixty-seven cents per month;

One Policy Analyst to the Speaker at three thousand seven hundred fifty dollars per month;

One Assistant to the Majority Whip Office at three thousand five hundred eighty-three dollars and thirty-three cents per month;

One Counsel/Chief of Staff to the Speaker at nine thousand one hundred sixty-six dollars and sixty-seven cents per month;

One Assistant to the Speaker at six thousand five hundred dollars per month;

One Policy Analyst to the Majority Office at three thousand five hundred eighty-three dollars and thirty-three cents per month;

One Director of Supplies at three thousand four hundred fifty-eight dollars and thirty-three cents per month;

One Maintenance Staff at two thousand two dollars and twenty-nine cents per month;

One Maintenance Staff at two thousand nine hundred forty-two dollars and eighty-one cents per month;

One Maintenance Staff at One thousand nine hundred sixteen dollars and sixty-seven cents per month;

One Chief Counsel to the Committee on the Judiciary at seven thousand six hundred sixty-six dollars and sixty-seven cents per month;

One Legislative Analyst to the Committee on the Judiciary at three thousand eight hundred fifty dollars and twenty-four cents per month;

One Administrative Assistant to the Committee on the Judiciary at three thousand three hundred thirty-three dollars and thirty-three cents per month;

One Chief Counsel to the Committee on Education at seven thousand four hundred seventy-five dollars per month;

One Policy Analyst to the Committee on Education at six thousand nine hundred thirty-six dollars and thirty cents per month;

One Legislative Assistant to the Committee on Education at three thousand three hundred twenty-two dollars and thirty-seven cents per month;

One Chief Counsel to the Committee on Finance at eight thousand two hundred eight dollars and thirty-three cents per month;

One Staff Counsel to the Committee on Finance at five thousand three hundred thirty-three dollars and thirty-three cents per month;

One Policy Analyst to the Committee on Finance at six thousand dollars per month;

One Budget Analyst to the Committee on Finance at four thousand three hundred seventy-five dollars and thirty-three cents per month;

One Budget Analyst to the Committee on Finance at three thousand six hundred eighty-six dollars and fifty-eight cents per month;

One Committee Clerk to the Committee on Finance at four thousand twenty-five dollars and forty-eight cents per month;

One Chief Counsel to the Committee on Government Organization at seven thousand five hundred dollars per month;

One Administrative Assistant to the Committee on Government Organization at two thousand nine hundred sixteen dollars and sixty-seven cents per month;

One Legislative Analyst to the Committee on Government Organization at three thousand three hundred thirty-three dollars and thirty-three cents per month;

One Chief Counsel to the Committee on Health and Human Resources at six thousand four hundred sixteen dollars and sixty-seven cents per month;

One Legislative Analyst to the Committee on Health and Human Resources at three thousand five hundred forty-seven dollars and eleven cents per month;

One Administrative Assistant to the Committee on Health and Human Resources at two thousand nine hundred fifty-eight dollars and thirty-three cents per month;

One Chief Counsel to the Minor Committees at seven thousand three hundred seventy-four dollars and fifty-eight cents per month;

One Analyst to the Minor Committees at three thousand eighty-three dollars and thirty-three cents per month;

One Analyst to the Minor Committees at two thousand nine hundred sixteen dollars and sixty-seven cents per month;

One Chief Counsel to the Energy Committee at six thousand dollars per month;

One Clerk to the Energy Committee at three thousand one hundred forty-three dollars and thirty-nine cents per month;

One Counsel to Minority Office at eight thousand five hundred dollars and thirty-three cents per month;

One Policy Analyst to the Minority Leader at four thousand two hundred fifty dollars per month;

One Policy Analyst to the Minority Leader at three thousand six hundred sixty-nine dollars and thirty-three cents per month;

The Speaker is authorized to appoint or assign additional or present employees and to determine the rate of compensation therefor as he may deem necessary to expedite the work of the House of Delegates; and be it

Further Resolved, That, in accordance with Chapter 4, Article 2A of the code, the Clerk of the House is hereby authorized to draw his requisitions upon the Auditor for travel expenses and compensation of members of the House of Delegates; and, be it

Further Resolved, That all appointments made under authority of the foregoing provisions of this resolution shall be certified to the Auditor and Treasurer by the Clerk of the House, and the Clerk of the House of Delegates is hereby authorized to draw his requisitions upon the Auditor in favor of the persons so appointed and the Auditor shall honor and pay such requisitions when presented and charge same to the "per diem of officers and employees" fund or "contingent" fund of the House of Delegates. The Clerk shall draw his requisitions in favor of employees for consecutive days or months from the date of their employment at the per diem or salary herein set out until such time as their services shall cease. The Speaker may remove any employee and appoint another in his or her place, and he shall require each of said employees to perform such duties as shall be assigned him or her, and he is hereby given authority to dispense with the services of any employee or employees for any such time or number of days as their services shall not be needed during the session, and they shall not be paid for such time, nor shall other persons be appointed into their places for any such time as they may be suspended when not needed; and, be it

Further Resolved, That the Speaker is hereby authorized to assign employees to such positions and duties as he may deem proper to secure the most efficient and expeditious work during the Session of the Legislature; and be it

Further Resolved, That no person appointed under authority of this resolution and receiving pay hereunder shall concurrently receive compensation from any other department or agency of state government and no person who availed himself or herself of early retirement under the provisions of Senate Bill 10, First Extraordinary Session, 1988, may be appointed under the provisions of this resolution. Notwithstanding designation of positions or duties herein prescribed, any employee may be assigned additional duties by the person by whom appointed, and may be assigned to such positions and duties, as may be deemed proper to serve the most efficient and expeditious work; and, be it

Further Resolved, That following the session, the Speaker, with approval of the Committee on Rules, is authorized until superseded by subsequent House Resolution, to remove or appoint any employee of the House, and establish such duties and compensation as is deemed appropriate for each employee; and, be it

Further Resolved, That any and all provisions of House Rule 9 in conflict with this resolution are hereby suspended.

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the resolution (H. R. 4) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

BILLS INTRODUCED

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

By Delegates Gearheart, J. Nelson, Arvon, Ellington, Folk, B. White, Frich, Hill, Householder, Moffatt and Shott:

H. B. 2001 - “A Bill to repeal §24-2F-1, §24-2F-2, §24-2F-3, §24-2F-4, §24-2F-5, §24-2F-6, §24-2F-7, §24-2F-8, §24-2F-9, §24-2F-10, §24-2F-11 and §24-2F-12 of the Code of West Virginia, 1931, as amended, all relating to the Alternative and Renewable Energy Portfolio Act”; to the Committee on Energy then the Judiciary.

By Delegates Wagner, Overington, A. Evans, Anderson, Waxman, Shott, Kelly, E. Nelson, Folk, Espinosa and Mr. Speaker, Mr. Armstead:

H. B. 2002 - “A Bill to repeal §55-7-13 and §55-7-24 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto four new sections, designated §55-7-13a, §55-7-13b, §55-7-13c and §55-7-13d, all relating to predicated actions for damages upon principles of comparative fault; establishing the comparative fault standard; abolishing joint liability and implementing several liability; establishing how to consider the fault of nonparties; establishing how to consider the fault of, and the amounts paid by, settling parties; providing for the use of special interrogatories; clarifying fault may be imputed to another person who was acting as an agent or servant of another; allowing the assessment of a percentage of fault for failing to take reasonable precautionary measures that were available; precluding the allocation of fault to a person such as a seller, distributor or installer on a strict product liability theory where that person did not contribute to the alleged defect; providing for the burden of proof and limitations; and defining terms”; to the Committee on the Judiciary.

By Delegates Ambler, Anderson, Canterbury, O’Neal, Border, Sobonya, Weld, Hamilton, Ashley, Ireland and A. Evans:

H. B. 2003 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-27, relating to the liability of a possessor of real property for harm to a trespasser”; to the Committee on the Judiciary.

By Delegates J. Nelson, Howell, Statler, Walters, Foster, Zatezalo, B. White, Moffatt, Stansbury, Gearheart and Butler:

H. B. 2004 - “A Bill to amend and reenact §22-5-20 of the Code of West Virginia, 1931, as amended, relating to the development of a state plan under Section 111(d) of the Clean Air Act; requiring the Department of Environmental Protection to study the feasibility of a state plan; requiring the Department of Environmental Protection to submit a report to the Legislature determining whether a state plan is feasible, and, if so, recommending a proposed state plan to the Legislature; and requiring approval of the Legislature before any state plan is submitted to the United States Environmental Protection Agency”; to the Committee on Energy then the Judiciary.

By Delegates Pasdon, Hamrick, Zatezalo, Romine, McCuskey, Walters, Westfall, Arvon, Overington, Espinosa and Moffatt:

H. B. 2005 - “A Bill to amend and reenact §18A-3-1a and §18A-3-1b of the Code of West Virginia, 1931, as amended, all relating to alternative programs for the education of teachers; adding, clarifying and removing definitions; adding West Virginia Department of Education as additional option for alternative program partner; removing limit on program to positions in area of critical need and shortage; providing for rule making; removing language replicated in or conflicts with other statute provisions; requiring separate program review process; removing degree requirements in certain disciplines; removing requirements for minimum semester hours; requiring the method of instruction to be set forth in program plan; removing specific requirements for mentors and requiring professional support team to be set forth in program plan; authorizing certain existing support structures to be used; allowing options for charges to offset costs; clarifying initial hiring; requiring final decisions and recommendation on progress of program teacher reside with the principal; and making technical changes”; to the Committee on Education then Finance.

By Delegates Weld, Rohrbach, Zatezalo, Arvon, Espinosa, Waxman, Howell, Cowles, Ellington, Pasdon and Householder:

H. B. 2006 - “A Bill to amend and reenact §55-7B-1, §55-7B-2, §55-7B-7, §55-7B-8, §55-7B-9, §55-7B-9a, §55-7B-9c and §55-7B-11 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §55-7B-7a and §55-7B-9d, all relating to medical professional liability; adding provisions to control the increase in the cost of liability insurance and to maintain access to affordable health care services for West Virginians; providing a mechanism to increase the limitation on civil damages in medical malpractice cases to account for inflation by linking increases to the Consumer Price Index; requiring appellate courts to review de novo certain decisions made by circuit court judges; adding provisions limiting the admissibility and use of certain information; and requiring adjustment of verdicts for past medical expenses”; to the Committee on the Judiciary.

By Delegates Stansbury, Westfall, Pasdon, Rohrbach, Hamilton, Statler, Walters, Ellington, Fast, McCuskey and Border:

H. B. 2007 - “A Bill to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating to required course of instruction in all public schools in West Virginia; and requiring instruction in cardiopulmonary resuscitation and care for conscious choking”; to the Committee on Education then Finance.

By Delegates Summers, D. Evans, Hamrick, Ashley, Ireland, Stansbury, Gearheart, E. Nelson, Howell, Blair and Kurcaba:

H. B. 2008 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-6a, relating to auditing the Division of Highways”; to the Committee on Government Organization then Finance.

By Delegates Fast, Duke, Summers, Rohrbach, Border, Hamilton, McGeehan, Storch, Arvon, Romine and Cowles:

H. B. 2009 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §16-4C-24

and §16-4C-25; and to amend and reenact §30-1-7a of said code, all relating generally to administration of an opioid antagonist; allowing State Police, police, sheriffs and fire and emergency service personnel to possess naloxone or other approved opioid antagonist to administer in opioid drug overdoses; defining terms; providing for training; establishing training requirements for first responders who may administer opioid antagonists; establishing criteria under which a first responder may administer an opioid antagonist; granting immunity to health care providers who prescribe, dispense or distribute naloxone or other approved opioid antagonist related to a training program; granting immunity to initial responders who administer or fail to administer an opioid antagonist; providing for data gathering and reporting; allowing a prescription for an opioid antagonist in certain circumstances; establishing responsibility of licensed prescribers; providing for patient, family and caregiver education; requiring continuing education of licensed prescribers for administration of an opioid antagonist; and authorizing emergency and legislative rulemaking”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Kessinger, McCuskey, Border, Shott, Rowan, Frich, Westfall, Lane, Anderson, Sobonya and Faircloth:

H. B. 2010 - “A Bill to amend and reenact §3-1-16 and §3-1-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §3-4A-11a of said code; to amend said code by adding thereto four new sections, designated §3-5-6a, §3-5-6b, §3-5-6c and §3-5-6d; to amend and reenact §3-5-7, §3-5-13 and §3-5-13a of said code; to amend said code by adding thereto a new section, designated §3-6-2a; to amend and reenact §50-1-1 of said code; to amend and reenact §51-2-1 of said code; and to amend and reenact §51-2A-5 of said code, all relating to requiring the elections of justices of the West Virginia Supreme Court of Appeals, circuit court judges, family court judges and magistrates be nonpartisan and by division; providing for the timing and frequency of election; establishing ballot design and printing; requiring separation from partisan ballot; establishing filing announcement of candidacies;

permitting the withdrawal of announcement of candidacies; refunding of paid filing fees; and establishing ballot content”; to the Committee on the Judiciary.

By Delegates Hanshaw, Shott, E. Nelson, Rohrbach, Sobonya, Weld, Espinosa, Statler, Fast and Miller:

H. B. 2011 - “A Bill to amend and reenact §23-4-2 of the Code of West Virginia, 1931, as amended, relating to disbursements from the Workers’ Compensation Fund where an injury is self inflicted or intentionally caused by the employer and permitting recovery in a private lawsuit; requiring the trier of fact to find that the alleged specific unsafe working condition in issue was a violation of a state or federal safety statute, rule or regulation, or of a commonly accepted and well-known safety standard within the industry or business of the employer, that was intended to address the specific hazard(s) presented by the alleged specific unsafe work condition; requiring that the trier of fact to also find that any governmental agency regulating the safety practices or the premises of an employer has confirmed in a written investigative report the existence of the other specified facts that the trier of fact must find; providing that the ‘actual knowledge’ requirement of a safety statute, rule, regulation, or commonly accepted and well-known safety standard may not be presumed by its mere existence; and requiring that ‘actual knowledge’ must be proven by the employee, or other person(s) entitled to recover, in order that the employer’s immunity from a lawsuit is lost”; to the Committee on the Judiciary.

By Delegates B. White, E. Nelson, Storch, Zatezalo, Pasdon, Ashley, Duke, Westfall, McCuskey and Cowles:

H. B. 2012 - “A Bill to amend and reenact §21-5-4 of the Code of West Virginia, 1931, as amended, relating to the payment of wages by employers and when final wages are required to be paid; requiring payment of wages to be by the next regular payday; providing an exception; providing that bonuses and fringe benefits are not covered; reducing the amount of liquidated damages available; providing an instance when liquidated damages are not available; clarifying that the

section does not address whether overtime pay is due; and authorizing payment by mail if requested by the employee”; to the Committee on Industry and Labor then Finance.

By Delegates Waxman, O’Neal, Hamilton, Butler, Anderson, Cowles, Storch, Ireland, Householder, D. Evans and R. Smith:

H. B. 2013 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-27, relating to the liability of a possessor of real property for injuries caused by open and obvious hazards”; to the Committee on the Judiciary.

By Delegates Upson, Pasdon, Cowles, McCuskey, Hamrick, Ihle, Walters, Overington, Faircloth and Azinger:

H. B. 2014 - “A Bill to amend the Code of West Virginia, 1931, as amended, 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, §18-33-13, §18-33-14, §18-33-15 and §18-33-16, all relating to creating the West Virginia Public Charter Schools Act of 2015; providing purpose and intent; defining terms; establishing that charter schools are subject to certain requirements and exempt from certain requirements; providing for creation or conversion of charter schools; providing an application process; providing approval for approval and denials of applications; providing for governing bodies and their duties; providing what a charter school must do; providing for funding; providing for enrollment; providing for student transportation; requiring the state superintendent to provide information on charter schools to the public; providing for school personnel policies; providing for termination of a charter school; and providing for charter school evaluations”; to the Committee on Education then Finance.

By Delegates Foster, Espinosa, Summers, Miller, Lane, Duke, Ellington, McGeehan, Storch, Howell and Ihle:

H. B. 2015 - “A Bill to amend and reenact §4-2-1, §4-2-2, §4-2-4, §4-2-8 and §4-2-10, of the Code of West Virginia, 1931, as amended;

and to amend said code by adding thereto a new section, designated §4-2-13, all relating to the Legislative Auditor; requiring that the Legislative Auditor conduct audits of all spending units, including members of the Board of Public Works and the Legislature, within at least two years of the effective date of this section, if practicable, but no later than four years from the effective date of this section, and thereafter on a regular basis; requiring public disclosure of any and all reviews performed pursuant to this section; and permitting the Legislative Auditor to seek the assistance of the Attorney General's Office in performing the duties set forth within this section"; to the Committee on Government Organization then Finance.

By Delegate Shott:

H. B. 2017 - "A Bill to amend and reenact §20-2-8 of the Code of West Virginia, 1931, as amended, relating to providing for the posting of unenclosed lands to prohibit hunting, trapping or fishing thereon by placing identifying paint marks on trees or posts at each road entrance and adjacent to public roadways and public waterways adjoining the property"; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Cooper:

H. B. 2018 - "A Bill to amend and reenact §20-1-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §20-2-45, all relating to providing a fee discount for certain nonresident hunting, fishing and trapping licenses for native nonresidents of the state; definitions; limitation upon the fee amounts; providing for emergency rule and legislative rules"; to the Committee on Agriculture and Natural Resources then Finance.

By Delegate Caputo:

H. B. 2019 - "A Bill to amend and reenact §20-2-58 of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-6-23 of said code, all relating to exempting indoor shooting ranges from the

prohibition of shooting or discharging a firearm within five hundred feet of any school, church or dwelling house; amending the definition of ‘shooting range’ to include an indoor range; criminal penalties for violations; and limitations on nuisance actions”); to the Committee on Industry and Labor then the Judiciary.

By Delegate Lane:

H. B. 2020 - “A Bill to amend and reenact §18C-7-6 of the Code of West Virginia, 1931, as amended, relating to requirements for PROMISE scholarships; and expanding amount of PROMISE scholarship funds awarded to persons majoring in STEM (science, technology, engineering and mathematics) fields”; to the Committee on Education then Finance.

By Delegate Lane:

H. B. 2021 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-3-6, relating to implementing drug testing for recipients of federal-state and state assistance”; to the Committee on Health and Human Resources then Finance.

By Delegate Lane:

H. B. 2022 - “A Bill to amend and reenact §3-8-12 of the Code of West Virginia, 1931, as amended, relating to prohibiting certain political fundraising activities for members of the Legislature during certain periods of time before, during and after the Legislature is in session; and providing that existing misdemeanor penalties apply”; to the Committee on the Judiciary.

By Delegate Lane:

H. B. 2023 - “A Bill to amend and reenact §6B-3-4 of the Code of West Virginia, 1931, as amended, relating to requiring the reporting and publication of all compensation, including the source of that compensation, paid to lobbyists for all lobbying activities”; to the Committee on the Judiciary then Finance.

By Delegate Guthrie:

H. B. 2024 - “A Bill to amend and reenact §15-5-20 of the Code of West Virginia, 1931, as amended, relating to requiring preplanning, preparing and provisioning of public facilities for use as shelters for elderly and disabled during emergency situations when utilities and public services are not available for extended periods”; to the Committee on Veterans Affairs and Homeland Security then Finance.

By Delegates Howell, Shott, Hamrick, Romine, Sobonya, Espinosa, Miller, Weld, Statler, Kurcaba and Canterbury:

H. B. 2025 - “A Bill to amend and reenact §62-12-26 of the Code of West Virginia, 1931, as amended, relating to prohibiting certain sex offenders from loitering within one thousand feet of a school or child care facility”; to the Committee on the Judiciary.

By Delegates Howell, Canterbury, Hamrick, Ambler, Zatezalo, McCuskey, Espinosa, Cadle, D. Evans, Rowan and Hartman:

H. B. 2026 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-46-1, §16-46-2, §16-46-3, §16-46-4, §16-46-5, §16-46-6, §16-46-7 and §16-46-8, all relating to allowing terminally ill patients to have access to investigational products that have not been approved by the federal food and drug administration that other patients have access to when they participate in clinical trials”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Howell, Weld, Kurcaba, Hamrick, Canterbury, Zatezalo, Ambler, McCuskey, Espinosa, D. Evans and Rowan:

H. B. 2027 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-19-1, §55-19-2 and §55-19-3, all relating to requiring circuit courts to review foreign court judgments for jurisdiction before such orders may be enforced”; to the Committee on the Judiciary.

By Delegate Shott:

H. B. 2028 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-3-10f,

relating generally to purchasing; defining terms; prohibiting the award and renewal of contracts worth over \$2 million to vendors owned, in whole or in part, by state officials or by family members of state officials; requiring an affidavit of compliance with this section to accompany bids, contract proposals and contracts with the state; and providing for Ethics Commission review and approval of exceptions to this prohibition”; to the Committee on Government Organization then the Judiciary.

By Delegate Shott:

H. B. 2029 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-28-1, §11-28-2, §11-28-3, §11-28-4, §11-28-5, §11-28-6, §11-28-7 and §11-28-8, all relating to allowing counties and municipalities to levy a sales tax on food and beverages sold at restaurants; providing for county and municipality options; limiting the total tax to three percent; limiting a municipal tax to two percent; setting forth the procedures for counties or municipalities to use to impose the tax; requiring publication; setting forth how the collected tax may be used; setting forth apportionment of the tax between local jurisdictions; setting forth exemptions from the tax; defining terms; and providing criminal penalties”; to the Committee on Political Subdivisions then Finance.

By Delegate Romine:

H. B. 2030 - “A Bill to amend and reenact §17B-2-3a of the Code of West Virginia, 1931, as amended, relating to requiring the presentation of documents with greater indicia of validity than is currently required for proof of identity prior to the issuance of a driver’s license”; to the Committee on Roads and Transportation then the Judiciary.

By Delegate Romine:

H. B. 2031 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-42-9, relating to prohibiting the performance of any abortion when the woman seeking it is doing so solely on account of the gender of the fetus; and prescribing a misdemeanor criminal penalty”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Romine:

H. B. 2032 - “A Bill to amend and reenact §18A-4-3 of the Code of West Virginia, 1931, as amended, relating to increased salary increments paid to principals and assistant principals”; to the Committee on Education then Finance.

By Delegate Williams:

H. B. 2033 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-2H-1, §19-2H-2, §19-2H-3, §19-2H-4, §19-2H-5, §19-2H-6, §19-2H-7, §19-2H-8, §19-2H-9, §19-2H-10, §19-2H-11, §19-2H-12, §19-2H-13, §19-2H-14 and §19-2H-15; to amend and reenact §19-29-2 of said code; to amend and reenact §20-1-2 of said code; and to amend and reenact §20-2-11 and §20-2-12 of said code, all relating to regulating captive cervid farming as an agricultural enterprise in this state; creating the Captive Cervid Farming Act; setting forth powers and duties of the Department of Agriculture; authorizing rule-making; setting forth duties and obligation of the Commissioner of the Department of Agriculture; establishing an application process; permitting the issuance, renewal, modification and transfer of a license certificate; requiring the inspection of facilities; permitting the transition of current facilities; providing for noncompliance with article; and establishing remedies and criminal penalties”; to the Committee on Agriculture and Natural Resources then Finance.

By Delegate Williams:

H. B. 2034 - “A Bill to amend and reenact §55-7-15 of the Code of West Virginia, 1931, as amended, relating to providing to hospital volunteers immunity from civil liability for emergency services rendered in good faith without remuneration at a hospital”; to the Committee on the Judiciary.

By Delegate Williams:

H. B. 2035 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-14C-5a, relating to reducing the wholesale tax on heating fuel, off-road fuels,

kerosene and propane used for home heating purposes or off-road use to 4.85 percent; and provides an effective date”; to the Committee on Finance.

By Delegate Williams:

H. B. 2036 - “A Bill to amend and reenact §61-3-39g of the Code of West Virginia, 1931, as amended, relating to requiring a summons be issued for the drawer of a worthless check whether a resident of this or another state; requiring the summons include the date, time and place where the drawer is required to appear; requiring the drawer be given the option, in lieu of appearing, to make payment of the amount of the worthless check plus any applicable court costs; providing that a nonresident drawer who fails to appear and fails to satisfy the amount owed shall have his or her privilege to operate a motor vehicle in this state revoked and the Division of Motor Vehicles is to mail a notice of the revocation to its counterpart in the state where the nonresident drawer resides; and providing that a West Virginia resident who fails to appear and fails to satisfy the amount owed shall have his or her driver’s license revoked until the owed amount is paid”; to the Committee on the Judiciary then Finance.

By Delegates Williams and Moye:

H. B. 2037 - “A Bill to amend and reenact §11-15-3c of the Code of West Virginia, 1931, as amended, relating to eliminating the consumers sales tax on utility terrain vehicles that are used for agricultural purposes; and defining utility terrain vehicle as a motor vehicle”; to the Committee on Roads and Transportation then Finance.

By Delegate R. Smith:

H. B. 2038 - “A Bill to amend and reenact §52-1-11 of the Code of West Virginia, 1931, as amended, relating to excuses from jury service; and allowing breast-feeding to serve as a valid excuse from jury service”; to the Committee on the Judiciary.

By Delegates Shott, E. Nelson and Gearheart:

H. B. 2039 - “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to raising the maximum

personal income tax exemption for persons over the age of sixty-five and for persons who are totally disabled, for the next three years”; to the Committee on Finance.

By Delegate Guthrie:

H. B. 2040 - “A Bill to amend and reenact §6-5-5 of the Code of West Virginia, 1931, as amended, relating to disqualification for public office by conviction of certain offenses; and adding domestic violence and fraud to the list of crimes for which conviction would bar a person from holding public office”; to the Committee on the Judiciary.

By Delegates Guthrie and Skinner:

H. B. 2041 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5A-12-1, §5A-12-2, §5A-12-3 and §5A-12-4, all relating to establishing requirements for prior review of all privatization proposals to insure that the public interest is being served when public sector jobs are outsourced to the private sector”; to the Committee on Industry and Labor then Finance.

By Delegate Guthrie:

H. B. 2042 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2I-1, §5B-2I-2, §5B-2I-3, §5B-2I-4, §5B-2I-5, §5B-2I-6 and §5B-2I-7; and to amend said code by adding thereto a new section, designated §11-24-11c, all relating to creating the West Virginia Renewable Energy Act; providing an investment cost recovery incentive for customer-generated electricity from renewable energy systems; making exceptions; providing tax credits for electric light and power companies that purchase customer-generated electricity; establishing time limits for the incentives and credits; providing that customers who generate electricity from renewable sources may sell electricity to electric light and power companies; requiring reports be made to the Legislature; making legislative findings and defining terms”; to the Committee on Energy then Finance.

By Delegate Guthrie:

H. B. 2043 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-5-2a, relating to granting all public employees a \$1,000 per year permanent pay increase”; to the Committee on Government Organization then Finance.

By Delegates Perdue, Fleischauer, Eldridge, Cowles, Miller, Border, Rowan and Ellington:

H. B. 2044 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §16-4C-24 and §16-4C-25; and to amend and reenact §30-1-7a of said code, all relating generally to administration of an opioid antagonist; allowing State Police, police, sheriffs and fire and emergency service personnel to possess naloxone or other approved opioid antagonist to administer in opioid drug overdoses; defining terms; providing for training; establishing training requirements for first responders who may administer opioid antagonists; establishing criteria under which a first responder may administer an opioid antagonist; granting immunity to health care providers who prescribe, dispense or distribute naloxone or other approved opioid antagonist related to a training program; granting immunity to initial responders who administer or fail to administer an opioid antagonist; providing for data gathering and reporting; allowing a prescription for an opioid antagonist in certain circumstances; establishing responsibility of licensed prescribers; providing for patient, family, caregiver or designee education; requiring continuing education of licensed prescribers for administration of an opioid antagonist; and authorizing emergency and legislative rulemaking”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Perdue, Fleischauer, Cowles, Miller, Rowan and Border:

H. B. 2045 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-46-1 and §16-46-2, all relating to creating the Overdose Prevention Act; defining

terms; providing immunity from citation, arrest or prosecution of certain offenses for certain persons who seek appropriate medical attention upon an overdose of drugs or alcohol; prohibiting seeking appropriate medical attention from constituting a violation of a condition of pretrial release, probation, furlough or parole; requiring certain action from persons seeking appropriate medical attention; providing that seeking medical attention is a mitigating factor at sentencing of any offense arising from the request for medical attention; allowing persons to plead guilty to certain exempted offenses if desired; providing certain exceptions to immunity for evidence found from an independent source; and providing immunity to law-enforcement officers who cite or arrest a person who receives immunity unless the officer acted recklessly or intentionally”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Perdue, Fleischauer, Miller, Rowan, Border and Ellington:

H. B. 2046 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-4F-1, §16-4F-2, §16-4F-3, §16-4F-4 and §16-4F-5; to amend and reenact §30-3-14 of said code; to amend and reenact §30-3E-3 of said code; to amend and reenact §30-5-14 of said code; to amend and reenact §30-7-15a of said code; and to amend and reenact §30-14-11 of said code, all relating to treatment for sexually transmitted diseases; providing for expedited partner therapy; defining terms; permitting prescribing of antibiotics to sexual partners of a patient without a prior examination of the partner; requiring patient counseling; establishing counseling criteria; requiring informational materials be prepared by the Department of Health and Human Resources; providing limited liability for providing expedited partnership therapy; requiring rulemaking; and providing that physicians, physician assistants, pharmacists and advanced practice registered nurses are not subject to disciplinary action for providing certain treatment for sexually transmitted diseases for sexual partners of a patient”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Shott:

H. B. 2047 - “A Bill to amend and reenact §9-7-1 and §9-7-6 of the Code of West Virginia, 1931, as amended, all relating to Medicaid fraud and abuse; and continuing the fraud control unit in the Medicaid Fraud Control Unit of the Attorney General’s office after July 1, 2016”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Shott:

H. B. 2048 - “A Bill to amend and reenact §49-5-11 of the Code of West Virginia, 1931, as amended, relating to juvenile proceedings; and requiring the Supreme Court of Appeals and the county board of education to each pay one half of the costs for hiring a school-based juvenile probation officer under specified circumstances”; to the Committee on the Judiciary then Finance.

By Delegates Shott, Cooper, Gearheart and Ambler:

H. B. 2049 - “A Bill to amend and reenact §17-16A-29 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Parkways, Economic Development and Tourism Authority and requiring the Parkways Authority to provide free daily toll passes for veterans traveling to the Veterans Administration Hospital for treatment”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

By Delegate Guthrie:

H. B. 2050 - “A Bill to amend and reenact §31D-1-150 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto two new sections, designated §31D-7-740 and §31D-7-741; to amend said code by adding thereto a new section, designated §31D-8-834; to amend said code by adding thereto a new section, designated §31D-15-1540; and to amend said code by adding thereto a new section, designated §31D-16-1621, all relating generally to the accountability of a corporation’s political activities; defining additional terms; requiring annual authorization and approval by a majority of shareholders for corporations spending a yearly aggregate of \$10,000 or more for political activities in this state and notice of such

expenditures on corporate website; prohibiting political expenditures by corporations if a majority of shareholders are institutional investors prohibited from taking political positions; providing for director liability for spending without proper authorization; requiring disclosure of corporate political activities to shareholders and the public; authorizing shareholders to seek prorata rebates for their portion of investments spent by the corporation on any political expenditure or contribution the shareholder does not agree with; and applying these new requirements to foreign corporations”; to the Committee on the Judiciary then Finance.

By Delegate Shott:

H. B. 2051 - “A Bill to amend and reenact §33-17A-4 and §33-17A-6 of the Code of West Virginia, 1931, as amended, all relating to the use of credit information in connection with the declination and termination of property insurance and expanding the information required to be provided by an insurer in the notice of declination or termination to an insured or applicant”; to the Committee on Banking and Insurance then Finance.

By Delegate Shott:

H. B. 2052 - “A Bill to amend and reenact §21A-1A-17 of the Code of West Virginia, 1931, as amended, relating to the labor-management relations act for the private sector; expanding exclusions from the term employment in that article generally”; to the Committee on Industry and Labor then the Judiciary.

By Delegate Shott:

H. B. 2053 - “A Bill to amend and reenact §38-1-2 of the Code of West Virginia, 1931, as amended, relating to the form of trust deeds; and permitting the recording of a memorandum of deed of trust in lieu of the deed of trust”; to the Committee on the Judiciary.

By Delegate Shott:

H. B. 2054 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §37-6-31,

relating to the right of the landlord of commercial premises to terminate the lease under certain circumstances and providing a process for the termination”; to the Committee on the Judiciary.

By Delegate Shott:

H. B. 2055 - “A Bill to amend and reenact §11-22-1 of the Code of West Virginia, 1931, as amended, relating to exempting from excise taxation the transfer of real property from an individual to a wholly-owned subsidiary or limited liability company”; to the Committee on the Judiciary then Finance.

By Delegates Faircloth and Hamilton:

H. B. 2056 - “A Bill to amend and reenact §18-5-15b of the Code of West Virginia, 1931, as amended, relating to clarifying that the Pledge of Allegiance said each instructional day in West Virginia public schools shall include the phrase ‘one nation under God’”; to the Committee on Education then the Judiciary.

At 3:30 P.M., on motion of Delegate Cowles, the House of Delegates recessed until 6:45 P.M., and reconvened at that time.

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EVENING SESSION

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MESSAGES FROM THE SENATE

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. 1, Inviting the Governor to address the Legislature and raising a Joint Assembly therefor.

JOINT ASSEMBLY

The Speaker recognized the Sergeant-at-Arms, who announced the Honorable Bill Cole, President, and members of the Senate, who entered the Hall of the House of Delegates.

The Speaker invited the President to be seated to his right and the other members to be seated in the places reserved for them in the Well of the House.

The Sergeant-at-Arms then announced members of the Board of Public Works, who were escorted to the places reserved for them.

The Sergeant-at-Arms next announced Chief Justice Margaret Workman and Justices of the Supreme Court, who entered the Hall of the House of Delegates and took the seats reserved for them.

The Sergeant-at-Arms next announced The Honorable David McKinley, First Congressional District.

The Sergeant-at-Arms then announced The Honorable Alex Mooney, Second Congressional District.

The Sergeant-at-Arms then announced The Honorable Evan Jenkins, Third Congressional District.

The Sergeant-at-Arms next announced The Honorable Shelley Moore Capito, United States Senator.

The Sergeant-at-Arms then announced the special committee to wait upon His Excellency, the Governor, and escort him into the Chamber.

Delegate Arvon then announced that, pursuant to the invitation of the Legislature, His Excellency, the Governor, was present for the purpose of addressing the Joint Assembly of the Legislature.

The Committee escorted His Excellency, the Governor, to the Clerk's Rostrum. (Applause, the members and guest rising in ovation)

The Speaker then presented the Honorable Earl Ray Tomblin, who addressed the assembly as follows:

ADDRESS BY THE GOVERNOR

Governor. Mr. Speaker, Mr. President, members of the Legislature, members of the Board of Public Works, justices of the Supreme Court of Appeals, members of Congress, distinguished guests, and my fellow West Virginians.

Forty years ago on a night much like tonight, I joined my fellow Legislators in this beautiful Chamber as a young man and a recent college graduate just elected to the House of Delegates and wondered what on earth I had gotten myself into.

Armed with little more than a fresh perspective and a passion to make my home state the best it could be, I was eager to take on the challenges I knew we faced as a state. (Applause)

On my first trip to the supply room to pick up my pens, papers and folders, I was stopped by the House Clerk who wanted to know who the supplies were for. I said they were for me. And he responded, well, who are you? I said, I'm the new delegate from Logan County.

I imagine my emotions and expectations were not unlike our state's and our nation's youngest lawmaker, Saira Blair (Applause), who finds herself in this Chamber as a member of the majority, working with a governor of the opposite party, just as I did 40 years ago.

As many of you may know, that governor was Arch Moore. (Applause) Tonight, our thoughts and prayers continue to be with Senator Capito, and her family, as they mourn his passing.

As Governor Moore once welcomed me, tonight I welcome Delegate Blair, and all of the new faces in this Chamber. I'm confident we all share the same goal – the goal of putting West Virginia first and making it the greatest place it can be.

Serving our state and her people comes with great responsibility. We must work together, not as Democrats or Republicans, but as West Virginians united for the common good. This is West Virginia, not Washington, and we work together to meet the challenges we face as a state. (Applause)

Through the years, I'm proud of the great progress we have made, together. We have improved our business climate, launched meaningful reforms to our education system, addressed our long-term liabilities, and cut taxes for working families and small businesses.

Just two weeks ago, we eliminated our state's business franchise tax, not only encouraging employers to continue to invest in our state, but eliminating extra paperwork that made it more difficult to do business here.

Eliminating the business franchise tax is just one of the recent steps we've taken to responsibly reduce taxes for employers. These steps continue to encourage investments in West Virginia jobs.

But as I speak to the newest members of this Legislature, and I know we have more than a few of those, I'm sure you are aware this is not the only or the last hurdle we face to improve our state's business climate.

Nearly four decades ago, our state was in danger of having the heat turned off in the Governor's Mansion because we couldn't pay our bills. We owed billions of dollars in unfunded pension liabilities. Our credit rating was quickly approaching junk bond status, our residents waited months to receive their tax refunds, and doctors weren't being paid for treating patients covered by PEIA.

While we can agree there are challenges that still lay ahead, the state of our state is much different, much BETTER, than before.

We have one of the strongest Rainy Day Funds in the country. We are credited for being one of the most fiscally responsible states in the nation. Our bond ratings were recently reaffirmed – a move that saves taxpayers hundreds of millions of dollars when building schools, roads and making long-term investments to improve our infrastructure. We accomplished these things, together.

We've reformed our workers' compensation system so businesses operating here pay more reasonable insurance rates and hardworking West Virginians receive the benefits they deserve in a timely manner. This year, businesses in West Virginia saw a reduction in workers' compensation premiums for the tenth straight year, a total of more than 280 million dollars in savings since 2005. (Applause) We've worked together to make tough decisions, and next year, we will pay off the remaining debt from the old workers' comp fund. We have come too far and worked too hard to go back on the commitments we made several years ago. (Applause) We accomplished these things, together.

In the early 2000s, doctors were threatening to leave the state because of slow payments and unreasonable medical malpractice insurance premiums. We reformed our legal system and created the West Virginia Mutual Insurance Company, which serves as a model for states across the country, providing physicians with good coverage at reasonable rates. We accomplished these things, together.

And just three years ago, we rolled up our sleeves to tackle our state's OPEB debt. While other states were only talking about eliminating debt related to other post-employment benefits, we took bold action. We were the first state in the country to address the concerns of local officials who were terrified of bankruptcy, and we found a way to pay it down in a fiscally responsible manner.

Because of these steps, our state's \$5 billion OPEB debt will be paid off without any tax increases. (Applause)

We accomplished these things, together.

Responsible actions like workers' compensation reform, medical malpractice reform and gradual reductions in our

business and consumer taxes, help West Virginia employers, protect our residents and are critical to our continued economic growth.

We have worked together to make significant changes to improve our state's legal system, and I resent those who irresponsibly label us a judicial hellhole. Unreasonable and irrational labels drummed up by out-of-state interests do not help our efforts to engage potential investors and strengthen our economy. (Applause)

There is always more work to be done, and together we can consider reasonable, responsible reforms to our legal system.

We've worked hard to create an environment that allows us to compete for new and expanding businesses – projects like Diamond Electric which recently relocated its North American headquarters to Putnam County, American Woodmark which announced a \$30 million expansion in Hardy County, and Sogefi in Wayne County which has invested tens of millions of dollars in our state, employing hundreds of West Virginians.

We look forward to adding Project ASCENT, the proposed multi-billion dollar cracker in Wood County, to this impressive and growing list.

This November, I traveled to Brazil to meet with senior officials from Odebrecht and Braskem to review their continued progress and chart our next steps moving forward. This type of project will serve as an anchor for new value-added industries and chemical hubs that will be part of a manufacturing renaissance in America.

Company officials are pleased with the progress they have made over the past year and the tremendous welcome they've received from the number of West Virginians who have touched this project in one way or another. Our recent mission allowed us to demonstrate our firm commitment to bring this facility to the Mountain State. Tonight, I am more confident than ever this investment will usher in an era of unprecedented growth for our entire region. (Applause)

In 2011, we were the first state to pass comprehensive legislation regulating the drilling of Marcellus Shale. Since then, we've taken significant steps to ensure we remain at the center of the Marcellus and Utica shale boom.

Companies are investing billions of dollars in our state to support the production, processing and transportation of natural gas and creating a number of new opportunities to develop these rich deposits. This October, Southwestern Energy invested more than \$5 billion in West Virginia and southwestern Pennsylvania to acquire Marcellus and Utica shale properties. This investment is one of the largest of its kind, not only in our state, but across the country.

Tonight, I'd like to welcome home West Virginia native and the new general manager of Southwestern Energy's West Virginia operations, Derek Cutright and Senior Vice President of Southwestern's West Virginia division, Paul Geiger. (Applause)

Derek and Paul, please stand so we may welcome you and thank you for Southwestern's significant investment in the Mountain State. (Applause)

Tens of thousands of our residents are already benefitting from these developments, and I'm committed to ensuring our state continues to capitalize on this abundant natural resource and the opportunities it brings. With this in mind, I've directed the Department of Revenue to launch a comprehensive review of our state's public lands to identify opportunities where West Virginia can take advantage of this energy revolution.

We have the potential to secure hundreds of millions of dollars in bonus and royalty payments, monies that can be invested to improve our state parks, support tourism initiatives across the state and finance a number of other worthy endeavors to strengthen job creation.

For generations, West Virginia has been one of our nation's leading energy producing states. As we continue to explore opportunities to diversify our state's energy portfolio,

we must ensure the safety of hardworking West Virginians at drilling sites, production facilities and pipelines across the state. That's why I am requesting a study to determine how we can best protect workers at natural gas operations. We must ensure our workers have the proper training and skills to do their jobs in the most effective way possible and return home safely. (Applause)

Workforce safety must be the expectation for businesses operating in West Virginia, not an afterthought.

Economic investments, as well as those we are making to improve our infrastructure, are important to all of us, but they come at a cost.

Our state's highways and bridges are critical to our continued economic growth. This year, the Division of Highways spent an additional \$48 million on resurfacing projects and bridge work compared to what was spent in 2013. We are making progress, but we must find ways to do more.

With the help of legislation we passed together, our Division of Highways is now able to use more innovative financing options to build and maintain our roads and bridges. And tonight, I've directed the Division of Highways to include the completion of U.S. 35 as part of its six year plan. (Applause)

In recent years, inaction at the federal level has put construction at a standstill and new highway projects have been difficult to complete. I will continue to work with our Congressional delegation to identify a stable federal funding source for our much-needed road improvements.

When highway funding is hard to come by, eliminating more than \$85 million in dedicated revenues to maintain our state's highways is irresponsible. This year, 84 percent of all tolls collected on the West Virginia Turnpike were collected from out-of-state drivers and commercial vehicles.

Instead of eliminating tolls, we need to work together to identify alternative ways to minimize the impact on our residents who travel the Turnpike each and every day.

We've created a business climate where companies are encouraged to innovate, expand and create new jobs. Companies across the country and around the world are noticing the changes we have made.

When I became governor four years ago, I made a promise that I would go anywhere and sit down with anyone to bring jobs to the Mountain State. When investors knock on the door of our state's Development Office, we ask, "How can we help?" These strong personal relationships are critical for our state and our economy.

When companies investing here have unmet needs, we take action, and we must do the same thing for small business owners who already call our state home.

West Virginians make great products, and we need to make sure entrepreneurs like Isabella Yosucio can continue to succeed. Soon after Isabella's second son, Isaac, was born, she and her husband, Ray, were told by doctors that he would have low muscle tone and weakness common to children with Down's syndrome.

Like any mom wanting to help, Isabella sought a solution.

She took a scrap of cloth, sand from her boys' sandbox and created a tiny pair of weights to put on Isaac's wrists and ankles to help him develop muscle strength. When Isaac's physical therapist saw them, she encouraged Isabella to consider making them for other children with similar obstacles. In May, Isabella launched MightyTykes as part of the 2014 Abilities EXPO in New York City.

Tonight, we celebrate the spirit of the Yosucio family. Isabella, Isaac, Pierce and Ray, please stand so we may recognize you and celebrate your family's achievements. (Applause)

We must encourage the same innovation we ask of all of those investing in our state and allow our state's entrepreneurs to put their skills to work without the burden of unnecessary state restrictions.

That's why tonight I am proposing legislation to give our craft brewers increased opportunities to succeed as part of our state's growing craft beer industry. Together, we can continue to show those across the country, around the world and here at home that West Virginia is the right place to make an investment and the Mountain State is a great place to do business.

Our continued economic growth and the enormous potential that lies ahead place even more urgency on developing a skilled workforce.

Recent studies show West Virginia will generate 30,000 new jobs each year through 2018 and nearly 60 percent of these jobs will require at least a two-year degree. These are good paying jobs in the manufacturing, construction and natural gas industries as well as healthcare and education.

Since 2007, West Virginia's community and technical colleges have developed 133 new programs specifically tailored toward workforce development and training. Many of these partnerships, like the Appalachian Petroleum Program Training Center, were created to strengthen our state's growing manufacturing, chemical and natural gas sectors.

This center, a joint partnership between Pierpont and West Virginia Northern Community College, is one of only 14 programs of its kind in the country. It brings together industry representatives and the academic community to equip West Virginians with the skills they need to be part of these growing industries.

Recent investors have identified a critical need for instrumentation technology programs to support new and growing industries across the state. Blue Ridge and BridgeValley Community and Technical Colleges answered their call with specialized programs supported by private sector companies eager to hire West Virginia workers.

Companies like Toyota, Gestamp, NGK and Dow Chemical recognize the progress we've made and are

working with us to train West Virginia's workforce for the jobs of today and tomorrow.

The number of students now earning certificate degrees and two-year associate degrees has increased by 57 percent. That's an accomplishment we all can be proud of. (Applause)

Preparing our future workforce doesn't start with our community and technical colleges. Across the state, we are working with middle school and high school students to share the opportunities that await them after graduation.

Over the past several months, I've traveled to a number of schools to meet our students and introduce a new education initiative. It's called My State, My Life, and it's designed to inspire and encourage our students to embrace their bright future here in the Mountain State. The West Virginia of today is not the same place it was decades ago. We are ushering in an era of change that will provide our students with opportunities for a great life here at home.

In classrooms from Hancock to McDowell, Wayne to Berkeley counties, there are thousands of young bright minds with untapped potential. There are endless possibilities for our students to succeed, and it doesn't matter which training or career path they choose as long as they choose one.

As we work to develop these programs, we understand we must expand our vision to prepare more than just the future members of our workforce.

We must also support existing workers, especially our state's hardworking coal miners. I know times are tough, but let me be clear, I will never stop fighting against federal regulations that harm our state's energy industry and devastate our miners, their families and our communities. (Applause)

Last month, we filed comments related to the EPA's carbon pollution emission guidelines and urged the EPA to reconsider its proposed plan. Federal bureaucrats must understand the impact these new rules will have on families

and communities here and across the country. We must work together to develop reasonable, achievable goals that balance the environmental protection we all support with the economic growth we must maintain.

While we remain hopeful the EPA will consider the effects regulations are already having on our economy, we continue to offer programs to provide coal miners and their families with the critical training they need to explore a different career path, if that's a choice they wish to make.

BridgeValley, New River and Southern West Virginia Community and Technical Colleges all offer programs to re-train hardworking miners and their families with the skills they need to succeed. These accelerated training programs are based on fundamental skills that are valuable no matter what high demand field our miners choose, even if they are able to find re-employment underground.

No matter how West Virginians have been affected by the downturn in our state's energy sector, re-training and job assistance are available. Over the past four years, Workforce West Virginia has invested more than 48 million dollars in state and federal funds to retrain displaced workers and their families.

Today, we continue to prepare these workers for jobs in high-demand fields across the state like nursing, education, welding and related industries.

As West Virginia's military men and women return from serving around the world, we stand together to welcome them home with open arms. We are proud of our state's legacy of serving our country, and we must continue to honor them every chance we get. These men and women aren't just dedicated members of our military, they are also important members of our communities. When they return home, we owe it to them to provide the training they need to succeed.

In 2009, my friend and one of our state's Silver Star recipients, James McCormick, came up with an idea to help veterans find transitional job training and meaningful work

here at home. Last year, the Legislature passed a bi-partisan bill to establish the Veterans and Warriors to Agriculture Program which helps our state's veterans provide fresh produce for their families and develop small working farms across the state.

James has dedicated his time and talents to helping our veterans return to civilian life and transition to careers as farmers and livestock managers. James, please stand so we may thank you for your service and for your hard work on behalf of our state's veterans. (Applause, members standing in ovation)

As a former teacher, father and the husband of a college president, I understand the importance of a good education. As Governor, I recognize improving educational programs and increasing opportunities for our kids, and our teachers, is fundamental to our state's continued growth and economic success.

Over the past several years, we've made changes in our classrooms to put our kids on the right track to a bright future.

From touring Edgewood Elementary School on Charleston's West Side to celebrating the newly-renovated Harpers Ferry Middle School in the Eastern Panhandle, I've had the opportunity to see firsthand changes we're making to help our students succeed. We are laying the groundwork to support our communities and develop future leaders and innovators of the next generation.

As we compete in today's global economy, we must start with our middle school and high school students by providing them with the high-tech skills they need. In 2013, business and industry in West Virginia identified a critical need for workers with strong math, technical, computer and mechanical skills.

That's why this year I've set aside funding to establish a STEM network to review current STEM-related education initiatives and refine and expand local programs to better

serve our students. As we increase and improve STEM-education opportunities, there will be a need for more certified chemistry, robotics and advanced math teachers in our classrooms.

We must ensure our students are being taught by great teachers including those who may not have a traditional education degree.

This year, I will introduce legislation to expand opportunities for skilled West Virginians who have a passion for teaching but may not have a teaching background. We need to find ways to streamline the process and encourage those who have a passion to teach so they can share their knowledge with our kids. We must give local school systems better flexibility to train and hire subject-matter experts to fill long-term vacancies in critical subject areas. (Applause)

Each year, our teachers gather in schools and classrooms across the state with a shared vision to inspire our students and encourage a lifetime of learning.

Tonight, I am honored to introduce our 2015 Toyota Highmark Blue Cross Blue Shield Teacher of the Year, Gail Adams. Inspiration can come from a place we least expect. Sometimes it comes from teaching a Jazzercise class.

While leading each class, Gail laughed as she corrected the grammar of the song lyrics that played.

And after months of joking about becoming an English teacher, she finally felt the spark that awakened a passion for teaching. She followed her heart, enrolled in college and four years later, she earned her teaching degree.

Today, Gail is not only teaching Advanced English to her students at Wheeling Park High School, but she is answering the tough questions she once had as a high school senior. Instead of just reading modern literature and studying the classics, Gail's students are also learning about banking, financing a college education and finding a rewarding career.

She makes things work, makes things better and makes teaching, and learning, special.

Ladies and gentlemen, please join me in welcoming our 2015 Teacher of the Year, Gail Adams. (Applause, members standing in ovation)

We are fortunate to have businesses that understand the value of a good education here in West Virginia. At this time, I'd also like to recognize two individuals who deserve our thanks for their continued support of the Teacher of the Year program.

Fred Early, president of Highmark Blue Cross Blue Shield, and Millie Marshall, president of Toyota Motor Manufacturing of West Virginia please stand so we may thank you for your continued commitment to our state's teachers. (Applause)

A strong workforce is a drug-free workforce. Substance abuse is a heartbreaking problem facing families across West Virginia each and every day.

With the help of the Governor's Council on Substance Abuse, we've taken bold action to stop the production of meth and increase practice standards for pain clinics to ensure our residents are using prescription drugs responsibly.

Over the past two years, we've worked together to draft legislation and approve new rules to regulate pain management clinics across the state. Since July, the Department of Health and Human Resources has inspected seven pain clinics. Three of those have been ordered to close and denied licensure for violation of these new standards.

Our residents must have access to pain management treatment options but not at the expense of irresponsible prescription practices.

I'm proud of the steps we have taken to curb this epidemic, but we must do more. As we continue our efforts to address the abuse of prescription medications, we must also be prepared to combat the increased availability of illegal street drugs. Today, heroin use is on the rise, and we must stop this lethal drug from ruining the lives of our citizens.

This session, I will introduce legislation to help our state's emergency responders and families facing drug abuse save the lives of those who abuse heroin. Naloxone is critical to countering the effects of a heroin overdose. By expanding access to this life-saving drug, we can prevent overdose deaths and give those suffering from substance abuse the opportunity to seek help, overcome their addiction and return to their families, work places and communities. (Applause)

The communities we live in are more than just places where we put down roots, start a new business or watch our children grow. They are places we call home, and they must be places where we feel safe.

In May, we announced a significant step toward reducing prison overcrowding and drug abuse. Since then, we've reinvested nearly \$2.5 million in community-based substance abuse treatment and recovery services across the state.

Tonight, I'm pleased to announce the investment of an additional \$660 thousand to expand treatment options across the state including new intensive outpatient services in the Northern and Eastern Panhandles. (Applause)

In 2013, we worked together to embrace the Justice Reinvestment Act and developed a research-based plan to rehabilitate those in our justice system. These reforms maximize our corrections dollars and lower the financial burden on our overextended prison system while protecting our state's finances.

Through our landmark justice reinvestment efforts, we've learned data-driven programs do work. Most of our efforts have focused on addressing our adult corrections system, but we also must do everything we can to meet the needs of our youth.

We must do more to keep our kids out of the courtroom and in the classroom. (Applause)

Between 1997 and 2011, West Virginia saw the largest percentage increase in youth confinements of any state in the

country. This June, with bipartisan support from every level of our three branches of government, we embarked on a comprehensive review of our juvenile justice system.

This task force, including law enforcement, prosecutors, public defenders, faith-based representatives and West Virginia families, looked at evidence-based programs and identified best practices that make the most sense for West Virginia. We must take action to create a smarter, more effective system for our children.

Tonight, I'm announcing legislation to reform our state's juvenile justice system. It will establish truancy diversion specialists in all 55 counties and increase the use of community-based services to help families mend and get our kids back on track. (Applause) We will also increase the number of youth reporting centers across the state to produce better outcomes for children and their families by getting them the help they need.

At a cost of \$4.5 million, this legislation is projected to reduce the number of DHHR residential placements and Division of Juvenile Services commitments by at least 40 percent over the next 5 years and will save taxpayers \$59 million. (Applause)

We are also strengthening the West Virginia National Guard's incredibly successful Mountaineer ChalleNGe Academy. Since the Academy was established in 1993, nearly 3,000 teens have graduated and gone on to be positive influences in their communities. This December, 131 cadets graduated from the Academy.

Of the new graduates, 16 percent are pursuing their college degree with the help of PROMISE scholarships, 26 percent are receiving training at one of our state's vocational schools, 24 percent have chosen military careers and the rest have successfully completed training programs to enter our workforce. (Applause)

The ChalleNGe Academy is making a difference in the lives of at-risk kids across the state. And tonight, we welcome

two graduates whose experiences will inspire other young West Virginians to follow their lead.

After graduating from the Academy in 1999, Michael Ayersman joined the United States Army. After serving his country as a combat engineer and bomb technician, Michael returned home to serve his fellow West Virginians as a law enforcement officer. In 2013, he returned to the Academy – this time as a squad leader mentoring new cadets.

Just last month, Ryan Bass stood with his fellow cadets as a new graduate and member of the 43rd Mountaineer ChalleNGe Academy class. Ryan plans to join the West Virginia National Guard and continue his education.

Michael and Ryan, please stand so we may congratulate you on your achievements. (Applause, members standing in ovation)

As we expand opportunities for our kids to succeed, child welfare reforms are critical to keeping our children safe at home. With this in mind, I've directed the Department of Health and Human Resources to work together with Workforce West Virginia to help parents find stable employment to support their families.

We can make a difference in the lives of our state's children, and together, we can accomplish these life-changing and meaningful reforms.

This legislative session, I challenge those of us gathered in this chamber and West Virginians across the state to come together. We must set aside our political differences, and stand united, as West Virginians for the greater good.

Tonight, I'm proud to welcome two West Virginia law enforcement heroes who personify what it means to put the welfare of others above themselves.

Two weeks ago, Lewisburg Police Lieutenant Jeromy Dove, Corporal Mike Arbaugh and Patrolman Nicholas Sams responded to what seemed to be a routine traffic stop. As they approached the stopped vehicle, Lieutenant Dove and Patrolman Sams were shot in the line of duty.

Across the state, dedicated officers like Lieutenant Dove and Patrolman Sams, answer the call to protect and serve, putting the safety and wellbeing of their fellow West Virginians first. This week, Lieutenant Dove, Corporal Arbaugh and Patrolman Sams put on their uniforms and returned to work.

Lieutenant Dove and Patrolman Sams, please stand so we may thank you for your service and thank you for the commitment you – and West Virginia’s law enforcement community – demonstrate each and every day. (Applause)

Just as these two brothers in blue have taught us, we all are part of something much bigger. Among the mountains we call home, we are charting a new path – one built on collaboration and mutual respect – and one that places our state and her people, first.

I’m proud of the work we’ve done. I’m proud of the progress we’ve made and I’m confident that we can continue to move West Virginia forward, together.

Tonight, we are more than just Democrats and Republicans. We are, and will forever be, West Virginians.

Thank you.

God bless you, God bless your families and God bless the state we call home.

(Applause, members and guests rising in ovation)

At the conclusion of the address, His Excellency, the Governor, accompanied by the committee of escort, retired from the Hall of the House of Delegates.

The Doorkeeper escorted the invited guests from the Chamber.

The members of the Senate retired to their Chamber, and the Speaker declared the Joint Assembly dissolved.

The Speaker then called the House of Delegates to order and laid the following communication from His Excellency, the Governor, before the House:

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON, WV 25305

January 14, 2015

EXECUTIVE MESSAGE NO. 1

The Honorable Tim Armstead, Speaker
West Virginia House of Delegates
Charleston, West Virginia 25305

Dear Mr. Speaker:

I herewith submit, pursuant to the Constitution of the State of West Virginia, a budget and budget bill for the fiscal year beginning July 1, 2015.

With warmest regards,

EARL RAY TOMBLIN,
Governor.

Whereupon,

In compliance with Subdivision (4), Subsection B, Section 51, Article VI of the Constitution, the Speaker introduced the following bill, which was read by its title and referred to the Committee on Finance:

By Mr. Speaker, Mr. Armstead, and Delegate Miley:

H. B. 2016 - "A Bill making appropriations of public money out of the Treasury in accordance with Section 51, Article VI of the Constitution."

Accompanying the Budget Bill was a document showing estimates of revenue, expenditures, etc., as required by Section 51, Article VI of the Constitution.

At 7:48 P.M., on motion of Delegate Cowles, the House of Delegates adjourned until 11:00 A.M., Thursday, January 15, 2015.

THURSDAY, JANUARY 15, 2015

SECOND DAY

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

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

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

The Clerk proceeded to read the Journal of Wednesday, January 14, 2015, being the first order of business, when the further reading thereof was dispensed with and the same approved.

MESSAGES FROM THE SENATE

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. 1 - "Relating to the payment of bills for supplies, services and printing and authorized contingent and other expenses of the eighty-second Legislature."

Resolved by the Legislature of West Virginia:

That for the regular and any extraordinary session of the eighty-second Legislature, the Auditor of West Virginia, in advance of the appropriation for such purposes, is hereby authorized, upon proper requisition of the Clerk of the Senate and the Clerk of the House of Delegates, to pay bills for supplies and for services furnished to the Legislature preparatory to the beginning of, during and following the

adjournment of sessions, including contingent expenses of the respective houses; the per diem of officers, other than the President of the Senate and the Speaker of the House of Delegates, and employees of the Senate and of the House of Delegates; travel expenses of members as authorized by law; bills for legislative printing as the accounts for same become due; and any other authorized contingent and other expenses of the Legislature or the respective houses.

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the resolution (S. C. R. 1) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

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

RESOLUTIONS INTRODUCED

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

By Delegates Anderson, E. Nelson and Gearheart:

H. J. R. 1 - "Proposing an amendment to the Constitution of the State of West Virginia, amending Article X by adding thereto a new section, designated section one-d, relating to authorizing the exemption from ad valorem taxation of tangible personal property directly used in commercial and industrial businesses; 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.

By Delegates Romine, Walters and Rowan:

H. J. R. 2 - "Proposing an amendment to the Constitution of the State of West Virginia, amending article ten thereof by adding thereto a new section, designated section five-a, relating to taxes and fees;

providing that bills imposing a tax or license fee and bills increasing the effective rate of any tax levied or fee imposed may not be enacted unless sixty percent of the members of each house, present and voting, vote in the affirmative for passage; numbering and designating the proposed amendment; and providing a summarized statement of the purpose of the proposed amendment”; to the Committee on the Judiciary then Finance.

By Delegate Lane:

H. J. R. 3 - “Proposing an amendment to the Constitution of the State of West Virginia, amending section one-b, article ten, relating to homestead exemption increase; 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

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

By Delegates Caputo, Ferro, Longstreth and Moyer:

H. B. 2057 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-2-5a, relating to requiring compensation be made to certain members of the State Police for off-duty time when they are required to be on standby to be called back to work; requiring off duty State Police officers who are called back to work or appear in court be compensated a minimum amount; and providing a housing cost stipend for those officers who reside in and are assigned to one of the top five counties in median monthly housing costs”; to the Committee on Government Organization then Finance.

By Delegate Caputo:

H. B. 2058 – “A Bill to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating to the West Virginia

Secondary School Activities Commission; and requiring rules relating to interscholastic athletic football events include the requirement that neck braces be worn by all football players”; to the Committee on Education then Finance.

By Delegate Caputo:

H. B. 2059 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10-22i; and to amend said code by adding thereto a new section, designated §18-7A-26w, all relating to increasing benefits of retired state personnel and retired teachers by five percent a year for the next three consecutive years”; to the Committee on Pensions and Retirement then Finance.

By Delegate Caputo:

H. B. 2060 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-3-13a, relating to making the theft of a traffic sign or traffic signal a misdemeanor; establishing criminal penalties; and requiring restitution”; to the Committee on the Judiciary.

By Delegate Caputo:

H. B. 2061 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-6-9a, relating to establishing seniority rights for public employees; defining when seniority begins; setting standards for accumulation of seniority; requiring notice of job postings; requiring registers or certified lists of eligible applicants; allowing senior employees the first right of refusal for additional duty, overtime and promotions; and determining seniority in case of absence”; to the Committee on Industry and Labor then Finance.

By Delegates Caputo and Manchin:

H. B. 2062 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22C-13-1,

relating to establishing the Legislative Oversight Commission on Energy Workers Safety; directing the commission to study workers safety; and establishing reporting requirements for boards and agencies that regulate and otherwise oversee workers safety”; to the Committee on Industry and Labor then the Judiciary.

By Delegate Caputo:

H. B. 2063 – “A Bill to amend and reenact §33-20-5 of the Code of West Virginia, 1931, as amended, relating to insurance generally; and prohibiting the use of a credit score in casualty insurance rate filings”; to the Committee on Banking and Insurance then the Judiciary.

By Delegate Caputo:

H. B. 2064 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-5-20, relating to providing a ten percent discount to West Virginia residents for lodging, camping and other recreational activities at state parks and forests”; to the Committee on Agriculture and Natural Resources then Finance.

By Delegate Caputo:

H. B. 2065 – “A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended, relating to increasing compensation of membership of the West Virginia State Police”; to the Committee on Finance.

By Delegate Caputo:

H. B. 2066 – “A Bill to amend and reenact §5-5-2 of the Code of West Virginia, 1931, as amended, relating to increasing the amount of annual and incremental salary increases for eligible employees from \$60 to \$100; changing eligibility from three years of service to one”; to the Committee on Finance.

By Delegate Caputo:

H. B. 2067 – “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §20-7-1

of said code, all relating to pension benefits exempt from state income taxation; and including Division of Natural Resources police in the class of law-enforcement officers exempted”; to the Committee on Pensions and Retirement then Finance.

By Delegate Caputo:

H. B. 2068 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-6-29, relating to allowing state employees to take paid leave to attend parent-teacher conferences for their children”; to the Committee on Government Organization then Finance.

By Delegate Caputo:

H. B. 2069 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60-2-23, relating to providing career development; and establishing annual salaries for Alcohol Beverage Control inspectors, enforcement agents and supervisors”; to the Committee on Government Organization then Finance.

By Delegate Caputo:

H. B. 2070 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §8-15B-1, §8-15B-2, §8-15B-3, §8-15B-4 and §8-15B-5, all relating to meeting and conference rights for members of fire departments employed by political subdivisions; providing for the right of self-organization; allowing designation of an exclusive representative agent; imposing a duty to meet and confer with employees; allowing deduction of employee organization dues and assessments; providing for compulsory arbitration of disputes; listing prohibited acts; allowing hearing before Civil Service Commission; providing judicial review; specifying powers and duties of the Civil Service Commission; and allowing injunctive relief”; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Caputo and Ferro:

H. B. 2071 – “A Bill to amend and reenact §20-7-1a and §20-7-1c of the Code of West Virginia, 1931, as amended, all relating to providing an increase in compensation for natural resources police officers”; to the Committee on Agriculture and Natural Resources then Finance.

By Delegate Caputo:

H. B. 2072 – “A Bill to amend and reenact §20-7-1a and §20-7-1c of the Code of West Virginia, 1931, as amended, all relating to providing an increase in compensation for conservation officers”; to the Committee on Agriculture and Natural Resources then Finance.

By Delegates Caputo and Longstreth:

H. B. 2073 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-11-1, §47-11-2, §47-11-3, §47-11-4, §47-11-5, §47-11-6, §47-11-7, §47-11-8 and §47-11-9, all relating to requiring retail establishments offering gasoline or other motor fuel to provide refueling assistance and refueling access to persons with a disability; establishing requirements and exceptions; giving Secretary of the Department of Transportation responsibility for implementation and enforcement; giving secretary rule-making authority; and providing civil penalties”; to the Committee on Roads and Transportation then Finance.

By Delegates Caputo and Hamilton:

H. B. 2074 – “A Bill to amend and reenact §15-2-3 of the Code of West Virginia, 1931, as amended, relating to requiring the Superintendent of the State Police to develop a plan to increase the number of troopers to a minimum of eight hundred troopers by July 1, 2017”; to the Committee on Finance.

By Delegates Caputo, Hamilton and P. Smith:

H. B. 2075 – “A Bill to amend and reenact §15-2-3 and §15-2-5 of the Code of West Virginia, 1931, as amended, all relating to

maintaining a minimum of eight hundred state troopers by July 1, 2017; and increasing the salary increase received at the end of two years of service with the West Virginia State Police from \$500 to \$580”; to the Committee on Finance.

By Delegates Caputo, Manchin and Longstreth:

H. B. 2076 – “A Bill to amend and reenact §11A-1-3 of the Code of West Virginia, 1931, as amended, relating to allowing quarterly payment of real and personal property taxes”; to the Committee on the Judiciary then Finance.

By Delegates Caputo and Manchin:

H. B. 2077 – “A Bill to amend and reenact §18A-2-2 and §18A-2-6a of the Code of West Virginia, 1931, as amended, all relating to requiring county boards of education to provide released time for professional educators and service personnel when serving in part-time elected or appointed municipal or county offices”; to the Committee on Education then Finance.

By Delegates Caputo and Longstreth:

H. B. 2078 – “A Bill to amend and reenact §17C-6-3 of the Code of West Virginia, 1931, as amended, relating to allowing local authorities the authority to lower the speed limit on streets and highways where school buses travel; and providing that no lowering of a speed limit is effective until approved by the Commissioner of Highways”; to the Committee on Roads and Transportation then the Judiciary.

By Delegates Williams, Ferro, Rowan, Miley, H. White, Boggs, Hamilton, Ellington, Campbell, Perry and Lynch:

H. B. 2079 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-97, relating to creating the Seniors Helping Seniors Fund; requiring personal income taxes paid on taxable Social Security benefits to be deposited into the fund; and requiring the Department of Health and Human Resources and the Bureau of Senior Services to use the fund

for the Medicaid Aged and Disabled Waiver program and to support the Medicaid Personal Care, Family Assistance In-Home Respite and Lighthouse programs to increase the number of senior citizens receiving in-home care services”; to the Committee on Senior Citizen Issues then Finance.

By Delegates Ferro, Caputo, Pethtel, Storch, Hamilton, A. Evans, Boggs, Miley, Longstreth and Romine:

H. B. 2080 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13A-3f, relating to reallocating and dedicating up to \$30 million to the natural gas and oil severance tax revenues annually to the natural gas and oil-producing counties of origin; providing for distribution of the moneys to the districts of the Division of Highways by the State Treasurer; establishing amounts each natural gas and oil-producing Division of Highways district and counties within a district are to receive; requiring moneys be used solely for the secondary roads; providing duties of State Tax Commissioner and Division of Highways; requiring reports of expenditures to Joint Committee on Government and Finance; providing audits of distributed funds when authorized by the Joint Committee on Government and Finance; providing an effective date; and authorizing legislative and emergency rules”; to the Committee on Roads and Transportation then Finance.

By Delegates Guthrie, Rowe, Pushkin, Byrd and Hornbuckle:

H. B. 2081 – “A Bill to amend and reenact §61-2-10b of the Code of West Virginia, 1931, as amended, relating to acts of violence against certain persons; and listing journalists within the designated categories of protected persons”; to the Committee on the Judiciary.

By Delegates Caputo and Rowan:

H. B. 2082 – “A Bill to amend and reenact §18-5-20 of the Code of West Virginia, 1931, as amended, relating to county boards of education; school libraries; requiring each school to have a certified library media specialist; and requiring the board to develop

professional standards and the salary for the certified library media specialist”; to the Committee on Education then Finance.

At 11:31 A.M., the House of Delegates adjourned until 10:00 A.M., Friday, January 16, 2015.

FRIDAY, JANUARY 16, 2015

THIRD DAY

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

The House of Delegates met at 10:00 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, January 15, 2015, being the first order of business, when the further reading thereof was dispensed with and the same approved.

COMMITTEE REPORTS

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

Your Committee on Energy has had under consideration:

H. B. 2001, Repeal the Alternative and Renewable Energy Portfolio Act,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2001) was referred to the Committee on the Judiciary.

BILLS INTRODUCED

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

By Delegates Faircloth and D. Evans:

H. B. 2083 - “A Bill to amend and reenact §20-2-28 and §20-2-42x of the Code of West Virginia, 1931, as amended, all relating to Class XS senior resident lifetime licenses; and providing that seniors purchasing the Class XS license are not required to purchase any additional hunting, fishing and trapping stamps or permits issued by the Division of Natural Resources under article two, chapter twenty of the West Virginia Code”; to the Committee on Agriculture and Natural Resources then Finance.

By Delegate Manchin:

H. B. 2084 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-3-18, relating to prohibiting healthcare providers from discriminating against or refusing treatment of a patient regardless of how that person was injured or became ill”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Manchin and Caputo:

H. B. 2085 - “A Bill to amend and reenact §3-8-12 of the Code of West Virginia, 1931, as amended, relating to the solicitation of public employees of the state or its political subdivisions by a candidate for an elective office; clarifying that the solicitation of public employees, in their work place, for contributions, services or other things of value by electronic communications is prohibited; clarifying that solicitations of public employees for contributions, services or other thing of value for a candidate, party or political purpose is prohibited; creating a specific exception for the solicitation of votes outside the workplace; and removing postmasters and federal officers and employees from those persons who may not be solicited”; to the Committee on the Judiciary.

By Delegates Manchin, Skinner and Caputo:

H. B. 2086 - “A Bill to amend and reenact §31D-1-150 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto two new sections, designated §31D-7-740 and §31D-7-741; to

amend said code by adding thereto a new section, designated §31D-8-834; to amend said code by adding thereto a new section, designated §31D-15-1540; and to amend said code by adding thereto a new section, designated §31D-16-1621, all relating to the accountability of a corporation's political activities; defining additional terms; requiring annual authorization and approval by a majority of shareholders for corporations spending a yearly aggregate of \$10,000 or more for political activities in this state; providing for director liability for spending without proper authorization; requiring disclosure of corporate political activities to shareholders and the public; and applying these new requirements to foreign corporations"; to the Committee on the Judiciary.

By Delegates Manchin, Walters and Caputo:

H. B. 2087 - "A Bill to amend and reenact §11A-3-19, §11A-3-21 and §11A-3-23 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §11A-3-23a; to amend and reenact §11A-3-52, §11A-3-54 and §11A-3-56 of said code; to amend said code by adding thereto a new section, designated §11A-3-58a; and to amend and reenact §11A-4-4 of said code, all relating to permitting surface owners to purchase the mineral interests that lay below the property when the mineral interest becomes subject to a tax lien; establishing procedures; requiring notice; establishing the purchase prices; establishing nonrefundable \$20 administrative fees; providing a procedure if more than one surface owner seeks to purchase the delinquent mineral interest; modifying notices to redeem that are sent to property owners; and providing remedies relating to tax sales"; to the Committee on Energy then the Judiciary.

By Delegates Manchin and Walters:

H. B. 2088 - "A Bill to amend and reenact §55-2-21 of the Code of West Virginia, 1931, as amended, relating to limitations of actions and suits; and reducing the number of defendants named in the beginning of a lawsuit by tolling the statute of limitations against all

tortfeasors upon filing direct claims against tortfeasors”; to the Committee on the Judiciary.

By Delegates Manchin, Longstreth and Caputo:

H. B. 2089 - “A Bill to amend and reenact §3-8-1a and §3-8-2b of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto four new sections, designated §3-8-8a, §3-8-15, §3-8-16 and §3-8-17, all relating to the disclosure of information on campaign contributions and spending; setting forth reporting and disclosure requirements; setting forth the treatment of functional equivalent of express advocacy as independent expenditures; expanding the period during which communications are treated as electioneering communications; setting forth the effective date of expanding the period during which communications are treated as electioneering communications; setting forth the disclosure requirements for corporations and certain other entities; setting forth disclaimer requirements for campaign disbursements; requiring publication and distribution of statements and solicitations; setting forth the charges for newspaper or magazine space; establishing special disclaimer requirements for certain communications; requiring disclosures to shareholders, member and donors of information on campaign-related disbursements; defining terms; setting forth exceptions; setting forth the effective date of amendments; and providing that candidates for federal office are generally not affected”; to the Committee on the Judiciary.

By Delegates Manchin and Longstreth:

H. B. 2090 - “A Bill to amend and reenact §31D-1-150 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto two new sections, designated §31D-7-740 and §31D-7-741; to amend said code by adding thereto a new section, designated §31D-8-834; to amend said code by adding thereto a new section, designated §31D-15-1540; and to amend said code by adding thereto a new section, designated §31D-16-1621, all relating to the accountability of a corporation’s political activities; defining additional terms; requiring annual authorization and approval by a majority of

shareholders for corporations spending a yearly aggregate of \$10,000 or more for political activities in this state; providing for director liability for spending without proper authorization; requiring disclosure of corporate political activities to shareholders and the public; and applying these new requirements to foreign corporations”; to the Committee on the Judiciary.

By Delegate Manchin:

H. B. 2091 - “A Bill to amend and reenact §9-7-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §14-4-1, §14-4-2, §14-4-3, §14-4-4, §14-4-5, §14-4-6, §14-4-7, §14-4-8, §14-4-9, §14-4-10 and §14-4-11, all relating to establishing civil penalties for fraud and abuse in the Medicaid program; creating the False Claims Act; permitting the fraud and abuse provisions in the Medicaid program to provide for damages under the False Claims Act; setting forth prohibited acts; establishing damages, costs and civil penalties; setting forth limitations on damages; setting forth the responsibilities of the Attorney General; permitting civil actions by private persons; granting rights of parties to *qui tam* proceedings; permitting awards to *qui tam* plaintiffs; barring certain civil actions; finding that the state is not liable for the expenses of private litigants; permitting private action for retaliatory conduct; setting forth limitation of actions; permitting retroactive application; permitting the state to intervene in actions by private persons; granting estoppel; establishing jurisdiction and venue; setting forth the nonexclusivity of act; and permitting the liberality of construction”; to the Committee on the Judiciary then Finance.

At 10:09 A.M., the House of Delegates adjourned until 11:00 A.M., Monday, January 19, 2015.

MONDAY, JANUARY 19, 2015

SIXTH 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, January 16, 2015, being the first order of business, when the further reading thereof was dispensed with and the same approved.

COMMITTEE REPORTS

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

Your Committee on Government Organization has had under consideration:

H. B. 2008, Auditing the Division of Highways,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 2008) was referred to the Committee on Finance.

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. 2001, Repealing the Alternative and Renewable Energy Portfolio Act,

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

Com. Sub. for H. B. 2001 - “A Bill to amend the Code of West Virginia, 1931, as amended, by repealing §24-2F-1, §24-2F-2, §24-2F-3, §24-2F-4, §24-2F-5, §24-2F-6, §24-2F-7, §24-2F-9, §24-2F-10, §24-2F-11 and §24-2F-12, and renaming article 2F of Chapter 24,”

With the recommendation that the committee substitute do pass.

RESOLUTIONS INTRODUCED

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

By Delegates Caputo, Manchin and Longstreth:

H. J. R. 4 – “Proposing an amendment to the Constitution of the State of West Virginia, amending section 1b, article X thereof, relating to homestead exemption increase; 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

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

By Delegate Manchin:

H. B. 2092 - “A Bill to amend and reenact §3-1-34 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §3-1-51; and to amend and reenact

§17B-2-1 of said code, all relating to voter photo identification; setting forth the types of acceptable photo identification; authorizing the execution of voter identity affidavits for qualified voters without photo identification; establishing a procedure for the execution of voter identity affidavit; recording voter identity affidavits; establishing procedures to verify the identity of voters executing voter identity affidavit; providing for the issuance of identification cards; requiring the state to provide the identification cards without charge to qualified voters; and providing rule-making authority”; to the Committee on the Judiciary then Finance.

By Delegates Manchin, Skinner and Ferro:

H. B. 2093 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21A-12-1, §21A-12-2, §21A-12-3, §21A-12-4, §21A-12-5, §21A-12-6, §21A-12-7, §21A-12-8, §21A-12-9, §21A-12-10, §21A-12-11, §21A-12-12 and §21A-12-13, all relating to the creation of Valued Employee Retention Program; authorizing the commissioner to enforce the requirements of the program; specifying the contents of an application for participation; setting limitations on employer participation; providing criteria for approval or denial of work share plan; setting forth an effective date and duration of program plan; permitting the revocation of an approved plan; permitting the modification of an approved program plan; establishing eligibility for benefits; establishing employee benefits; charging program benefits to employer; setting forth eligibility for extended benefits; and requiring a report to the Legislature”; to the Committee on the Judiciary then Finance.

By Delegate Manchin:

H. B. 2094 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-8b, relating to creating an environmental awareness program in the West Virginia School system to educate students regarding recycling”; to the Committee on Education then Finance.

By Delegate Caputo:

H. B. 2095 - “A Bill to amend and reenact §22A-2-40 of the Code of West Virginia, 1931, as amended, relating to underground mining; requiring that permanent and temporary battery charging stations in mines be ventilated directly to the return on a separate split of air; permitting other not less effective devices to be used in lieu of fail safe ground check circuits in certain systems; and making stylistic changes”; to the Committee on Energy then the Judiciary.

By Delegate Caputo:

H. B. 2096 - “A Bill to amend and reenact §33-2-21 of the Code of West Virginia, 1931, as amended, relating to granting the Insurance Commissioner the authority to regulate and penalize self-insured employers; providing for monetary penalties; and permitting noncompliant self-insured employers to become compliant without penalty”; to the Committee on Banking and Insurance then the Judiciary.

By Mr. Speaker, Mr. Armstead, and Delegates Miley, H. White and J. Nelson:

H. B. 2097 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-14-3a, relating to creating the Hatfield-McCoy Regional Recreation Authority Fund”; to the Committee on Finance.

At 11:18 A.M., the House of Delegates adjourned until 11:00 A.M., Tuesday, January 20, 2015.

TUESDAY, JANUARY 20, 2015

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 Monday, January 19, 2015, being the first order of business, when the further reading thereof was dispensed with and the same approved.

COMMITTEE REPORTS

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

By Delegates Ireland, Folk, Manchin, Lynch, Rowe, Fleischauer, Skinner, Fast, Fluharty, Byrd and Summers:

H. B. 2201 - "A Bill to amend and reenact §24-2F-8 of the Code of West Virginia, 1931, as amended, all relating to providing a definition for net metering, requiring the Public Service Commission to adopt certain net metering and interconnection rules and standards, and striking deadlines for rule-making by the Public Service Commission."

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. 2025, Prohibiting certain sex offenders from loitering within one thousand feet of a school or child care facility,

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

Com. Sub. for H. B. 2025 - “A Bill to amend and reenact §62-12-26 of the Code of West Virginia, 1931, as amended, relating to prohibiting certain sex offenders from loitering within one thousand feet of a school, child care facility, or victim; and defining loitering,”

With the recommendation that the committee substitute do pass.

RESOLUTIONS INTRODUCED

Delegate Fleischauer offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 2 - “Requesting the Joint Committee on Government and Finance to continue studying the needs, challenges, and issues facing West Virginia military veterans, West Virginia citizens serving in the Armed Forces of the United States, the West Virginia National Guard and other military affairs of West Virginia.”

WHEREAS, West Virginia has a proud heritage of military service members, veterans, and military family members; and

WHEREAS, West Virginia is home to more military service members and veterans per capita than any other state in the nation; and

WHEREAS, The West Virginia National Guard is continuously above service and preparedness strength, has been repeatedly recognized as one of the top forces in the country, and its members are nationally renowned for their professionalism, courage and commitment to duty; and

WHEREAS, Military veteran homelessness, incidents of veteran suicide, and diagnoses of post-traumatic stress disorder for veterans are

all on the rise with no signs of slowing down unless additional action by the West Virginia Department of Veterans Assistance and the United States Department of Veterans Affairs is taken; and

WHEREAS, Additionally, aging veterans of previous conflicts are facing worsening problems as they enter their retirement years; and

WHEREAS, West Virginia has passed legislation offering in-state military veteran retirees financial benefits in an attempt to increase these veterans' financial stability and to attract out-of-state veterans to retire to West Virginia; and

WHEREAS, As the state continues to make retiring in West Virginia attractive to military veterans, the overall economic development their residency provides will certainly benefit each and every West Virginian; and

WHEREAS, Although the retirement benefits of veterans within West Virginia are positive, additional legislative efforts can be pursued to further augment these opportunities; and

WHEREAS, The Legislature finds that it should take an active role in studying, formulating and implementing resources and programs that support West Virginia citizens serving in the Armed Forces of the United States, the West Virginia National Guard as well as veterans of military service to better assist them and their family members in getting the care, services and opportunities that they have earned and deserve; and

WHEREAS, The Select Committee on Veterans Affairs has a demonstrated history of initiating legislation promoting and facilitating the establishment of programs to assist returning veterans, including, but not limited to, the veteran-friendly campus legislation as well as legislation to establish a program for veteran-friendly communities and continues to monitor the implementation and development of such programs; and

WHEREAS, Because of the state's consistent resident and citizen support of the nation's armed forces and the West Virginia National Guard, the Legislature of West Virginia should continue to receive input on and develop measures on a continuing basis during interim periods in order to provide the best available educational, vocational, social and medical support services for our state's military personnel and veterans that it can; and

WHEREAS, The Interim Select Committee on Veterans Affairs provides the Legislature a means to continuously monitor and develop various programs and resources to assist our state's military personnel and military veterans; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is requested to continue to conduct a study of the needs, challenges, and issues facing West Virginia military veterans, West Virginia citizens serving in the Armed Forces of the United States, the West Virginia National Guard and other military affairs of West Virginia; 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, 2016, 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.

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

By Delegates Rodighiero, Hicks, Perdue, Marcum, Reynolds, Eldridge and Moye:

H. J. R. 5 – “Proposing an amendment to the Constitution of the State of West Virginia, amending section one-b, article ten, relating to

homestead exemption increase; 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.

By Delegate L. Phillips:

H. J. R. 6 – “Proposing an amendment to the Constitution of the State of West Virginia, amending section one-b, article X thereof, relating to exempting veterans who have a one hundred percent service-related disability 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.

By Delegate Lane:

H. J. R. 7 – “Proposing an amendment to the Constitution of the State of West Virginia, amending Article X by adding thereto a new section, designated section one-d, relating to authorizing the exemption from ad valorem taxation of tangible personal property directly used in commercial and industrial businesses; 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.

By Delegates Overington, Walters, Deem, Gearheart, Householder, Sobonya, Moffatt, Cadle, Foster, Frich and Blair:

H. J. R. 8 – “Proposing an amendment to the Constitution of the State of West Virginia, amending section one, article VI thereof; amending section two, article XIV thereof; and amending said Constitution by adding a new article, designated article XV, all relating to the legislative powers held by the people of the state and the Legislature; the power of the registered voters and the power of the Legislature to propose amendments to this Constitution; and the reservation by and to the people and registered voters of this state the powers of initiative, referendum, and recall at all levels of government in this state; numbering and designating such proposed amendment;

and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on the Judiciary.

Delegate Lane offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. R. 5 - “Amending the rules of the House of Delegates, relating to requiring that a Jobs Impact Statement be attached to proposed legislation affecting employment or taxes in the state.”

Resolved by the House of Delegates:

That the rules of the House of Delegates be amended by adding thereto a new rule as follows:

Jobs Impact Statement

95c. Prior to consideration, by the House or by any of its committees, of a bill that increases or decreases the revenue or fiscal liability of individual citizens, employers, the state or any of its political subdivisions or in any manner changes or modifies an existing tax or rate of taxation or in any manner proposes to enact, amend or repeal a provision generally relating to employment within the state, the bill shall have attached to it a Jobs Impact Statement. The statement must conform to the requirements of form and content as prescribed by the Jobs Impact Statement Manual prepared and adopted by the Committee on Rules.

When required, it is the responsibility of the member introducing the bill to obtain the Jobs Impact Statement.

This rule does not prohibit consideration of a bill where, in the opinion of the chair of the committee to which the bill has been referred or in the opinion of the Speaker, a reasonable amount of time has transpired between when a Jobs Impact Statement was requested and no statement, or an incomplete one, has been provided.

The phrase “Jobs Impact Statement” or the initials “JS” must be clearly stamped or endorsed on the jackets of all bills that have statements attached to them.

No act is void or voidable for noncompliance with this rule.

This rule shall take effect on January 1, 2016.

BILLS INTRODUCED

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

By Delegates Hamrick, Householder, Cooper, Arvon, J. Nelson, Howell, Waxman, Ellington, Trecost, Blair and Kessinger:

H. B. 2098 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-1-21, relating to health care professionals providing services in federal veterans’ affairs facilities in this state; authorizing those health care professionals to provide services to patients or residents of state-run veterans’ facilities without obtaining an authorization to practice from the appropriate licensing agency of this state”; to the Committee on Veterans’ Affairs and Homeland Security then Health and Human Resources.

By Delegates Howell, Householder, J. Nelson, Statler, Walters, Arvon, Border, Folk, Hamilton, A. Evans and McGeehan:

H. B. 2099 - “A Bill to amend and reenact §11-8-9 of the Code of West Virginia, 1931, as amended, relating to extending the time of meetings of local levying bodies when meetings are delayed due to circumstances beyond the control of a local levying body; providing when the Secretary of State is authorized to extend the time of meetings of local levying bodies; and authorizing the Secretary of State to adopt procedures and rules for approving extending time to meet as a levying body”; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Williams, Campbell, Ellington, Hamilton and Rowan:

H. B. 2100 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-5X-1, §16-5X-2, §16-5X-3, §16-5X-4, §16-5X-5 and §16-5X-6, all relating to permitting hospital patients to designate a lay caregiver; providing definitions; requiring patient consent; requiring certain notation in medical records; permitting modifications to the lay caregiver designations; prohibiting certain construction; requiring certain notices to a lay caregiver; requiring hospital to consult with a lay caregiver to prepare for aftercare and to issue discharge plan; providing for circumstances in which hospital is unable to contact a lay caregiver; prohibiting certain construction; prohibiting use of state or federal funds for payment of a lay caregiver; prohibiting impact on state or federal funds”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Morgan, Caputo, Faircloth, Folk, Howell and R. Smith:

H. B. 2101 - “A Bill to repeal §15-8-1, §15-8-2, §15-8-3, §15-8-4, §15-8-5, §15-8-6, §15-8-7, §15-8-8, §15-8-9, §15-8-10, §15-8-11, and §15-8-12 of the Code of West Virginia, 1931, as amended; to repeal §16-5J-5 of said code; to repeal §16-5P-7 of said code; to repeal §16-42-1, §16-42-2, §16-42-3, §16-42-4, §16-42-5, and §16-42-6 of said code; to repeal §18-2J-1, §18-2J-2, §18-2J-3, §18-2J-4, §18-2J-5, §18-2J-6, and §18-2J-7 of said code; to repeal §18B-1C-3 of said code; to repeal §18B-14-11 of said code; to repeal §18B-16-6 of said code; to repeal §20-2B-2a of said code; to repeal §21-3A-10 of said code; to repeal §23-1-1a of said code; to repeal §29-12B-4 and §29-12B-5 of said code; to repeal §29-12C-1 and §29-12C-2 of said code; to repeal §31-16-1, §31-16-2, §31-16-3, and §31-16-4 of said code; to repeal §55-15-1, §55-15-2, §55-15-3, §55-15-4, §55-15-5 and §55-15-6 of said code; and to repeal §62-11E-1, §62-11E-2 and §62-11E-3 of said code, all relating to eliminating obsolete government entities; repealing article relating to the Sheriffs’ Bureau; repealing section relating to the

Clinical Laboratories Quality Assurance Advisory Board; repealing section relating to the West Virginia Council on Aging; repealing article relating to the Comprehensive Behavioral Health Commission; repealing article relating to the Governor’s Advisory Council for Educational Technology; repealing section relating to the West Virginia Consortium for Undergraduate Research and Engineering; repealing section relating to the Governor’s Commission on Graduate Study in Science, Technology, Engineering, and Mathematics; repealing section relating to the West Virginia Rural Health Advisory Panel; repealing section relating to the Ohio River Management Fund Advisory Board; repealing section relating to the Occupational Safety and Health Review Commission; repealing section relating to the Workers’ Compensation Board of Managers; repealing sections relating to the Medical Malpractice Advisory Panel; repealing article relating to the Patient Injury Compensation Plan Study Board; repealing article relating to the Steel Advisory Commission; repealing article relating to the West Virginia Alternative Dispute Resolution Commission; and repealing article relating to the Sexually Violent Predator Management Task Force”; to the Committee on Government Organization.

By Delegates Kelly, Rowan, Pasdon, Westfall, Border, Statler, Azinger, Romine, A. Evans, Zatezalo and Sobonya:

H. B. 2102 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-1-10, relating to prohibiting the sale of United States flags or West Virginia flags unless manufactured in the United States; and providing criminal penalty”; to the Committee on the Judiciary.

By Delegates Howell, Hamrick, Householder, Statler, Walters, Arvon, Blair, Kessinger, Border, Zatezalo and Weld:

H. B. 2103 - “A Bill to amend and reenact §30-1-5 and §30-1-6 of the Code of West Virginia, 1931, as amended, all relating generally to boards of examination and registration; providing for public access websites for complaints against certain licensees, and requiring certain

boards of examination or registration to conduct nationwide criminal background checks on all applicants for license or registration and renewal”; to the Committee on Government Organization then Finance.

By Delegates Arvon, Kessinger, Cooper, Householder, Marcum, Sobonya, Rowan, Border, Ellington, Campbell and Miller:

H. B. 2104 - “A Bill to repeal §47-19-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §47-19-1, §47-19-3, §47-19-4, §47-19-5 and §47-19-7 of said code; and to amend and reenact §60A-4-403a of said code, all relating to drug paraphernalia; terminating the Tax Commissioner’s authority to issue business licenses to sell paraphernalia for use with controlled substances; revoking licenses previously issued by the Tax Commissioner; clarifying the definition of drug paraphernalia; requiring the continued retention of transaction records after the revocation of licensed authority; rule-making authority; providing for enhanced penalties; effective date; criminal offense elements; and criminal penalties”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Anderson, Miller, Border, Kelly, R. Smith, Wagner, Williams, A. Evans, R. Phillips, Canterbury and Ireland:

H. B. 2105 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-2H-1, §19-2H-2, §19-2H-3, §19-2H-4, §19-2H-5, §19-2H-6, §19-2H-7, §19-2H-8, §19-2H-9, §19-2H-10, §19-2H-11, §19-2H-12, §19-2H-13, §19-2H-14 and §19-2H-15; to amend and reenact §19-29-2 of said code; to amend and reenact §20-1-2 of said code; and to amend and reenact §20-2-11 and §20-2-12 of said code, all relating to regulating captive cervid farming as an agricultural enterprise in this state; creating the Captive Cervid Farming Act; setting forth powers and duties of the Department of Agriculture; authorizing rule-making; setting forth duties and obligation of the Commissioner of the Department of Agriculture; establishing an application process; permitting the issuance, renewal,

modification and transfer of a license certificate; requiring the inspection of facilities; permitting the transition of current facilities; providing for noncompliance with article; and establishing remedies and criminal penalties”; to the Committee on Agriculture and Natural Resources then Finance.

By Delegates Gearheart, J. Nelson, Cowles, Ellington, Folk, Frich, Hamrick, Hill, Householder, Moffatt and Shott:

H. B. 2106 - “A Bill to repeal §24-2F-3, §24-2F-4, §24-2F-5, §24-2F-6, §24-2F-7, §24-2F-8, §24-2F-9, §24-2F-10, §24-2F-11 and §24-2F-12 of the Code of West Virginia, 1931, as amended, all relating to the Alternative and Renewable Energy Portfolio Act”; to the Committee on Energy then the Judiciary.

By Delegates Overington, Ambler, Foster, Frich, Householder, Sobonya, Moffatt, Kelly, Rowan, Zatezalo and Butler:

H. B. 2107 - “A Bill to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating to required courses of school instruction generally; requiring the accumulation of one and one-half years of instruction in the study of the Declaration of Independence and other founding American historical documents including the Bill of Rights before high school graduation; and requiring study of the historical, political and social environments at the time these documents were generated; prohibiting study of social problems, economics, foreign affairs, the United Nations, world government, socialism or communism until basic courses in American state and local geography and history are completed; and misdemeanor penalty”; to the Committee on Education then the Judiciary.

By Delegates Howell, A. Evans, Cowles, Blair and Rowan:

H. B. 2108 - “A Bill to amend and reenact §51-2A-3 of the Code of West Virginia, 1931, as amended, relating to courts and their officers; family courts; and adding one family court judge to the twenty-third family court circuit”; to the Committee on the Judiciary then Finance.

By Delegates Howell, Rowan, Hamilton, Storch, Moffatt, Hamrick, Householder, Walters, Blair, Zatezalo and McGeehan:

H. B. 2109 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-28-1, relating to regulation of firearms, firearms accessories and ammunition”; to the Committee on the Judiciary.

By Delegates Howell, Moye, Storch, Moffatt, Hamrick, Householder, Statler, Walters, Arvon, Blair and Kessinger:

H. B. 2110 - “A Bill to amend and reenact §11-6F-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-13S-3 and §11-13S-4 of said code, all relating generally to the tax treatment of manufacturing entities generally; amending definition of manufacturing for purposes of special method for appraising qualified capital additions to manufacturing facilities for property tax purposes; amending definition of manufacturing for purposes of manufacturing investment tax credit; and the amount of credit allowed for manufacturing investment, to include small arms manufacturing”; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

By Delegates Howell, Rowan, Moffatt, Hamrick, Householder, J. Nelson, Statler, Walters, Arvon, Kessinger and A. Evans:

H. B. 2111 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-6L-1, §11-6L-2, §11-6L-3, §11-6L-4, §11-6L-5 and §11-6L-6, all relating to providing a special method for valuation of certain wireless technology property for property taxes; defining terms; providing mandated salvage valuation of certain wireless businesses’ property; specifying method for valuation of certain property; requiring initial determination by county assessors of whether certain property is subject to this article; and specifying procedure for protest and appeal of determination by county assessor”; to the Committee on the Judiciary then Finance.

By Delegates Rodighiero, Hicks, Perdue, Marcum, Reynolds, Eldridge and Moye

H. B. 2112 - “A Bill to amend and reenact §18-5D-2, §18-5D-3 and §18-5D-4 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia Feed to Achieve Act; and providing that school nutrition plans include take home meals for low income students or any student who requests take home meals”; to the Committee on Education then Finance.

By Delegates Rodighiero, Hicks, Perdue, Marcum, Reynolds, Eldridge and Moye:

H. B. 2113 - “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to personal income tax; and increasing the amount of retirement income to be excluded from the gross income of individuals receiving retirement benefits under the West Virginia Public Employees Retirement System or the West Virginia State Teachers Retirement System”; to the Committee on Pensions and Retirement then Finance.

By Mr. Speaker, Mr. Armstead, and Delegate Miley

[By Request of the Executive]:

H. B. 2114 - “A Bill to amend and reenact §11-21-9 of the Code of West Virginia, 1931, as amended, relating to updating the meaning of federal adjusted gross income and certain other terms used in the West Virginia Personal Income Tax Act; and specifying effective dates”; to the Committee on Finance.

By Mr. Speaker, Mr. Armstead, and Delegate Miley

[By Request of the Executive]:

H. B. 2115 - “A Bill to amend and reenact §11-24-3 of the Code of West Virginia, 1931, as amended, relating to updating the meaning of the term ‘federal taxable income’ and certain other terms used in the West Virginia Corporation Net Income Tax Act; and specifying effective dates”; to the Committee on Finance.

By Delegate Lane

H. B. 2116 - “A Bill to amend and reenact §3-6-5 of the Code of West Virginia, 1931, as amended, relating to elections and write-in candidates; eliminating straight ticket voting; and updating language on write-in candidates”; to the Committee on the Judiciary.

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

H. B. 2117 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-5-19b, relating to providing criminal penalties for using automated telephone calls to disseminate false, misleading or deceptive information with the intent to create panic, incite violence or cause harm during a proclaimed state of emergency or state of preparedness”; to the Committee on Veterans’ Affairs and Homeland Security then the Judiciary.

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

H. B. 2118 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-5-6a, relating to school nutrition standards during a state of emergency or state of preparedness; authorizing Governor or Legislature to temporarily suspend legislative rules establishing nutrition standards for foods and beverages served to students in public schools during a state of emergency or state of preparedness; and providing limitations”; to the Committee on Veterans’ Affairs and Homeland Security then Education.

By Delegates Howell, Moffatt, Hamrick, Householder, J. Nelson, Statler, Walters, Arvon, Blair, Kessinger and Zatezalo:

H. B. 2119 - “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.

By Delegates Howell, Householder, Hamrick, Statler, Moffatt, Walters, Blair, Kessinger, Zatezalo, Frich and Hamilton:

H. B. 2120 - “A Bill to amend and reenact §61-6-19 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §61-7-4a, all relating to endorsements to licenses to carry a concealed deadly weapon in order to authorize the grantee of an endorsement to carry a concealed pistol or revolver onto the grounds of the State Capitol Complex; providing an exception to the crime of carrying a deadly weapon onto the Capitol Complex; describing the effect and scope of an endorsement; establishing a process for application and investigation of applications; setting a fee for application; specifying grounds for the denial or revocation of an endorsement; providing for judicial review of the denial or revocation of an endorsement; and creating a special revenue account to be used to meet the costs of administering the program”; to the Committee on the Judiciary.

By Delegates Howell, Householder, J. Nelson, Hamrick, Statler, Walters, Border, Frich, Hamilton, A. Evans and McGeehan:

H. B. 2121 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §2-4-1, §2-4-2 and §2-4-3, all relating to establishing a policy for formal recognition of Indian tribes”; to the Committee on Government Organization then the Judiciary.

By Delegates Ambler, Cooper, Howell, Householder, Walters, R. Smith, Canterbury and Gearheart:

H. B. 2122 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-12-16, relating to making it illegal for anyone to photograph a corpse except

for certain legitimate purposes; and providing criminal penalties”; to the Committee on the Judiciary then Finance.

By Delegates Rodighiero, Hicks, Perdue, Marcum, Reynolds and Eldridge:

H. B. 2123 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-8-1b, relating to requiring students to attend school until the age of eighteen”; to the Committee on Education then the Judiciary.

By Delegates R. Smith, R. Phillips, Moffatt, Gearheart, Marcum, Border, D. Evans, Kessinger, Zatezalo and J. Nelson:

H. B. 2124 - “A Bill to amend and reenact §22A-2-37 of the Code of West Virginia, 1931, as amended, relating to underground coal mines; requiring maintenance of haulage roads within one thousand feet of the working face in an underground coal mine”; to the Committee on Energy.

By Delegates R. Smith, Cadle, L. Phillips, J. Nelson, Faircloth, Folk, Moffatt, Gearheart, Wagner, Marcum and Ambler:

H. B. 2125 - “A Bill to amend and reenact §22A-2-6 of the Code of West Virginia, 1931, as amended, relating to movement of mining equipment in underground coal mines; requiring that mining equipment being transported or trammed underground where energized trolley wire exists, other than ordinary sectional movement, be done by qualified personnel under supervision of a certified foreman”; to the Committee on Energy then the Judiciary.

By Delegates R. Smith, Faircloth, Folk, Moffatt, Gearheart, Wagner, Marcum, Border, D. Evans, Ambler and Kessinger:

H. B. 2126 - “A Bill to amend and reenact §22A-1A-1 of the Code of West Virginia, 1931, as amended, relating to substance abuse screening of persons certified to perform a duty in the operation of a mine by the Office of Miners’ Health, Safety and Training administration; and permitting the immediate temporary suspension, suspension or revocation of a certificate held by a certified person subject to a collective bargaining agreement until the arbitration has

concluded and the discharge upheld of a person who has tested positive for certain drugs or alcohol, refused to submit a sample for screening, possessed or submitted a substituted sample, or possessed or submitted an adulterated sample for testing”; to the Committee on Industry and Labor then the Judiciary.

By Delegates Howell, Householder, Border, Canterbury, Sobonya, R. Smith, Blair, Kessinger, Arvon, Zatezalo and Frich:

H. B. 2127 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-24-25, relating to corporation net income tax for manufacturers of medical devices; allowing taxpayers a credit against corporation net income tax in the amount of federal medical device tax paid”; to the Committee on Finance.

By Delegates Howell, Hamrick, Householder, Statler, Moffatt, Walters, Arvon, Blair, Kessinger, Border and Frich:

H. B. 2128 - “A Bill to amend and reenact §61-6-19 of the Code of West Virginia, 1931, as amended, relating to permitting those individuals who have been issued concealed weapons permits to keep loaded firearms in their motor vehicles on the state Capitol Complex grounds if the vehicles are locked and the weapons are out of normal view”; to the Committee on the Judiciary.

By Delegates Overington, Foster, Frich, Householder, Moffatt, Faircloth, Hamilton, Rowan, Espinosa, Upson and Butler:

H. B. 2129 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §1-2-2a, relating to requiring that the Redistricting Office of the Joint Committee on Government and Finance plan and propose congressional and legislative districts; providing specific criteria that the redistricting office must observe in proposing district mappings; requiring the redistricting office to advertise a proposed draft map of districts to the public; requiring the redistricting office to recommend redistricting plan to the Legislature; requiring the full Legislature to vote on plan

ratification; providing for subsequent submissions of plans and vote by Legislature; requiring that commission certify to the Secretary of State that its final proposal for district boundaries is in accordance with constitutional and legal requirements; and prohibiting certain persons from influencing or attempting to influence district mapping proposals of the redistricting office”; to the Committee on the Judiciary.

By Delegates Westfall, Pasdon, Espinosa, Hamrick, McCuskey, Stansbury, B. White and Ihle:

H. B. 2130 - “A Bill to amend and reenact §61-2-10b of the Code of West Virginia, 1931, as amended, relating to enhanced charges and penalties for assaults and batteries of law-enforcement officers and defining law-enforcement officers”; to the Committee on the Judiciary.

By Delegates Howell, J. Nelson, Statler, Moffatt, Walters, Arvon, Blair, Kessinger, Border, Zatezalo and McGeehan:

H. B. 2131 - “A Bill to amend and reenact §30-27-3 and §30-27-11a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-27-11b, all relating to shampoo assistants and persons practicing hair braiding; exempting shampoo assistants and persons practicing hair braiding from oversight and regulation by the Board of Barbers and Cosmetologists”; to the Committee on Government Organization then Finance.

By Delegates Howell, Householder, Statler, Moffatt, Arvon, Morgan, Blair, Kessinger, Border, Zatezalo and Folk:

H. B. 2132 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-8A-1, §16-8A-2, §16-8A-3, §16-8A-4, §16-8A-5, §16-8A-6, §16-8A-7, §16-8A-8, §16-8A-9, §16-8A-10 and §16-8A-11; to amend and reenact §30-27-1, §30-27-3, §30-27-6 and §30-27-11a of said code; and to amend said code by adding thereto a new section, designated §30-27-1a, all relating to barbers, cosmetologists and shampoo assistants; exempting basic barbers from licensure by the Board of Barbers and Cosmetologists; authorizing the practice of basic barbering;

establishing qualifications and requirements to practice basic barbering; establishing a basic barber permit system; establishing a basic barber apprenticeship program; establishing requirements for the operation of basic barber shops; establishing health certificate requirements for basic barbers and apprentices; requiring annual inspections of basic barber shops; limiting continuing education requirements for licensed barbers; exempting basic barbers from continuing education requirements; requiring the Board of Barbers and Cosmetologists to approve certain continuing education courses; revoking the authority of the Board of Barbers and Cosmetologists to establish a shampoo assistant permit; and revising requirements and limitations for shampoo assistants”; to the Committee on Government Organization then Finance.

By Delegates Howell, Arvon, Hill, Stansbury, Cadle, Ihle, Blair, Kessinger, Hamrick, McGeehan and R. Phillips:

H. B. 2133 - “A Bill to amend and reenact §30-27-6 of the Code of West Virginia, 1931, as amended, relating to continuing education requirements for barbers and cosmetologists; requiring the board of Barbers and Cosmetologists to approve certain continuing education courses for licensees, permittees, certificate holders and registrants”; to the Committee on Government Organization.

By Delegates Hamilton, Perry, Cadle and Rowan:

H. B. 2134 - “A Bill to amend and reenact §61-7-6 of the Code of West Virginia, 1931, as amended, relating to authorizing persons to carry handguns into a building housing a court”; to the Committee on the Judiciary.

By Delegates Hamilton, Ferro, Longstreth and Rowan:

H. B. 2135 - “A Bill to amend and reenact §17B-2-12 of the Code of West Virginia, 1931, as amended, relating to extending the expiration of driver’s licenses for active military members’ spouses”; to the Committee on Roads and Transportation then the Judiciary.

By Delegates R. Phillips, H. White, Walters, Eldridge, Marcum, Byrd, R. Smith, Reynolds, Storch, Moffatt and E. Nelson:

H. B. 2136 - “A Bill to amend and reenact §60A-4-409 of the Code of West Virginia, 1931, as amended, relating to increasing the criminal penalties for the transportation of controlled substances into the state”; to the Committee on the Judiciary then Finance.

By Delegates R. Phillips, H. White, Walters, Eldridge, Marcum, R. Smith, Reynolds, Storch, Moffatt, Sponaugle and Ashley:

H. B. 2137 - “A Bill to amend and reenact §31-20-10 of the Code of West Virginia, 1931, as amended, relating to changing the way counties pay for regional jail inmates from a per diem rate to an hourly rate”; to the Committee on the Judiciary then Finance.

By Delegates Folk, Gearheart, Householder, Howell, J. Nelson, Ireland, Faircloth, Williams, Lynch, Shott and McGeehan:

H. B. 2138 - “A Bill to amend and reenact §19-25-5 of the Code of West Virginia, 1931, as amended, relating to adding aircraft operations on private airstrips and farms to the definition of ‘recreational purpose’ for the purpose of limiting the liability of landowners”; to the Committee on the Judiciary.

By Delegates Perry, Pasdon, L. Phillips, Hamrick, Rowan, Ambler, Cooper, Espinosa, Pethtel, Romine and Longstreth:

H. B. 2139 - “A Bill to amend and reenact §18A-2-3 of the Code of West Virginia, 1931, as amended, relating to employment of retired teachers as substitutes in areas of critical need and shortage for substitutes; requiring days of retirement before instructional term employed as substitute; requiring electronic posting of vacancy; requiring preemployment submission of information to, and verification of compliance by, state board prior to submission to retirement board; resetting expiration date of provisions; and making other technical improvements”; to the Committee on Education then Finance.

By Delegates Perry, Pasdon, Hamrick, Rowan, Ambler, Cooper, Romine, Moye, Hartman and Williams:

H. B. 2140 - “A Bill to amend and reenact §18-2E-5 of the Code of West Virginia, 1931, as amended, relating to building governance and leadership capacity of county board during period of state intervention; providing flexibility on strategic plans; authorizing removal, subject to reemployment, of will and pleasure employees of the county superintendent during intervention in operation of school system; requiring during periods of intervention, county board goals and action plans for improvement and sustained success to end intervention in not more than five years; specifying minimum components of goals and action plans; requiring annual assessment and report of readiness of county to accept return and sustain improvement; requiring public hearing if determination made at fifth annual assessment the county board not ready; continued intervention allowed only after hearing; requiring continued supports as needed for three years following end of intervention; and requiring public hearing for another intervention within this three years”; to the Committee on Education then Finance.

By Delegates J. Nelson, Householder, Moffatt, Walters, R. Smith, McGeehan, Folk, Faircloth, Gearheart, Hill and D. Evans:

H. B. 2141 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-5-21, relating to air pollution control; providing that regulation of wood burning appliances is subject to the approval of the Legislature under the authority of the Tenth Amendment to the Constitution of the United States; and providing that rules relating to enforcement of performance standards for residential wood burning heaters or appliances may not become effective unless first approved by the Legislature”; to the Committee on the Judiciary.

By Delegates J. Nelson, Householder, Moffatt, Howell, Walters, Westfall, R. Smith, Folk, McGeehan, Frich and A. Evans:

H. B. 2142 - “A Bill to amend and reenact §11-5-1 of the Code of West Virginia, 1931, as amended, relating to the assessment of

personal property; exempting recreational vehicles from taxable personal property; and defining a term”; to the Committee on Roads and Transportation then Finance.

By Delegates Faircloth, Folk, R. Smith, Hamilton, Householder, Frich, A. Evans and Ireland:

H. B. 2143 - “A Bill to amend and reenact §20-2-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §20-2-42z, all relating to creating a hunting license permitting crossbow hunting; and providing rule-making authority”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates Hamilton, A. Evans, Rowan, Romine, Folk, Faircloth, Canterbury, Ferro, Lynch, Williams and Sponaule:

H. B. 2144 - “A Bill to repeal §20-2-5q and §20-2-42w of the Code of West Virginia, 1931, as amended; to amend and reenact §20-1-2 of said code; and to amend and reenact §20-2-5 and §20-2-22a of said code, all relating to permitting crossbow hunting; and defining terms”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates J. Nelson, Moffatt, Folk, McGeehan, Faircloth and Hill:

H. B. 2145 - “A Bill to amend and reenact §8-12-5a of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-7-6 and §61-7-6a of said code, all relating to exceptions to prohibitions against carrying one or more concealed deadly weapons and reciprocity agreements for licenses to carry concealed weapons; and providing that any law-abiding person twenty-one years of age or older may carry a concealed deadly weapon anywhere within the boundaries of the state, including on or within municipally owned or controlled buildings, recreation centers or properties, without first obtaining a license to carry concealed deadly weapons”; to the Committee on the Judiciary then Finance.

By Delegates J. Nelson, Miller, Hamrick, Householder, Walters, Westfall, R. Smith, McGeehan, Arvon, Gearheart and Pasdon:

H. B. 2146 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-19, relating to allowing a public school’s recognition of, and education, regarding traditional winter celebrations”; to the Committee on Education then the Judiciary.

By Delegates Folk, Hamilton, Frich, Shott, Householder, Ireland, Weld, Gearheart, Hanshaw and Azinger:

H. B. 2147 - “A Bill to amend and reenact §44A-2-7 of the Code of West Virginia, 1931, as amended, relating to appointing counsel for an alleged protected person; and requiring the circuit court to make appointments from a listing of all interested and qualified attorneys in the circuit and on a rotating basis”; to the Committee on the Judiciary.

By Delegates Gearheart, Hamrick, R. Smith, E. Nelson, Howell, Arvon, Butler, Azinger, Espinosa, Frich and Kessinger:

H. B. 2148 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17C-5D-1, §17C-5D-2, §17C-5D-3, §17C-5D-4, §17C-5D-5, §17C-5D-6, §17C-5D-7, §17C-5D-8, §17C-5D-9 and §17C-5D-10; and to amend and reenact §60-6-9 of said code, all relating to conforming the motor vehicle law of this state to the requirements of section 1405(a) of the federal Transportation Equity Act for the Twenty-first Century (23 U.S.C. §154), as amended, which requires states to enact and enforce a law that prohibits the consumption of an alcoholic beverage or the possession of an open alcoholic beverage container in the passenger area of a motor vehicle that is located on a public highway or the right-of-way adjacent to a public highway”; to the Committee on Roads and Transportation then the Judiciary.

By Delegates Folk, J. Nelson, McGeehan, Frich, Faircloth, Hamilton, A. Evans, Gearheart, Householder, Shott and Butler:

H. B. 2149 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-7-4a, relating to dangerous weapons; license to carry a concealed weapon; and providing an exemption of license information from disclosure under the West Virginia Freedom of Information Act”; to the Committee on the Judiciary.

By Delegates Howell, Hamrick, J. Nelson, Statler, Walters, Arvon, Blair, Kessinger, Weld, McGeehan and Kurcaba:

H. B. 2150 - “A Bill to amend and reenact §17C-15-34 of the Code of West Virginia, 1931, as amended, relating to motor vehicle equipment; prohibiting the modification of mufflers resulting in excessive noise levels; and providing an exception”; to the Committee on Roads and Transportation then the Judiciary.

By Delegates Perry, Pasdon, L. Phillips, Rowan, Ambler, Cooper, Espinosa, Pethel, Romine, Longstreth and Moye:

H. B. 2151 - “A Bill to amend and reenact §18-2-1 of the Code of West Virginia, 1931, as amended, relating to making the West Virginia state teacher of the year an ex officio, nonvoting member of the West Virginia Board of Education”; to the Committee on Education.

By Delegates Perry, Pasdon, L. Phillips, Hamrick, Rowan, Ambler, Espinosa, Hartman, Moye and Williams:

H. B. 2152 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-7-16, relating to prohibiting the publication of the identities of persons who have been issued licenses to carry a concealed deadly weapon”; to the Committee on the Judiciary.

By Delegates Perry, Pasdon, Hamrick, Rowan, Ambler, Espinosa, Romine, A. Evans, Hamilton, Canterbury and Moye:

H. B. 2153 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2M-1,

§16-2M-2, §16-2M-3, §16-2M-4, §16-2M-5, §16-2M-6, §16-2M-7, §16-2M-8, §16-2M-9 and §16-2M-10, all relating to abortions generally and protecting unborn children who are capable of experiencing pain by prohibiting abortion after twenty weeks post-fertilization except when the mother has a medical emergency and providing for civil remedies and remedies at law; stating legislative findings; definitions; creating felony criminal penalties; and creating a Special Revenue Fund known as the ‘West Virginia Pain-Capable Unborn Child Protection Act Litigation Fund’; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Perry, Hamilton, L. Phillips, Romine, Rowan, Moye, Longstreth, Hartman and Williams:

H. B. 2154 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10-22i; and to amend said code by adding thereto a new section, designated §18-7A-26w, all relating to providing a yearly bonus payable in July of every year starting in 2015 for retired public school teachers and state retirees”; to the Committee on Pensions and Retirement then Finance.

By Delegates Perry, Longstreth, L. Phillips, Pethel, Rowan, Moye, Hartman, Williams and Fleischauer:

H. B. 2155 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-4-1b, relating to increasing pay to teachers and service personnel over a four year period”; to the Committee on Education then Finance.

By Delegates Eldridge, R. Phillips, Marcum, Rodighiero, Moffatt, O’Neal, Campbell, H. White and Howell:

H. B. 2156 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-34a, relating to the State Board of Education; providing for the awarding of a posthumous high school diploma to parents of a high school senior who dies during the senior year; providing exceptions; and designating as ‘Todd’s Law’”; to the Committee on Education then Finance.

By Delegate Lane:

H. B. 2157 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-9-14, relating to absentee ballot fraud, intimidation of voters; and providing felony criminal penalties”; to the Committee on the Judiciary.

By Delegate Lane:

H. B. 2158 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2H-1, §5B-2H-2, §5B-2H-3, §5B-2H-4, §5B-2H-5 and §5B-2H-6, all relating to creating the Jobs Impact Statement Act; requiring that the college of business of either West Virginia University or Marshall University prepare a jobs impact statement when requested to do so for certain proposed legislation by the Governor or leader of either house of the Legislature; outlining the contents of the jobs impact statement; providing that this article does not affect the validity of legislation, restrict consideration of pending legislation or otherwise alter, amend or invalidate any rule of the Senate, the House of Delegates or joint rules of the Senate and House of Delegates; and describing the manner in which copies of the jobs impact statement shall be made available”; to the Committee on the Judiciary then Finance.

By Delegate Lane:

H. B. 2159 - “A Bill to amend and reenact §3-1-16 of the Code of West Virginia, 1931, as amended; to amend and reenact §3-4A-11a of said code; to amend and reenact §3-5-4 and §3-5-13a of said code; and to amend and reenact §51-1-1 of said code, all relating to the nonpartisan election of justices to the Supreme Court of Appeals beginning in 2016; providing for a nonpartisan judicial office on the voting ballot; and setting forth how the justices are to be selected in the primary and general elections”; to the Committee on the Judiciary then Finance.

By Delegates Rowan, Cowles, Perry, Williams, Hamilton, Anderson, Pasdon, Duke, Espinosa, Miley and E. Nelson:

H. B. 2160 - “A Bill to amend and reenact §18-9D-2, §18-9D-3, §18-9D-4c and §18-9D-16 of the Code of West Virginia, 1931, as

amended; and to amend said code by adding thereto a new section, designated §18-9D-22, all relating to making the West Virginia Schools for the Deaf and Blind eligible to participate in any and all funding administered or distributed by the West Virginia School Building Authority”; to the Committee on Education then Finance.

By Delegates Fleischauer, Pasdon, Storch, Guthrie, Border, L. Phillips, Moore, Hamilton, Sobonya, Miller and Manchin:

H. B. 2161 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-14-1, §15-14-2, §15-14-3, §15-14-4, §15-14-5 and §15-14-6; to amend and reenact §61-2-17 of said code; to amend said code by adding thereto a new section, designated §61-2-17a; to amend said code by adding thereto a new section, designated §61-2-17b; and to amend and reenact §62-1D-8 of said code, all relating to adopting the Uniform Act on Prevention of and Remedies for Human Trafficking; creating a Commission on the Prevention of Human Trafficking; requiring the public posting of hotline information in certain business and public locations; making services available to victims of human trafficking; providing victims immunity from criminal prosecution for certain crimes directly resulting from human trafficking; changing the definition of human trafficking; expanding criminal remedies and enforcement tools to combat human trafficking and allowing victims to petition the circuit court to vacate and expunge a conviction for certain crimes directly resulting from human trafficking”; to the Committee on the Judiciary then Finance.

DAILY CALENDAR

FIRST READING

Com. Sub. for H. B. 2001, Repealing portions of the Alternative and Renewable Energy Portfolio Act; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Delegate Marcum asked and obtained unanimous consent that he be added as a cosponsor of H. B. 2097, Creating the Hatfield-McCoy Regional Recreation Authority Fund.

At 11:15 A.M., the House of Delegates adjourned until 11:00 A.M., Wednesday, January 21, 2015.

WEDNESDAY, JANUARY 21, 2015

EIGHTH DAY

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

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

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

The Clerk proceeded to read the Journal of Tuesday, January 20, 2015, being the first order of business, when the further reading thereof was dispensed with and the same approved.

COMMITTEE REPORTS

Delegate Ellington, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2046, Relating to treatment for sexually transmitted diseases,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2046) was referred to the Committee on the Judiciary.

RESOLUTIONS INTRODUCED

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

By Delegates Overington, Walters, Householder, Moffatt, Butler, Frich, Gearheart, Blair, Deem, R. Phillips and Foster:

H. J. R. 9 – “Proposing an amendment to the Constitution of the State of West Virginia, amending article X thereof by adding thereto a new section, designated section five-a, relating to taxes and fees; providing that bills imposing a tax or license fee and bills increasing the effective rate of any tax levied or fee imposed may not be enacted unless two thirds of the members of each house, present and voting, vote in the affirmative for passage; numbering and designating the proposed amendment; and providing a summarized statement of the purpose of the proposed amendment”; to the Committee on the Judiciary then Finance.

By Delegates Overington, Walters, Householder, Kelly, Foster, Gearheart, Upson, Deem, R. Phillips, Shott and McGeehan:

H. J. R. 10 – “Proposing an amendment to the Constitution of the State of West Virginia, amending section nine, article III thereof, relating to prohibiting the taking of private property for private use; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on the Judiciary.

BILLS INTRODUCED

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

By Delegates Storch, E. Nelson, Howell, Pasdon, Gearheart, Ellington, Householder, Lane, Shott, Cowles and Anderson:

H. B. 2162 - “A Bill to amend and reenact §21-5-4 of the Code of West Virginia, 1931, as amended, relating to payment of employees separated from payroll before paydays; providing that employees who provide one pay period’s notice of intention to end his or her employment be paid within the next payroll cycle; and making stylistic changes”; to the Committee on the Judiciary then Finance.

By Delegates Marcum, H. White, R. Phillips, Campbell, Lynch, Fluharty, Pushkin, Sponaugle, Pethtel, Hartman and Perdue:

H. B. 2163 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-4-5c, relating to increasing salaries for school service personnel”; to the Committee on Education then Finance.

By Delegates Marcum, H. White, R. Phillips, Campbell, Pethtel, Perry, Pushkin, Lynch, Moye, Sponaugle and Perdue:

H. B. 2164 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-4-2c, relating to providing pay increases for teachers and counselors”; to the Committee on Education then Finance.

By Delegates Marcum, H. White, J. Nelson, R. Phillips, Lynch, Campbell, Byrd, Moye, Butler, Faircloth and Hartman:

H. B. 2165 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-24-22b, relating to creating a tax credit for certain businesses with more than twenty-five employees that relocate to reclaimed mountaintop removal land; providing that the credit lasts for ten years; and providing rule-making authority”; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

By Delegates Marcum, H. White, R. Phillips, Campbell, Fluharty, Faircloth, Lynch, Arvon, Sponaugle, J. Nelson and R. Smith:

H. B. 2166 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13DD-1, §11-13DD-2, §11-13DD-3, §11-13DD-4 and §11-13DD-5, all relating to providing a tax credit to coal producers who sell coal to taxpayers who increase their consumption of West Virginia coal in this state for the purpose of increasing coal production and coal related employment in West Virginia”; to the Committee on Energy then Finance.

By Delegates Marcum, H. White, R. Phillips, Campbell, Hartman, J. Nelson, Pushkin, Lynch, Moye, Faircloth and Perdue:

H. B. 2167 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-10b, relating to providing a \$500 tax credit to volunteer firefighters”; to the Committee on Finance.

By Delegates McGeehan, Faircloth, Hamrick, Folk, Hill, Perdue, Householder, Gearheart, Storch, Ihle and Shott:

H. B. 2168 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-1B-1a, relating to the West Virginia National Guard; requiring an official declaration of war or an action to call forth the state militia by the United States Congress before members of the West Virginia National Guard may be released from state control to participate in active duty combat”; to the Committee on Veterans’ Affairs and Homeland Security then the Judiciary.

By Delegate Rodighiero:

H. B. 2169 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-5-7; to amend said code by adding thereto a new section, designated §5-10-22i; and to amend said code by adding thereto a new section, designated §18-7A-26w, all relating to providing cost-of-living adjustments for certain current and former public employees generally; providing a \$1,000 cost- of -living adjustment to be paid in full by June 30, 2015; providing for selection of payment date by State Auditor; requiring payment of the cost-of-living adjustments upon authorization; providing for transfer and expenditure of funding appropriated to State Budget Office to spending units and county boards of education for payment of the cost-of-living adjustments; defining terms; providing for \$1,000 cost-of-living adjustment to certain retirees of the Public Employees Retirement System and the State Teachers Retirement System by June 30, 2015; and providing for

the pro rata distribution of the cost-of-living adjustment to certain beneficiaries”; to the Committee on Pensions and Retirement then Finance.

By Delegate Rodighiero:

H. B. 2170 - “A Bill to amend and reenact §5-16-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §5-16-27, all relating to including volunteer firefighters within the Public Employees Insurance Act and requiring the county commissions to pay either three-fourths or the full amount of premiums”; to the Committee on Banking and Insurance then Finance.

By Delegate Rodighiero:

H. B. 2171 - “A Bill to amend and reenact §20-7-22 of the Code of West Virginia, 1931, as amended, relating to rules governing the operation of motorboats on lakes; authorizing the use of motors exceeding nine horsepower; and providing the conditions that must be met”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Rodighiero:

H. B. 2172 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-2F-8a, relating to requiring facilities providing abortions to obtain parental notification or consent in writing by the parent or by a notarized parental notification or consent form; and providing penalties”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Rodighiero:

H. B. 2173 - “A Bill to amend and reenact §5-16-7 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Public Employees Insurance Act; and authorizing insurance to married workers without children at reduced rates”; to the Committee on Banking and Insurance then Finance.

By Delegates Marcum, H. White, R. Phillips, Hicks, Lynch, Moyer, Butler, Faircloth, J. Nelson, Reynolds and Eldridge:

H. B. 2174 - “A Bill to amend and reenact §60A-4-409 of the Code of West Virginia, 1931, as amended, relating to increasing criminal incarceration penalties for the transportation of controlled substances into the state”; to the Committee on the Judiciary.

By Delegate Rodighiero:

H. B. 2175 - “A Bill to amend and reenact §20-2-2 of the Code of West Virginia, 1931, as amended, relating to increasing criminal penalties for the illegal killing, taking, or possessing of certain wildlife”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates Marcum, H. White, R. Phillips, Campbell, Arvon, Hartman, J. Nelson, Reynolds, Eldridge, Moffatt and Perdue:

H. B. 2176 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-24-22b, relating to creating a tax credit for certain businesses that locate within a twenty-mile radius of a Hatfield-McCoy recreation area trail head and in the same county of that trail head; establishing variable amounts of credit; providing that the credit lasts for ten years; defining a term; and providing rule-making authority”; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

By Mr. Speaker, Mr. Armstead, and Delegate Miley

[By Request of the Executive]:

H. B. 2177 - “A Bill to repeal §15-8-1, §15-8-2, §15-8-3, §15-8-4, §15-8-5, §15-8-6, §15-8-7, §15-8-8, §15-8-9, §15-8-10, §15-8-11 and §15-8-12 of the Code of West Virginia, 1931, as amended; to repeal §16-5J-5 of said code; to repeal §16-5P-7 of said code; to repeal §16-5T-1 of said code; to repeal §16-42-1, §16-42-2, §16-42-3, §16-42-4, §16-42-5 and §16-42-6 of said code; to repeal §18-2J-1, §18-2J-2, §18-2J-3, §18-2J-4, §18-2J-5, §18-2J-6 and §18-2J-7 of said code; to repeal §18B-1C-3 of said code; to repeal §18B-14-11 of said code; to repeal

§18B-16-6 of said code; to repeal §20-2B-2a of said code; to repeal §21-3A-10 of said code; to repeal §21-3A-18 of said code; to repeal §21-3B-3 of said code; to repeal §22C-5-1, §22C-5-2, §22C-5-3, §22C-5-4, §22C-5-5, §22C-5-6, §22C-5-7 and §22C-5-8 of said code; to repeal §23-1-1a of said code; to repeal §29-12B-4 and §29-12B-5 of said code; to repeal §31-16-1, §31-16-2, §31-16-3 and §31-16-4 of said code; to repeal §33-48-2 and §33-48-3 of said code; to repeal §55-15-1, §55-15-2, §55-15-3, §55-15-4, §55-15-5 and §55-15-6 of said code; and to repeal §62-11E-1, §62-11E-2 and §62-11E-3 of said code, all relating to eliminating unnecessary, inactive, or redundant boards, councils, committees, panels, task forces and commissions; terminating the West Virginia Sheriffs' Bureau; terminating the Clinical Laboratories Quality Assurance Advisory Board; terminating the West Virginia Council on Aging; terminating the Care Home Advisory Board; terminating the Comprehensive Behavioral Health Commission; terminating the Public and Higher Education Unified Educational Technology Strategic Plan, including the Governor's Advisory Council for Educational Technology; terminating the West Virginia Consortium for Undergraduate Research and Engineering; terminating the Governor's Commission on Graduate Study in Science, Technology, Engineering, and Mathematics; terminating the West Virginia Rural Health Advisory Panel; terminating the Ohio River Management Fund Advisory Board; terminating the Occupational Safety and Health Review Commission; terminating the Occupational Safety and Health Advisory Board; terminating the Environmental Assistance Resource Board; terminating the Commercial Hazardous Waste Management Facility Siting Board; terminating the Workers' Compensation Board of Managers; terminating the State Medical Malpractice Advisory Panel; terminating the West Virginia Steel Futures Program, including the Steel Advisory Commission; terminating the West Virginia Health Insurance Plan Board; terminating the Alternative Dispute Resolution Commission; and terminating the Sexually Violent Predator Management Task Force"; to the Committee on Government Organization.

By Delegates Overington, Cadle, Butler, Householder, Faircloth, Moffatt, Kelly, Frich, R. Phillips, Rohrbach and Howell:

H. B. 2178 - “A Bill to amend and reenact §20-2-5 and §20-2-6a of the Code of West Virginia, 1931, as amended, all relating to clarifying circumstances under which a person may possess certain firearms while afield hunting or engaging in other outdoor recreational activities”; to the Committee on the Judiciary.

By Delegates Householder, Cooper, Folk, Cadle, Upson, Moffatt, Howell, Frich, Arvon, Ihle and Hill:

H. B. 2179 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-5-20, relating to providing a discount on state campground rentals for veterans”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

By Delegates Hamilton, Ferro, Ambler, Guthrie, Moye, Longstreth, L. Phillips, Sobonya, Wagner, A. Evans and Romine:

H. B. 2180 - “A Bill to repeal §47-19-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §47-19-1, §47-19-3, §47-19-4 and §47-19-5 of said code; and to amend and reenact §60A-4-403a of said code, all relating to licenses to sell paraphernalia for use with controlled substances; terminating the Tax Commissioner’s authority to issue business licenses to sell paraphernalia for use with controlled substances; revoking licenses previously issued by the Tax Commissioner; clarifying the definition of drug paraphernalia; requiring the continued retention of transaction records after the revocation of licensed authority; rule-making authority; effective date; criminal offense elements; and criminal penalties”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Householder, Cooper, Cadle, Upson, Moffatt, Howell, Folk, Frich, Arvon, Espinosa and Foster:

H. B. 2181 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-3-3a, relating to providing special outdoor recreational opportunities for eligible veterans and members of the Armed Forces; limiting access to the recreational area; and authorizing rule-making”; to the Committee on Agriculture and Natural Resources then Finance.

By Delegate Shott:

H. B. 2182 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §6-9-13, relating to examination of Potomac Highlands Airport Authority accounts by Chief Inspector and Tax Commissioner; authorizing Legislative Auditor to conduct performance and financial audits of the authority; requiring authority to cooperate; prohibiting the processing of state and local payments to the authority when it does not cooperate in the conduct of the examination of the accounts, or in the performance or financial audits”; to the Committee on Government Organization then Finance.

By Delegate Rodighiero:

H. B. 2183 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-4-22, relating to salary increase for school personnel”; to the Committee on Education then Finance.

By Delegates McGeehan, Folk, J. Nelson and Householder:

H. B. 2184 - “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”; to the Committee on Education.

By Delegates Householder, Cooper, Cadle, Upson, Moffatt, Folk, Frich, Arvon, Ihle, Hill and Fast:

H. B. 2185 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17A-3-14a, relating to authorization for veterans vanity registration plates for motorcycles”; to the Committee on Roads and Transportation then Finance.

By Delegates Gearheart, Ambler, Canterbury, Cooper, Householder, Hamrick, R. Smith, Faircloth, Espinosa and Storch:

H. B. 2186 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-6a, relating to auditing the Division of Highways”; to the Committee on Government Organization then Finance.

By Delegates Overington, Hanshaw, Gearheart, Frich, Sobonya, Householder, Moffatt, Kelly, Rowan, Butler and Cadle:

H. B. 2187 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-6-17, relating to public buildings and encouraging public officials to prominently display the national motto on all public property, public buildings and all buildings designed, constructed and maintained with public funds from the state, a county or a municipality”; to the Committee on Government Organization then Finance.

By Delegates Gearheart, Householder, R. Smith and Storch:

H. B. 2188 - “A Bill to amend and reenact §18-8-4 of the Code of West Virginia, 1931, as amended, relating to compulsory school attendance; and providing that five unexcused occasions on which a student is tardy for school may equal one unexcused absence”; to the Committee on Education then the Judiciary.

By Delegates Gearheart, Householder and R. Smith:

H. B. 2189 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-14a,

relating to permitting counties to adopt certain ordinances relating to dogs and cats; including legislative findings; granting county commissions authority to adopt ordinances to provide for the proper restraint of dogs and the spaying and neutering of dogs and cats; including permissible ordinance provisions; authorizing penalties for violations; providing authority of humane officers; giving authority to county commissions to adopt an ordinance upon approval by referendum; and specifying applicability of ordinances to municipalities”; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Gearheart, Householder, R. Smith, Faircloth and Storch:

H. B. 2190 - “A Bill to amend and reenact §29-22B-702 of the Code of West Virginia, 1931, as amended, relating to removing limitations on advertising and promotional activities by limited video lottery retailers”; to the Committee on the Judiciary.

By Delegates Gearheart, Householder, R. Smith, Faircloth and Storch:

H. B. 2191 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §62-11G-1, §62-11G-2, §62-11G-3, §62-11G-4, §62-11G-5, §62-11G-6 and §62-11G-7, all relating to creating a pilot work/incarceration prison; providing a short title; specifying offenders who are eligible to participate; establishing one work/incarceration prison; authorizing the Division of Corrections to propose rules for the operation and reporting of the work/incarceration prison; allowing a reduction in the sentence of an offender sentenced to the work/incarceration prison; providing that a serious violation of the rules result in an additional sentence; specifying a suggested appropriation; allowing the admittance of offenders from other counties; and requiring the evaluation of the work/incarceration prison”; to the Committee on the Judiciary then Finance.

By Delegates Gearheart, Cooper, Ambler, Householder, R. Smith, Faircloth, Espinosa and Storch:

H. B. 2192 - “A Bill to amend and reenact §11-14C-2 and §11-14C-9 of the Code of West Virginia, 1931, as amended, all relating to exempting heating oil for residential use from the Motor Fuel Excise Tax”; to the Committee on Energy then Finance.

By Delegates Gearheart, Householder, R. Smith, Faircloth and Espinosa:

H. B. 2193 - “A Bill to amend and reenact §17-16A-11 of the Code of West Virginia, 1931, as amended, relating to providing the Parkways Authority with the power to issue \$500 million worth of bonds to finance the construction of the King Coal Highway once West Virginia Turnpike tolls are removed”; to the Committee on Roads and Transportation then Finance.

By Delegates Gearheart, R. Smith and Storch:

H. B. 2194 - “A Bill to amend and reenact §18-9D-15 and §18-9D-16 of the Code of West Virginia, 1931, as amended, all relating to the School Building Authority; eliminating local participation in funding school construction projects and the associated limited funding reserve; eliminating certain regional planning activities when evaluating proposed construction projects; eliminating the requirement of a county board’s efforts in school bond issues being a consideration when evaluating proposed projects; eliminating the requirement that counties receive explanations detailing the authority’s decision concerning the funding of projects; requiring funds awarded by the School Building Authority must be consistent with the evaluation report of the School Building Authority; and declaring certain documents related to funding consideration to be public documents and available to the public upon request”; to the Committee on Education then Finance.

By Delegates Gearheart, Cooper, Householder, R. Smith, Faircloth and Espinosa:

H. B. 2195 - “A Bill to amend and reenact §21-11-3 of the Code of West Virginia, 1931, as amended, relating to changes to the

definition of electrical contractor”; to the Committee on Industry and Labor then Government Organization.

By Delegates Marcum, H. White, J. Nelson, R. Phillips, Lynch, Campbell, Pushkin, Byrd, Moye, Arvon and Hartman:

H. B. 2196 - “A Bill to amend of the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17A-3-14a, relating to authorizing the Division of Motor Vehicles to issue special Hatfield-McCoy Trail license plates”; to the Committee on Roads and Transportation then Finance.

By Delegates Sponaugle and Campbell:

H. B. 2197 - “A Bill to amend and reenact §51-2A-6 of the Code of West Virginia, 1931, as amended, relating to removing the compensation caps entirely for secretary-clerks and case coordinators in the family court system and allowing the Administrative Director of the Supreme Court of Appeals to set the salary of those employees”; to the Committee on the Judiciary then Finance.

By Delegates Sponaugle, Perry, Pethel and Longstreth:

H. B. 2198 - “A Bill to amend and reenact §18-7A-13a of the Code of West Virginia, 1931, as amended, relating to permitting teachers under the State Teachers Retirement System to teach college level courses without loss of retirement annuity or benefits”; to the Committee on Pensions and Retirement then Finance.

By Delegates Hamilton, Ferro, Lynch, L. Phillips, Guthrie, Longstreth, A. Evans, Wagner, Statler, Kurcaba and Romine:

H. B. 2199 - “A Bill to amend and reenact §33-3-33 of the Code of West Virginia, 1931, as amended, relating to the surcharge on fire and casualty insurance policies; providing that the surcharge be increased to one percent; and providing that the surcharge be used solely for volunteer fire departments”; to the Committee on Banking and Insurance then Finance.

By Delegates Shott, Lane, McCuskey, Manchin and Fleischauer:

H. B. 2200 - “A Bill to amend and reenact chapter forty-nine of the Code of West Virginia, 1931, as amended, all relating to revising, rearranging, consolidating and recodifying the laws of the State of West Virginia relating to child welfare; and removing outdated language and to comply with court rulings concerning child welfare”; to the Committee on the Judiciary then Finance.

Delegate Rodighiero asked and obtained unanimous consent that he be added as a cosponsor of H. B. 2097, Creating the Hatfield-McCoy Regional Recreation Authority Fund.

DAILY CALENDAR

SECOND READING

Com. Sub. for H. B. 2001, Repealing portions of the Alternative and Renewable Energy Portfolio Act; on second reading, coming up in regular order, was read a second time.

Delegates Pushkin, Hornbuckle and Campbell moved to amend the bill on page one, line twelve, following the enacting clause, by inserting the following:

“ARTICLE 2F. ALTERNATIVE AND RENEWABLE ENERGY PORTFOLIO STUDY.

§24-2F-1. Economic Impact Study on repeal of Alternative and Renewable Energy Incentives.

The Governor shall direct a study of the impacts of repeal of this Article by a institution administered by the West Virginia Higher Education Policy Commission, including but not limited to any state college or university, West Virginia University, or Marshall University, a review of H. B. 2001 for the purpose of preparing an Economic Impact Statement. The Economic Impact Statement shall address the effect of H. B. 2001 on the economy of the State of West

Virginia including, but not limited to, the effect of the legislation on employment, job creation or reduction in the coal industry including the impact of loss of incentives to developing alternative uses of coal in power generation, and the impact on other power generating resources in this state. The statement shall include the names of those persons who participated in the drafting of the statement, including the time spent preparing the statement. The institution shall also make available a lead author of the statement or other qualified representative of the institution to discuss the statement with any committee of the House in which the legislation was referred. Any institution that produces this statement, shall conduct a follow-up study two and five years following enactment of the legislation to analyze the long term economic impacts of the legislation. It shall be the responsibility of the Speaker to obtain any requested Economic Impact Statement, which shall be based on generally accepted methodology.”

Delegate Cowles arose to a point of order as to the germaneness of the amendment.

To the point of order the Speaker replied, stating that the object of the bill was to repeal sections of code and the amendment added a new section to the bill seeking to amend the code, therefore the amendment was not germane to the fundamental purpose of the bill.

Delegates Caputo and Hornbuckle then moved to amend the bill on page one, line twenty-one, following the period, by inserting the following:

“§18C-1-6. Tuition and fees for state resident coal miners to receive training at state community colleges.

(a) Any resident of this state who has been employed as a coal miner for ten years or more, and has been laid off from the industry for three or more years in the last ten year period, is eligible to receive a scholarship for tuition and fees at any accredited community and technical college in the state to be retrained in another skill or profession.

(b) The Higher Education Policy Commission shall promulgate rules establishing eligibility and guidelines for unemployed or underemployed coal miners as defined in subsection (a) to attend any accredited community and technical college in the state for two years as a full time student or a longer period as a part time student to receive an education in a trade, technical field or other profession. The Higher Education Policy Commission may prescribe criteria for eligibility for payment of tuition and fees. The offer of scholarship is contingent upon appropriations being made by the Legislature for the express purpose of this section. A resident unemployed or underemployed coal miner deemed to be eligible pursuant to subsection (a) of this section and the rules of the Higher Education Policy Commission, may receive payment for only one certificate, associate degree, or other certificate provided at an approved accredited community and technical college pursuant to this section.

(c) For any eligible coal miner who is participating in the PROMISE Scholarship program provided in article seven of this chapter, the rules of the Commission may pay directly to the recipient an amount equal to the amount of tuition and fees which otherwise would have been paid to the school.”

Delegate Cowles arose to a point of order as to the germaneness of the amendment.

To the point of order the Speaker replied, again stating that the fundamental purpose of the bill was to repeal sections of code and the amendment created a new program in another section of code, therefore the amendment was not germane to the fundamental purpose of the bill.

There being no further amendments, the bill was ordered to engrossment and third reading.

FIRST READING

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

Com. Sub. for H. B. 2025, Prohibiting certain sex offenders from loitering within one thousand feet of a school or child care facility,

And,

H. B. 2201, Requiring the Public Service Commission to adopt certain net metering and interconnection rules and standards.

At 11:45 A.M., the House of Delegates adjourned until 11:00 A.M., Thursday, January 22, 2015.

THURSDAY, JANUARY 22, 2015

NINTH 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 Wednesday, January 21, 2015, being the first order of business, when the further reading thereof was dispensed with and the same approved.

COMMITTEE REPORTS

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

Your Committee on Government Organization has had under consideration:

H. B. 2028, Relating generally to purchasing,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 2028) was referred to the Committee on the Judiciary.

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

Your Committee on Government Organization has had under consideration:

H. B. 2015, Requiring the Legislative Auditor to conduct performance reviews and audits for every government spending unit, including all members of the Board of Public Works and the Legislature,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 2015) was referred to the Committee on Finance.

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

Your Committee on Government Organization has had under consideration:

H. B. 2103, Relating generally to boards of examination and registration,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 2103) was referred to the Committee on Finance.

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. 2002, Predicating actions for damages upon principles of comparative fault,

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

Com. Sub. for H. B. 2002 - “A Bill to repeal §55-7-13 and §55-7-24 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto four new sections, designated §55-7-13a, §55-7-13b, §55-7-13c and §55-7-13d, all relating to predicated actions for damages upon principles of comparative fault; establishing the comparative fault standard; abolishing joint liability and implementing several liability; establishing how to consider the fault of nonparties; establishing how to consider the fault of, and the amounts paid by, settling parties; providing for the use of special interrogatories; clarifying fault may be imputed to another person who was acting as an agent or servant of another; allowing the assessment of a percentage of fault for failing to take reasonable precautionary measures that were available; providing for the burden of proof and limitations; and defining terms,”

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 and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 1 - “A Bill to repeal §24-2F-1, §24-2F-2, §24-2F-3, §24-2F-4, §24-2F-5, §24-2F-6, §24-2F-7, §24-2F-9, §24-2F-10, §24-2F-11 and §24-2F-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §24-2F-8 of said code, relating to the Alternative and Renewable Energy Portfolio Act; allowing customer-generators to transfer accrued net meter credits to that utility’s nonprofit that provides relief to customers in need of financial assistance; and providing definitions”; which was referred to the Committee on Energy 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

S. B. 3 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-27, relating to liability of possessor of real property for harm to a trespasser”; which was referred to the Committee on the Judiciary.

RESOLUTIONS INTRODUCED

Delegates R. Phillips, Eldridge, Marcum and Moffatt offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 3 - “Requesting the Division of Highways to name the bridge on Route 119/5, Mile 4.05, bridge number 23-119/5-4.05 (23A-259) (37.75856, -82.04788), locally known as Right Fork Pine Creek Box Beam in Logan County, the ‘Balentine Brothers Memorial Bridge’.”

WHEREAS, Paul H. Balentine was born on March 22, 1943 in Omar, Logan County, West Virginia; Phillip D. Balentine was born on January 19, 1945 in Omar, Logan County, West Virginia, the sons of Paul Balentine and Georgia Perry Balentine. They were educated in Logan County schools; and

WHEREAS, Paul H. Balentine served honorably in the United States Navy, ending his active service in 1965 while serving on the USS Wood CTY IST1178, while his brother, Phillip D. Balentine served honorably in the United States Marine Corps in Vietnam and ended his active service in 1968; and

WHEREAS, Naming that bridge on Route 119/5, Mile 4.05, bridge number 23-119/5-4.05 (23A-259) (37.75856, -82.04788), locally known as Right Fork Pine Creek Box Beam in Logan County, the “Balentine Brothers Memorial Bridge” is an appropriate recognition of

their contributions to their country, state, community and Logan County; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the bridge on Route 119/5, Mile 4.05, bridge number 23-119/5-4.05 (23A-259) (37.75856, -82.04788), locally known as Right Fork Pine Creek Box Beam in Logan County, the “Balentine Brothers 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 “Balentine Brothers 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 Paul H. Balentine, his brother Phillip D. Balentine and their families.

Delegates R. Phillips, Eldridge, Marcum and Moffatt offered the following resolution, which was read by its title and referred to the Committee on Road and Transportation then Rules:

H. C. R. 4 - “Requesting the Division of Highways to name the bridge on Route 14, bridge number 23-14-0.20 (23A369) latitude 37.81184, longitude -81.93115 in Logan County, locally known as Rum Creek CSX Overpass, the ‘US Army PFC Clarence Allen Mooney Memorial Bridge’.”

WHEREAS, US Army Private First Class Clarence Allen Mooney was born on November 8, 1944; and

WHEREAS, US Army Private First Class Clarence Allen Mooney was a member of Company A, 3rd Battalion, 39 Infantry, 9th Infantry Division; and

WHEREAS, US Army Private First Class Clarence Allen Mooney was killed in action on March 16, 1967 in Rach Kien, Vietnam and is buried in the Ward Cemetery in Ward, West Virginia; and

WHEREAS, US Army Private First Clarence Allen Mooney was awarded the Republic of Vietnam Military Merit, the Republic of Vietnam Gallantry Cross and the Purple Heart; and

WHEREAS, It is only fitting that we name this bridge to honor US Army Private First Class Clarence Allen Mooney having made the ultimate sacrifice; therefore, be it

Resolved by the West Virginia Legislature:

That the Legislature hereby requests the Division of Highways to name the bridge on Route 14, bridge number 23-14-0.20 (23A369) latitude 37.81184, longitude -81.93115 in Logan County, locally known as Rum Creek CSX Overpass, the “US Army PFC Clarence Allen Mooney Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “US Army PFC Clarence Allen Mooney 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 US Army Private First Class Clarence Allen Mooney’s sister, Ann F. Porter.

Delegates Marcum, R. Phillips, H. White, Eldridge, Reynolds, Perdue, Hartman, Sponaugle, Moffatt, Rodighiero and Hicks offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 5 - “Requesting the Division of Highways to name the bridge known as the Dempsey Bottom Bridge in Dempsey, Mingo

County, bridge number 30-65/75-0.01 (30A280), as the ‘Fredrick Dempsey Bridge’.”

WHEREAS, Fredrick Dempsey was born February 7, 1925; and

WHEREAS, Fredrick Dempsey grew up during the Great Depression and helped support his family by working as a janitor at his grade school; and

WHEREAS, Fredrick Dempsey was a Navy Seabee, serving in the 7th Battalion, 3rd Platoon, Company B, and honorably discharged on December 5, 1945; and

WHEREAS, Fredrick Dempsey came home and married Waville Baisden, and together they have shared the joy of three children, six grandchildren and twelve great-grandchildren; and

WHEREAS, Fredrick Dempsey spent forty-two and a half years working in the machine shop and driving emergency vehicles for the Island Creek Coal Company; and

WHEREAS, Fredrick Dempsey serves as a deacon and Sunday school teacher in his church; and

WHEREAS, It is fitting to honor Fredrick Dempsey’s life and service to his country and God by naming the Dempsey Bottom Bridge after him; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Division of Highways to name Dempsey Bottom Bridge in Dempsey, Mingo County, bridge number 30-65/75-0.01 (30A280), as the “Fredrick Dempsey Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “Fredrick Dempsey 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 Fredrick Dempsey and his relatives.

Delegates R. Smith and Williams offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 6 - "Requesting the Division of Highways to name bridge number 39-7-26.83 (39A194), locally known as Corinth Railroad Overpass, carrying WV 7 over CSX RAILROAD in Preston County, the 'Army Air Force SGT Everett Wayne "Bud" Sell Memorial Bridge'."

WHEREAS, Everett Wayne "Bud" Sell, a native of Preston County, graduated from Terra Alta High School in 1943 and enlisted in the U. S. Army Air Force; and

WHEREAS, Sergeant Everett Wayne "Bud" Sell, in July of 1944, left for Europe and was stationed in Italy, a member of the 773rd Bombardment Squadron; and

WHEREAS, Sergeant Sell participated in his first combat mission on August 17, 1944 as left waist gunner aboard the "Holey Joe"; and

WHEREAS, Sergeant Sell completed two more successful missions with his crewmates on two different planes; and

WHEREAS, On Sergeant Sell's fourth mission, the crew was ordered to jettison as much equipment as possible from the plane; and

WHEREAS, According to reports of his surviving crew members, Sergeant Sell attempted to dislodge the turret so as to eliminate any further damage to the plane; and

WHEREAS, In his attempts to force the turret out, Sergeant Sell became entangled and was lost when it finally came free; and

WHEREAS, The remains of Sergeant Everett Wayne “Bud” Sell have never been found although attempts to do so continue to this day; and

WHEREAS, The name of Sergeant Everett Wayne “Bud” Sell is listed on the America Memorial located just outside Rome, Italy; and

WHEREAS, It is fitting and proper that Sergeant Everett Wayne “Bud” Sell be remembered and acknowledge for his courageous action and dedicated service to his country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 39-7-26.83 (39A194), locally known as Corinth Railroad Overpass, carrying WV 7 over CSX RAILROAD in Preston county, the “Army Air Force SGT Everett Wayne ‘Bud’ Sell Memorial Bridge”; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge the “Army Air Force SGT Everett Wayne ‘Bud’ Sell Memorial Bridge”; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Commissioner of the Division of Highways.

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

H. C. R. 7- “Requesting the Division of Highways to name bridge number 41-1-24.51 (41A009) on Maple Fork Road where it connects with Cirtsville Road in Raleigh County, the ‘Kenneth A. Chapman, Sr. Memorial Bridge’.”

WHEREAS, Kenneth A. Chapman, Sr. was born September 17, 1956, a son of the late Clarence and Pearl Chapman; and

WHEREAS, Kenneth A. Chapman, Sr. was raised on Maple Fork Road in Raleigh County along with his ten brothers and two sisters; and

WHEREAS, Kenneth A. Chapman, Sr. was a third generation coal miner who followed his father and grandfather into the mines; and

WHEREAS, Kenneth A. Chapman, Sr. was tragically killed on April 5, 2010, along with 28 other miners in the Upper Big Branch mine explosion; and

WHEREAS, Kenneth A. Chapman, Sr. was a devoted family man who always had a smile on his face, and who enjoyed hunting, fishing and working in his garden; and

WHEREAS, Kenneth A. Chapman, Sr. was preceded in death by three brothers, Billy, Robert, and Clarence Chapman, and two sisters-in-law, Carol Chapman and Joyce Chapman; and those left to cherish his loving memory include his wife, Laura Chapman; children by his first marriage, Donna Griffith and husband, Matthew, Vicky Williams and husband, Richard, Kenny Chapman, Jr. and wife, Deniese; a son by his second marriage, Michael Austin Chapman; his other children, Jason McMillion, Carol Massey, and Jubal McMillion and wife, Sarah; brothers and sisters, Charles Chapman and wife, Grace, Glen Chapman and wife, Judy, Dennis Chapman and wife, Gaye, Henry Chapman and wife, Theresia, Larry Chapman and wife, Betty, Linda Frye and husband, Ronnie, Breanda Bailey and husband, Glenn, Jimmy Chapman and wife, Brenda, Ronnie Chapman and wife, Lisa; and numerous grandchildren, nieces, nephews and extended family; and

WHEREAS, Kenneth A. Chapman, Sr. not only loved his family, he loved his job because it was in his blood and he felt like he was making a contribution to “help keep the lights on” for all of us; and

WHEREAS, It is only fitting that we name this bridge on Maple Fork Road to honor Kenneth A. Chapman, Sr., where he lived all his life and is now buried; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 41-1-24.51 (41A009) on Maple Fork Road where it connects with Cirtsville Road in Raleigh County, the “Kenneth A. Chapman, Sr. Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “Kenneth A. Chapman, Sr. 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 to Kenneth A. Chapman’s sister, Breanda Chapman Bailey, and family.

Delegates R. Phillips, Eldridge, Marcum and Moffatt offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 8 - “Requesting the Division of Highways to name a section of road on State Route 10, running through Man, Logan County, from the intersection of State Route 10 and State Route 80 to the intersection of State Route 10 and County Route 16, the ‘U.S. Air Force Staff Sergeant William Henry “Bill” Whitman Memorial Highway’.”

WHEREAS, Staff Sergeant William Henry “Bill” Whitman was born in Lorado, West Virginia, on March 6, 1930 to Elbert Allen and Nawassa Craddock Whitman; and

WHEREAS, Staff Sergeant William Henry “Bill” Whitman attended Man High School, where he lettered in football and graduated in 1947.

He then attended Greenbrier Military Academy and Marshall College in Huntington, West Virginia; and

WHEREAS, William Henry “Bill” Whitman enlisted in the United States Air Force on October 10, 1950. After completing training at Lackland Air Force Base, Texas, he was stationed at Yokota Air Base in Japan as a crew member of a B-29A Superfortress Bomber with the 345th Bomber Squadron, 98th Bomber Wing. On November 19, 1952, after completing a successful bomb run on Sonchon, North Korea, his aircraft was badly damaged by an enemy MiG. His crew bailed out a half mile north of Cho-do, North Korea. He was listed as Missing in Action and was presumed dead on November 20, 1953. His remains were not recovered; and

WHEREAS, Staff Sergeant William Henry “Bill” Whitman was awarded the Air Medal, the Purple Heart, the Korean Service Medal, the United Nations Service Medal, the National Defense Service Medal, the Korean Presidential Unit Citation and the Republic of Korea War Service Medal; and

WHEREAS, It is fitting that an enduring memorial be established to commemorate his service and ultimate sacrifice to his country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a section of road on WV Route 10, running through Man on WV Route 10, Logan County, the “U.S. Air Force Staff Sergeant William Henry ‘Bill’ Whitman Memorial Highway.”; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the section of road containing bold and prominent letters proclaiming the road the “U.S. Air Force Staff Sergeant William Henry ‘Bill’ Whitman Memorial Highway”; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Commissioner of the Division of Highways and to the family of the late Staff Sergeant William Henry “Bill” Whitman.

Delegates L. Phillips, Arvon, R. Phillips, Rodighiero, H. White and B. White offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 9 - “Requesting the Division of Highways to name bridge number 55-54-1.44, locally known as the Winding Gulf Bridge, carrying WV Route 54 over Slab Fork in Wyoming County, the ‘U.S. Air Force Lt. Col. John Richard “Toots” Wilcox Memorial Bridge’.”

WHEREAS, Lt. Col. John Richard “Toots” Wilcox was born in Wyco, West Virginia, on August 19, 1930 to John Manual Wilcox and Nona Morefield Wilcox; and

WHEREAS, Lt. Col. John Richard “Toots” Wilcox attended Mullens High School, where he graduated in 1949. He also attended Concord College, where he graduated with a Bachelor of Arts degree in Business Education in 1956. He continued his education at West Virginia University, where he obtained a Master of Arts in Educational Administration and was a member of the Irwin Stewart Society; and

WHEREAS, Lt. Col. John Richard “Toots” Wilcox served his country in three branches of the military. He joined the United States Marine Corps and fought in the Korean War. He also served in the United States Army and the United States Air Force in the West Virginia Air National Guard 130th Airlift Wing, in Charleston, West Virginia, from which he retired as a Lieutenant Colonel in 1985; and

WHEREAS, Lt. Col. John Richard “Toots” Wilcox began working for the Wyoming County Board of Education as a teacher at Herndon High School in 1956, where he also held the positions of Guidance Counselor, Basketball Coach, and Assistant Principal. He also worked

for the Wyoming County Board of Education's Central Office, where he held the positions of Transportation Director, Maintenance Director, and Associate Superintendent of Schools, before retiring after 33 years of service in 1989; and

WHEREAS, Lt. Col. John Richard "Toots" Wilcox wed Carolyn Louise McConihay in 1981, and was happily married for thirty-two years. He had one daughter, Joni Wilcox McKinney, that preceded him in death; and

WHEREAS, Lt. Col. John Richard "Toots" Wilcox was active in his community. He served on the Board of Directors of First Peoples Bank, owned and operated Mullens Dairy Queen for fifty-seven years, served as Vice President of the Dairy Queen Northeastern Store Owners Association, and was one of four founders of WPMW, C92 radio station in Mullens, West Virginia; and

WHEREAS, Lt. Col. John Richard "Toots" Wilcox was a member of the American Legion, Masonic Lodge, Loyal Order of the Moose, and the Veterans of Foreign Wars; and

WHEREAS, Lt. Col. John Richard "Toots" Wilcox died May 23, 2014; and

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

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 55-54-1.44, located on West Virginia Route 54 in Mullens, West Virginia, carrying WV Route 54 over Slab Fork and locally known as the Winding Gulf Bridge, the "U.S. Air Force Lt. Col. John Richard 'Toots' Wilcox Memorial Bridge"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge

containing bold and prominent letters proclaiming the bridge the “U.S. Air Force Lt. Col. John Richard ‘Toots’ Wilcox Memorial Bridge”; and, be it

Further Resolved, That the Clerk of the House of Delegates, forward a certified copy of this resolution to the Commissioner of the Division of Highways and to the family of the late Lt. Col. John Richard “Toots” Wilcox.

Delegates R. Phillips, Eldridge, Marcum and Moffatt offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 10 - “Requesting the Division of Highways to name the newly-constructed bridge, number 23-10-19.39 (23A365), (37.840439, -81.975997), locally known as the Guyandotte River Bridge, carrying WV Route 10 over the Guyandotte River in Logan County, the ‘US Navy LCDR Helen Elizabeth Peck Memorial Bridge’.”

WHEREAS, Helen Elizabeth Peck was born on August 28, 1910, in Logan, WV, as one of six children of John Edwin and Minerva Peck, whose American lineage extends back to the time of the Revolutionary War; and

WHEREAS, Helen Elizabeth Peck attended and graduated from Marshall University with a major concentration in elementary education and mathematics, and subsequently earned her West Virginia teaching certificate; and

WHEREAS, Helen Elizabeth Peck became a teacher in Logan County schools and then, during World War II, was commissioned as a Lieutenant in the Women's Reserve of the US Navy; and

WHEREAS, Lieutenant Helen Elizabeth Peck served for nearly four years at the hydrographic office with Central Naval Operations in Washington, D.C., where she worked with LORAN navigation, which was a top secret project at that time; and

WHEREAS, After completing her active duty, Helen Elizabeth Peck, continued service in the Naval Reserve where she attained the rank of Lieutenant Commander; and

WHEREAS, She returned to teaching in Logan County schools, where she worked in various positions at the elementary and junior high school levels, including a period as principal of an elementary school, until her retirement in her early seventies; and

WHEREAS, Lieutenant Commander Helen Elizabeth Peck was, apart from her period of active duty in military service, a lifelong resident of Logan County; and

WHEREAS, It is only fitting that we name this bridge in Lieutenant Commander Helen Elizabeth Peck's name to acknowledge her many years of service to her nation, her students and her community; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the newly-constructed bridge, number 23-10-19.39 (23A365) (37.840439, -81.975997), locally known as the Guyandotte River Bridge, carrying WV Route 10 over the Guyandotte River in Logan County, the "US Navy LCDR Helen Elizabeth Peck Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "US Navy LCDR Helen Elizabeth Peck 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 to the family of Lieutenant Commander Helen Elizabeth Peck.

Delegates R. Phillips, Eldridge, Marcum and Moffatt offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 11 - “Requesting the Division of Highways to name the Rossmore By-Pass starting at Rossmore and running to Monaville on Route 119/42, in Logan County, the ‘1st Sgt. Carl J. Crabtree Memorial Road’.”

WHEREAS, Carl J. Crabtree was born on November 8, 1917 in Branchland, Lincoln County, West Virginia. He was raised and educated in Logan County and worked there until he enlisted in the military on August 27, 1940. He served in WW II in the 325 Glider Infantry Regiment 82nd Airborne Division as a 1st Sergeant. He was wounded on June 8, 1944, in France and was a prisoner of war. His decorations and citations included the American Defense, American Theater, Good Conduct, Purple Heart, European African Middle Eastern Theater Ribbon with 1 Bronze Star, Distinguished Unit Badge, Croix De Guerre, Belgium Fourragere and Victory Medal. Carl J. Crabtree served honorably in the United States Army, ending his active service on May 24, 1946. Returning to Logan County and Rossmore, he raised a family and was employed among other occupations in the coal mines. Carl J. Crabtree died on December 6, 2004, survived by three daughters, Connie Herndon of Switzer, West Virginia, and Janet Cook and Carolyn Greene of Rossmore, West Virginia. He was preceded in death by his wife and a daughter, Patricia Molnar; and

WHEREAS, Naming the Rossmore By-Pass starting at Rossmore and running to Monaville on Route 119/42, in Logan County, the “1st Sgt. Carl J. Crabtree Memorial Road” is an appropriate recognition of his contributions to his country, state, community and Logan County; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the Rossmore By-Pass starting at Rossmore and running to Monaville on

Route 119/42, in Logan County, the “1st Sgt. Carl J. Crabtree Memorial Road”; and, be it

Further Resolved, That the Division of Highways is requested to have made and be placed signs identifying the road as the Rossmore By-Pass starting at Rossmore and running to Monaville on Route 119/42, in Logan County, the “1st Sgt. Carl J. Crabtree Memorial Road”; 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 Connie Herndon, Janet Cook and Carolyn Greene, the surviving daughters of 1st Sgt. Carl J. Crabtree, and their families.

Delegates R. Phillips, H. White, Eldridge and Moffatt offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 12 - “Requesting the Division of Highways to name the bridge on County Route 44 in Logan County, bridge number 23-44-11.44 (23A309), latitude 37.78883, longitude -81.99244, locally known as the Switzer Monty Bro Bridge, the ‘US Army SP4 Lawrence Mendez, Jr. Bridge’.”

WHEREAS, US Army SP4 Lawrence Mendez, Jr. was born on September 29, 1949 to Lorenzo Mendez and Gertrude Lett Mendez; and

WHEREAS, US Army SP4 Lawrence Mendez, Jr. has lived almost his entire life in Logan County, and after graduating from Logan Senior High School in 1967 he married his high school sweetheart Mary L. Contreras and they have a daughter, Dr. Tamara M. Montgomery; and

WHEREAS, US Army SP4 Lawrence Mendez, Jr. was inducted into the US Army on May 15, 1969 and after completing all required

training was awarded the Military Occupational Specialty (MOS) 11B Light Weapons Infantryman, serving in Vietnam from October 15, 1969 through October 13, 1970 with Company C 1st Battalion, 196th Light Infantry Brigade of the Americal Division; and

WHEREAS, US Army SP4 Lawrence Mendez, Jr. was honorably discharged on May 14, 1971, having been awarded The National Defense Service Medal, The Good Conduct Medal, The Republic of Vietnam Campaign Medal, The Vietnam Service Medal, with four bronze service stars, The Army Commendation Medal, The Bronze Star Medal, The Combat Infantryman Badge and The Republic of Vietnam Gallantry Cross, with Palm and 2 Unit Citations; and

WHEREAS, US Army SP4 Lawrence Mendez, Jr. now makes his home in Omar, West Virginia with his wife Mary Contreras Mendez and has worked in the coal mining industry for 32 years, starting as a general laborer in 1971, holding several positions from electrician, section foreman, mine foreman and superintendent for different coal mining companies; and

WHEREAS, In October 2003, US Army SP4 Lawrence Mendez, Jr. accepted an appointment with the United States Department of Labor, Mine Safety and Health Administration as a Federal Coal Mine Inspector and is presently a Coal Mine Inspector Supervisor in District 12 at the Logan Field Office; and

WHEREAS, It is only fitting that we name this bridge to honor US Army SP4 Lawrence Mendez, Jr.; therefore, be it

Resolved by the West Virginia Legislature:

That the Legislature hereby requests the Division of Highways to name the bridge on County Route 44 in Logan County, bridge number 23-44-11.44 (23A309), latitude 37.78883, longitude -81.99244, locally known as the Switzer Monty Bro Bridge, the 1st Sgt. US Army SP4 Lawrence Mendez, Jr. Bridge; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “US Army SP4 Lawrence Mendez, Jr. 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 to US Army SP4 Lawrence Mendez, Jr.

Delegates R. Phillips, Moffatt, Eldridge and Marcum offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 13 - “Requesting the Division of Highways to name bridge number 23-44-4.86 (23A105), locally known as Crystal Block Concrete Bridge, carrying WV44 over Island Creek in Logan County, the ‘MSgt Johnny Baxter Clark and MSgt Carl Richard (Dick) Clark Memorial Bridge’.”

WHEREAS, Johnny Baxter Clark and Carl Richard (Dick) Clark, were sons of Carl Aubrey Clark and Garnette Louise Rice Clark, of Logan County; and

WHEREAS, Both brothers attended Pine Creek, Switzer, Omar and Logan High School; and

WHEREAS, The brothers had a sister, Rheba Jayne Clarke Browning; and

WHEREAS, Both brothers have been recognized for distinguished service with the United States Air Force, each having reached the rank of Master Sergeant; and

WHEREAS, Johnny Baxter Clark was born August 5, 1934, in Naugatuck, West Virginia, and died April 2, 2004, in Colorado; and

WHEREAS, Master Sergeant Johnny Baxter Clark served one tour of duty in Vietnam and two tours in Thailand; and

WHEREAS, Johnny Baxter Clark was awarded the Air Force Commendation Medal, Armed Forces Expeditionary Medal, National Defense Service Medal, Vietnam Service Medal with one Oakleaf Cluster, Air Force Outstanding Unit Award with One Oakleaf Cluster, Republic of Vietnam Campaign Medal, Republic of Vietnam Gallantry Cross, Air Force Good Conduct Medal with one Silverleaf and One Oakleaf Cluster, Air Force Longevity Service Award Ribbon with One Silverleaf Cluster, and NCOAG Ribbon; and

WHEREAS, Master Sergeant Johnny Baxter Clark, at the time of retirement from the Air Force, was cited for loyal and dedicated performance with the 37th Equipment Maintenance Squadron; and

WHEREAS, Carl Richard (Dick) Clark was born July 21, 1938 in Delbarton, West Virginia, and died May 22, 2013, in Florida; and

WHEREAS, Carl Richard (Dick) Clark served as an aircraft maintenance technician in Vietnam and was retired from the Air Force November 30, 1978 after serving more than twenty-one years; and

WHEREAS, It is fitting and proper that the military service to country of these brothers be recognized by a memorial in their home community; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 23-44-4.86 (23A105), locally known as Crystal Block Concrete Bridge, carrying WV44 over Island Creek in Logan County, the 1stSgt. MSgt. Johnny Baxter Clark and MSgt. Carl Richard (Dick) Clark Memorial Bridge; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge the 1st Sgt. MSgt. Johnny Baxter Clark and MSgt. Carl Richard (Dick) Clark Memorial Bridge”, and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Commissioner of the Division of Highways.

Delegates R. Phillips, Eldridge, Marcum and Moffatt offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 14 - “Requesting the Division of Highways to name bridge number 23-10/19-0.01 (23A221), locally known as the Logan Vo-Tech Bridge, carrying County Route 10/19 over the Guyandotte River in Logan County, West Virginia the ‘James Earl Pelfrey Memorial Bridge’.”

WHEREAS, James Earl Pelfrey of Cyclone, West Virginia, was born February 2, 1949 at Man, West Virginia, the son of Nell (Jerry) Taddes of Tom’s River, New Jersey and the late James Edward Pelfrey; and

WHEREAS, James Earl Pelfrey is survived by a widow, Gladys M. Pelfrey and Son Jason Tye, and sisters Barbara Carratozzole of Barnegat, New Jersey and Denise Taddes of Florham Park, New Jersey; and

WHEREAS, James Earl Pelfrey was a member of the Davin Baptist Church in Logan County, West Virginia; and

WHEREAS, James Earl Pelfrey spent his youth with his grandparents, Lon and Emma Gibson of Bruno, West Virginia; and

WHEREAS, James Earl Pelfrey was inducted into the United States Army March 19, 1969 and served in Vietnam; and

WHEREAS, Pvt. James Earl Pelfrey was award the National Defense Service Medal, Vietnam Campaign Medal, Vietnam Service Medal, Army Commendation Medal and the Combat Infantryman’s Badge; and

WHEREAS, James Earl Pelfrey died July 5, 2014; and

WHEREAS, The bridge leading to the Ralph R. Willis Career and Technical Center in Logan County would be a fitting memorial to James Earl Pelfrey; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 23-10/19-0.01 (23A221), locally known as the Logan Vo-Tech Bridge, carrying County Route 10/19 over the Guyandotte River in Logan County, West Virginia, the 1st Sgt. James Earl Pelfrey Memorial Bridge”; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge the 1st Sgt. James Earl Pelfrey Memorial Bridge”; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Commissioner of the Division of Highways.

Delegates R. Phillips, Eldridge, Marcum and Moffatt offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 15 - “Requesting the Division of Highways to name a portion of Route 119/91 from Mud Fork Road to County Route 73 in Logan County, the ‘US Marine Corps GySgt. Lionel Collins Memorial Road’.”

WHEREAS, US Marine Corps Gunnery Sergeant Lionel Collins was born on January 8, 1936, in Verdunville, West Virginia to Russia Vance Collins and Ora Collins and passed away on August 3, 2014; and

WHEREAS, US Marine Corps Gunnery Sergeant Lionel Collins was a 20 year veteran, serving in New River, North Carolina from 1953 to

1956, in Quantico, Virginia from 1956 to 1958, in Japan from 1958 to 1960, from 1960 to 1965 in Cherry Point, North Carolina, from 1965 to 1967 in Vietnam, returning to Cherry Point in 1967 and again serving in Vietnam from 1969 to 1970 and in El Toro, California from 1970 to 1972; and

WHEREAS, During his 20 years of loyal service, US Marine Corps Gunnery Sergeant Lionel Collins was awarded the National Defense Service Medal, the Good Conduct Medal with five Stars, the Vietnamese Cross of Gallantry with Palm, the Vietnamese Service Medal with four Stars, the Air Medal with Bronze, the Air Medal Strike, the Republic of Vietnam Campaign Medal, the National Presidential Unit Citation and the Vietnam Civil Action Unit Citation; and

WHEREAS, US Marine Corps Gunnery Sergeant Lionel Collins was also an Expert in Rifles and Pistols and had his Air Crew Wings and retired after 20 years of loyal service with a 50% disability; and

WHEREAS, After leaving the service, US Marine Corps Gunnery Sergeant Lionel Collins worked at Oasis (the water fountain company) in Columbus from 1973 to 1976, FEMA from 1977 to 1983 and the Buffalo Creek Apartments from 1983 until his final retirement in 1988; and

WHEREAS, US Marine Corps Gunnery Sergeant Lionel Collins was a commander in the American Legion, a district commander in the Veterans of Foreign Wars, a life member of the Vietnam Veterans of America, a Local Detachment Commandant in the Marine Corps League, a charter member of the Danny M. Greene League Detachment and a member of the Devil Dogs; and

WHEREAS, It is only fitting that we name this road in honor of US Marine Corps Gunnery Sergeant Lionel Collins; therefore, be it

Resolved by the West Virginia Legislature:

That the Legislature hereby requests the Division of Highways to name that portion of the road on Route 119/91 from Mud Fork Road to County Route 73 in Logan County, the 1st Sgt. US Marine Corps GySgt. Lionel Collins Memorial Road; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs, in both directions, identifying the road, as the “US Marine Corps GySgt. Lionel Collins Memorial Road”; 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, US Marine Corps Gunnery Sergeant Lionel Collins’ widow, Karen Collins, and his six children, Lionel Barry Collins, Tammy Shawn Marcum, David T. Collins, Kimberly Dawn Collins, Steven Bryan Collins and Joy Lynn Queen.

Delegates R. Phillips, Eldridge, Marcum and Moffatt offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 16 - “Requesting the Division of Highways to name the bridge on County Route 80 over Huff Creek in Logan County, bridge number 23-80-5.66 (23A089), latitude 37.73012, longitude -81.87272, locally known as the Huff Junction Beam Span, the ‘US Army Cpl. F. Lee Noel Memorial Bridge’.”

WHEREAS, US Army Cpl. F. Lee Noel was born on April 14, 1928 in Wilsendale in Wayne County to E. R. Noel, Sr. and Vacey Ann Marcum Noel and died on September 3, 2014; and

WHEREAS, US Army Cpl. F. Lee Noel graduated in 1948 from Lenore High School where he lettered in basketball; and

WHEREAS, US Army Cpl. F. Lee Noel was inducted into the US Army on December 5, 1950, served in the 3rd Armored Division, the Korean Conflict and was honorably discharged on November 14, 1956; and

WHEREAS, US Army Cpl. F. Lee Noel was employed for Island Creek Coal Company as a heavy equipment operator for 41 years and owned the Pic Pac grocery stores in Man and Justice; and

WHEREAS, US Army Cpl. F. Lee Noel served as an Elder, Trustee, Sunday School Superintendent and the Choir in the Man Church of God during his nearly 50 years of membership; and

WHEREAS, US Army Cpl. F. Lee Noel was the bass singer in the Evangeleers Quartet, was a member of the Lions Club at Man for over 25 years and loved golfing with his family; and

WHEREAS, US Army Cpl. F. Lee Noel is survived by his wife of nearly 60 years, Billie Redmond Noel, two children, Nancy (Ron) Lemon and Norman (Danita) Noel, four grandchildren and four great-grandchildren; and

WHEREAS, It is only fitting that we name this bridge to honor US Army Cpl. F. Lee Noel; therefore, be it

Resolved by the West Virginia Legislature:

That the Legislature hereby requests the Division of Highways to name the bridge on County Route 80 over Huff Creek in Logan County, bridge number 23-80-5.66 (23A089), latitude 37.73012, longitude -81.87272, locally known as the Huff Junction Beam Span, the 1st Sgt. US Army Cpl. F. Lee Noel Memorial Bridge; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “US Army Cpl. F. Lee Noel 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, US Army Cpl. F. Lee Noel’s wife, Billie Redmond Noel and his two children, Nancy Lemon and Norman Noel.

Delegates R. Phillips, Eldridge, Marcum and Moffatt offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 17 - “Requesting the Division of Highways to name bridge number 23-12-0.05 (23A057) (37.87210, -81.98544), locally known as Peach Creek Bridge, carrying CR-12 over Guyandotte River in Logan county, the ‘U.S. Air Force SSgt. Bethel Howard McNeely and U.S. Marines SSgt. Clyde Elmo Bryant Bridge’.”

WHEREAS, Staff Sergeant Bethel Howard McNeely was born on January 1, 1922 at Peach Creek, West Virginia, the son of Manny and Mary McNeely of Peach Creek; and

WHEREAS, Staff Sergeant Bethel Howard McNeely was raised in Logan County and enlisted in the Air Force in September of 1942. He served with the 94th Bomb Group 333rd Bomb Squadron from September of 1942 until October of 1945, as a Tail Gunner on a B-17 Flying Fortress; and

WHEREAS, During this time, Staff Sergeant Bethel Howard McNeely flew on twenty-six missions into Germany and enemy-occupied territory; and

WHEREAS, Staff Sergeant Bethel Howard McNeely was awarded the Presidential Unit Citation Distinguished Flying Cross, Air Medal with Three Oak Leaf Clusters, the Air Offensive Europe with Battle Star and the European, African and Middle East Theater Ribbons; and

WHEREAS, Upon returning home, Staff Sergeant Bethel Howard McNeely worked for C&O Railroad until he retired in 1985. Today he resides at Crooked Creek in the home where he raised seven children. His wife was a long time employee of the Logan County Board of Education, serving in the Payroll Office; and

WHEREAS, Staff Sergeant Bethel Howard McNeely is a member of the Crooked Creek Church of Christ and much loved in the community; and

WHEREAS, United States Marine Staff Sergeant Clyde Elmo Bryant enlisted in the service during World War II, in Bridgeport, Connecticut, when he heard of the attack on Pearl Harbor; and

WHEREAS, After training at Cherry Point and Paris Island, Staff Sergeant Clyde Elmo Bryant was assigned to the Third Marine Division and shipped off to the Pacific. He made beachhead landings at Guam, Bougainville and Iwo Jima, as well as on other smaller islands; and

WHEREAS, Staff Sergeant Clyde Elmo Bryant was loading wounded Marines for transfer off the Island of Iwo Jima when the famous flag raising photo was taken by Joe Rosenthal; and

WHEREAS, Staff Sergeant Clyde Elmo Bryant was awarded the Presidential Unit Citation Award and Ribbon Bar for service on Guam, the Asiatic-Pacific Campaign Medal and the Victory Medal; and

WHEREAS, Staff Sergeant Clyde Elmo Bryant returned home to Logan County at the end of World War II, married Lila Evelyn Wilson and took up residence at Crooked Creek. He raised his four children on Crooked Creek; and

WHEREAS, Staff Sergeant Clyde Elmo Bryant was a watchmaker and jeweler and operated several businesses in the City of Logan. He was a leader in the Crooked Creek Church of Christ and in many other community organizations. He was a 32 degree Mason; and

WHEREAS, In 1962, Staff Sergeant Clyde Elmo Bryant was again called to duty as a squad leader and Sergeant 1st class in the 150th Armored Cavalry when the West Virginia National Guard was called up during the 1st Sgt. Cuban Missile Crisis; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 23-12-0.05 (23A057) (37.87210, -81.98544) the 1st Sgt. U.S.

Air Force SSgt. Bethel Howard McNeely and U.S. Marines SSgt. Clyde Elmo Bryant Bridge; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge the 1st Sgt. U.S. Air Force SSgt. Bethel Howard McNeely and U.S. Marines SSgt. Clyde Elmo Bryant 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 Transportation, to the family of Howard McNeely and to the family of the late Clyde Bryant.

Delegates R. Phillips, Marcum, Eldridge and Moffatt offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 18 - "Requesting that bridge number 23-14-0.05 (23A368) at latitude 37.80975 and longitude 81.93394, locally known as Rum Creek Connector over Guyandotte River, carrying County Route 14 over Guyandotte River and CSX RR in Logan County, be named the 'Betty Jo DeLong Memorial Bridge'."

WHEREAS, Betty Jo Chambers DeLong, the daughter of coal miner Harry Chambers and postmaster Geraldine Lowe Chambers, attended Dehue-Chambers Grade School, in Dehue, Logan County, West Virginia; and

WHEREAS, Betty Jo Chambers was a Golden Horseshoe winner; and

WHEREAS, Betty Jo Chambers graduated from Logan High School in Logan County; and

WHEREAS, Miss Chambers married Don Thomas DeLong from Lyburn, West Virginia, and the couple had two children, Donnetta

Rainwater, a teacher at Logan Middle School, and Donald Rex Delong, owner of Eastern Petroleum; and

WHEREAS, Betty Jo Delong's brothers and sisters include Donna Lou Hipshire, Dorothy Young, Grover Chambers, Thelma Willis Eplin, Harry Chambers, Gerri Ball, Cora Tooley and Alice Price; and

WHEREAS, Betty Jo Delong was proud of the Chambers family's long association with the Rum Creek area; and

WHEREAS, At one time the Chambers family owned property reaching from Rum Creek to Lowe's Mountain; and

WHEREAS, Betty Jo Delong worked at several jobs in Logan County but later in her career was employed at the Logan County Court House, where she worked in the record room and was in charge of the deed books; and

WHEREAS, Betty Jo Delong is still remembered for updating the county's system of obtaining deeds and land proposals; and

WHEREAS, Betty Jo Delong worked tirelessly to help members of her community, especially the elderly; and

WHEREAS, Betty Jo Delong assisted with the visit to Logan County of John F. Kennedy when he was a presidential candidate; and

WHEREAS, Betty Jo Delong died of cancer at the age of 42; and

WHEREAS, At the time of her death, all offices of the courthouse were closed out of respect for Betty Jo Delong's service to the many people of Logan County; and

WHEREAS, It is fitting that an enduring memorial be established in the name of Betty Jo Delong in an area where she and her family have for so long been a part of the fabric of the community; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 23-14-0.05 (23A368) at latitude 37.80975 and longitude 81.93394, locally known as Rum Creek Connector over Guyandotte River, carrying County Route 14 over Guyandotte River and CSX RR in Logan County, the “Betty Jo Delong Memorial Bridge”; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge the “Betty Jo Delong Memorial Bridge”; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Commissioner of the Division of Highways.

Delegates R. Phillips, Marcum, Eldridge and Moffatt offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 19 - “Requesting the Division of Highways to name the Section of US Route 16 from the Donald J. Bragg Memorial Bridge to the intersection of County Route 14 in Logan County, the ‘U.S. Army SGT Bobby Ray Adkins Memorial Highway’.”

WHEREAS, Bobby Ray Adkins, a native of Amersdale, served as a U.S. Army Sergeant in the Vietnam War. He began his tour in Vietnam on May 4, 1969.

WHEREAS, Sergeant Bobby Ray Adkins was killed in battle on June 24, 1969 in Binh Duong, South Vietnam, by multiple fragmentation wounds.

WHEREAS, It is fitting that an appropriate memorial recognizing this soldier’s service and sacrifice be established in the area where he lived; therefore be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the portion of the Section of US Route 16 from the Donald J. Bragg Memorial Bridge to the intersection of County Route 14 in Logan County, the 1st Sgt. U.S. Army SGT Bobby Ray Adkins Memorial Highway”; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the designated highway containing bold and prominent letters proclaiming that portion of US Route 16 from the Donald J. Bragg Memorial Bridge to the intersection of County Route 14 in Logan County the “US Army SGT Bobby Ray Adkins Memorial Highway”; and, be it

Further Resolved, That the Clerk of the House is hereby directed to forward a certified copy of this resolution to the Secretary of Transportation, the Commissioner of Highways, and the family of the late Bobby Ray Adkins.

Delegates L. Phillips, Arvon, R. Phillips, Rodighiero, H. White and B. White offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 20 - “Requesting the Division of Highways to name U. S. Route 54/6 in Wyoming County the ‘Virginia & U. S. Army Major Woodrow Cook Memorial Road’.”

WHEREAS, Virginia Cook was born on August 25, 1918, in Mullens, Wyoming County, to Bob and Gertrude Wildey. She graduated from Mullens High School in 1935 as the salutatorian of her class and then became a West Virginia University Mountaineer in 1937. Virginia returned to her beloved native town, married Woodrow Cook at the Presbyterian Church in August, 1940, and served as an inspirational home economics teacher for over thirty-three years at

Mullens High School. Woodrow Cook was an educated and dedicated citizen, who served five years in the United States Army during WWII, where he attained the rank of Major. He became a successful businessman and served as Mayor of Mullens for eight years and on the Wyoming County Commission for eighteen years; and

WHEREAS, Virginia and Woodrow Cook continued their outstanding public service to Wyoming County and the City of Mullens following their retirements. Virginia Cook, since the death of Woodrow has continued to remain a passionate and community-minded woman, including establishing an endowment at the Beckley Area Foundation for the beautification of Mullens for future generations. The contributions of these two community leaders and loyal West Virginians should not go unnoticed and should be remembered; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name U. S. Route 54/6 in Wyoming County the “Virginia & U. S. Army Major Woodrow Cook Memorial Road”; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to create signs at both ends of the highway proclaiming this roadway to be the “Virginia & U. S. Army Major Woodrow Cook Memorial Road”; and, be it

Further Resolved, That the Clerk of the House is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways, to the Wyoming County Commission and to Mrs. Virginia Cook and her children, Barbara Cook Bean and Lucinda Cook Chagnon.

BILLS INTRODUCED

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

By Delegates Rowan, Romine, Pasdon, Duke, Perry, Moye, Ambler, Butler, Pethtel, Cooper and D. Evans:

H. B. 2202 – “A Bill to amend and reenact §18-20-5 of the Code of West Virginia, 1931, as amended, relating to more equitable disbursement of funds to county boards to lessen budgetary impact of serving high cost/high acuity special needs students; eliminating requirement to annual review of rules, policies and standards and federal law and report to legislative oversight commission; defining high cost/high acuity special needs; and providing for method of fund disbursement”; to the Committee on Education then Finance.

By Delegates Rowan, L. Phillips, Miller, Sobonya, P. Smith, Border, Arvon and Storch:

H. B. 2203 - “A Bill to amend and reenact §61-2-17 of the Code of West Virginia, 1931, as amended, relating to human trafficking; redefining the parameters for the offense of human trafficking; civil remedies; and penalties”; to the Committee on the Judiciary.

By Delegates Howell, Walters, Storch, Hill, J. Nelson, Kelly, Wagner, Canterbury, Stansbury, Zatezalo and Butler:

H. B. 2204 - “A Bill to amend and reenact §11-14C-9 of the Code of West Virginia, 1931, as amended, relating to eliminating the motor fuels tax on heating oil for residential use by eligible seniors”; to the Committee on Senior Citizen Issues then Finance.

By Delegates Howell, Stansbury, Ambler, Cooper, Miller, Faircloth, Zatezalo, Blair, Statler, Wagner and McGeehan:

H. B. 2205 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-8F-1 and §61-8F-2, all relating to prohibited sexual contact by psychotherapists; creating the crime of prohibited sexual contact by a psychotherapist and the crime of therapeutic deception; providing elements of the crime; providing exceptions; providing definitions; and providing criminal penalties”; to the Committee on the Judiciary then Finance.

By Delegates Overington, Householder, McCuskey, Cowles, Espinosa, Gearheart, Walters, Folk, Foster, Azinger and Blair:

H. B. 2206 - “A Bill to repeal §21-5A-1, §21-5A-2, §21-5A-3, §21-5A-4, §21-5A-5, §21-5A-6, §21-5A-7, §21-5A-8, §21-5A-9, §21-5A-10 and §21-5A-11 of the Code of West Virginia, 1931, as amended; to amend and reenact §5D-1-5 of said code; to amend and reenact §7-11B-14 of said code; to amend and reenact §7-20-22 of said code; to amend and reenact §11-13Q-9 of said code; to amend and reenact §18-5-9a of said code; to amend and reenact §25-7-4 of said code; and to amend and reenact §31-15A-15 of said code, all relating to repealing the requirement of paying prevailing hourly rate of wages for construction of public improvements”; to the Committee on Industry and Labor then the Judiciary.

By Delegates Byrd, Trecost, Rowe, Pushkin, Fluharty, Guthrie, McCuskey, B. White, Sponaugle, Reynolds and Stansbury:

H. B. 2207 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17-2E-1, §17-2E-2, §17-2E-3, §17-2E-4, §17-2E-5, §17-2E-6 and §17-2E-7, all relating to the to the guidelines that the West Virginia Commissioner of Highways must follow in establishing the list of priorities for the construction, reconstruction, repair and maintenance of state roads and highways”; to the Committee on Roads and Transportation then Finance.

By Delegates McGeehan, Hamrick, Faircloth, Cowles, Folk, Zatezalo, J. Nelson and Householder:

H. B. 2208 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-2-16, relating to local smoking restrictions; ensuring that only government officials elected by voters to serve on county commissions will have the power to regulate smoking and creating a process by which local boards of health may make formal recommendations for smoking ordinances to county commissions”; to the Committee on Political Subdivisions then Government Organization.

By Mr. Speaker, Mr. Armstead, and Delegate Miley

[By Request of the Executive]:

H. B. 2209 - “A Bill to repeal §16-29H-1, §16-29H-2, §16-29H-3, §16-29H-4, §16-29H-5, §16-29H-6, §16-29H-7, §16-29H-8, §16-29H-9, and §16-29H-10 of the Code of West Virginia, 1931, as amended, relating to the Governor’s Office of Health Enhancement and Lifestyle Planning”; to the Committee on Government Organization.

By Mr. Speaker, Mr. Armstead, and Delegate Miley

[By Request of the Executive]:

H. B. 2210 - “A Bill to amend and reenact §5-16B-1 and §5-16B-2 of the Code of West Virginia, 1931, as amended, all relating to transferring the Children’s Health Insurance Program and Children’s Health Insurance Agency from the Department of Administration to the Department of Health and Human Resources; providing for the orderly transfer of functions, funds and accounts; and clarifying the definition of Children’s Health Insurance Agency”; to the Committee on Health and Human Resources then Government Organization.

By Mr. Speaker, Mr. Armstead, and Delegate Miley

[By Request of the Executive]:

H. B. 2211 - “A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating to the sales tax exemption for certain sales of materials acquired for use in a highway construction or maintenance project; specifying elimination for the fiscal year beginning July 1, 2014, of the refundable exemption for the sales of construction and maintenance material acquired by a second party for use in the construction or maintenance of a highway project, with retroactive effect for the elapsed portion of that fiscal year”; to the Committee on Roads and Transportation then Finance.

By Mr. Speaker, Mr. Armstead, and Delegate Miley

[By Request of the Executive]:

H. B. 2212 - “A Bill to amend and reenact §31-15A-16 of the Code of West Virginia, 1931, as amended, relating to dedication of severance tax proceeds to the West Virginia Infrastructure General Obligation

Debt Service Fund; specifying reduction of the amount of severance tax proceeds dedicated to the West Virginia Infrastructure General Obligation Debt Service Fund”; to the Committee on Finance.

By Mr. Speaker, Mr. Armstead, and Delegate Miley

[By Request of the Executive]:

H. B. 2213 - “A Bill to amend and reenact §29-22-18d of the Code of West Virginia, 1931, as amended, relating to reducing the distributions to the West Virginia Infrastructure Fund to \$30 million for fiscal year 2016 and increasing the percentage of funds available for grants therefrom”; to the Committee on Finance.

By Delegates Hamrick, Howell, Gearheart, R. Phillips, Waxman, Cadle, McGeehan, Faircloth, Folk, J. Nelson and Hamilton:

H. B. 2214 - “A Bill to amend and reenact §20-2-28 of the Code of West Virginia, 1931, as amended, relating to permitting the resident lineal descendants of landowners to hunt, trap or fish on that resident landowner’s property without a license”; to the Committee on Agriculture and Natural Resources then Finance.

By Delegates Householder, Ellington, Butler, Cooper, Espinosa, Frich, Hill, Ihle, Sobonya, Summers and Waxman:

H. B. 2215 - “A Bill to amend of the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-49-1, §33-49-2, §33-49-3 and §33-49-4, all relating to the West Virginia Health Benefit Exchange; defining terms; requiring certain information to be disclosed to the public; establishing patient protections; requiring annual reports and giving rule-making authority”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Ellington, Householder, Arvon, Cooper, Faircloth, Hill, Kurcaba, Overington, Sobonya, Summers and Waxman:

H. B. 2216 - “A Bill to repeal §33-16G-2, §33-16G-3, §33-16G-4, §33-16G-5, §33-16G-6, §33-16G-7, §33-16G-8 and §33-16G-9, of the

Code of West Virginia, 1931, as amended; and to amend and reenact §33-16G-1, of said code, relating to a state-based health benefit exchange”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Overington, Walters, Cowles, Upson, Blair, Espinosa, Deem, R. Phillips, Shott, R. Smith and Sobonya:

H. B. 2217 - “A Bill to amend and reenact §21-1-2 of the Code of West Virginia, 1931, as amended, relating to qualifications of the Commissioner of Labor; removing language that the commissioner be identified with labor interests of the state; and requiring identification with employee issues”; to the Committee on Industry and Labor then Government Organization.

By Delegates Householder, Cadle, Moffatt, Folk, Ihle, Hill, Statler, Butler, Gearheart, Kurcaba and Foster:

H. B. 2218 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §4-14-1, §4-14-2 and §4-14-3, all relating to creating the Budget Reform Act; making legislative findings; requiring spending cuts in state government; and establishing an effective date”; to the Committee on Finance.

By Delegates Householder, Moffatt, Folk, Frich, Ihle, Hill, Statler, Butler, Gearheart, McGeehan and Sobonya:

H. B. 2219 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17B-7-1, relating to prohibiting West Virginia from participating in the REAL ID Act of 2005 enacted by the United States Congress in Public Law 109-13”; to the Committee on the Judiciary then Finance.

By Delegates Householder, Cooper, Gearheart, Cadle, Howell, Folk, Frich, Fast, Ihle, Hill and Statler:

H. B. 2220 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-1A-6, relating to creating a requirement for the Governor to itemize

consulting fees; and providing a limit on those fees”; to the Committee on Government Organization then Finance.

By Delegates Householder, Cooper, Cadle, Upson, Moffatt, Howell, Frich, Ihle, Hill, Fast and Statler:

H. B. 2221 - “A Bill to amend and reenact §20-5-18 of the Code of West Virginia, 1931, as amended, relating to providing that a valid West Virginia identification card is an acceptable form of identification to establish age and residency for purposes of obtaining a campground rental discount at state parks or forests for persons over the age of sixty-two”; to the Committee on Agriculture and Natural Resources then Finance.

By Delegates Hamilton, Ferro, Frich, Guthrie, Moye, Longstreth, Lynch, A. Evans, Kurcaba and Sobonya:

H. B. 2222 - “A Bill to amend and reenact §5-10-52 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Public Employees Retirement Act; and the manner of calculating benefits for certain members of the Legislature”; to the Committee on Pensions and Retirement then Finance.

By Delegates Walters and Frich

[By Request of the Division of Banking]:

H. B. 2223 - “A Bill to amend and reenact §31-17-1 and §31-17-8 of the Code of West Virginia, 1931, as amended, all relating to including consumer credit sales that are secured by a mortgage, deed of trust or other equivalent consensual security interest on a dwelling or residential real estate in the definitions of ‘primary mortgage loan’ and ‘subordinate mortgage loan’; and providing an exception to the prohibition of balloon payments and further extending the exception to the ban on loans greater than one hundred percent LTV for loan modifications or refinancing loans done through and in compliance with government programs or litigation settlements”; to the Committee on Banking and Insurance then Finance.

By Delegates Howell, Manchin, Rowan, Storch, Canterbury, Stansbury, Zatezalo, Butler, D. Evans, Ambler and Cooper:

H. B. 2224 - “A Bill to amend and reenact §15-1F-7 of the Code of West Virginia, 1931, as amended, relating to unlawful military organizations; and providing that historical reenactors are not violating the provision prohibiting unlawful military organizations”; to the Committee on Veterans’ Affairs and Homeland Security then the Judiciary.

By Delegates Gearheart, Hill, J. Nelson, Kelly, Wagner, Stansbury, Canterbury, Zatezalo, Butler, D. Evans and Howell:

H. B. 2225 - “A Bill to amend and reenact §17C-15-17 of the Code of West Virginia, 1931, as amended, relating to roof-mounted off-road light bar lighting devices; eliminating the requirement that such lighting devices be covered when vehicles are operated on roads and highways and allowing owners of vehicles to install or use such lighting devices without obtaining approval from the Commissioner of Highways”; to the Committee on Roads and Transportation then the Judiciary.

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

H. B. 2226 - “A Bill to amend and reenact §11-24-43a of the Code of West Virginia, 1931, as amended, relating to dedication of corporation net income tax proceeds to railways; specifying that dedication of corporation net income tax proceeds to railways expires and is null and void on and after July 1, 2015”; to the Committee on Finance.

By Delegates L. Phillips, Eldridge, Gearheart, Moffatt, J. Nelson, H. White, Guthrie, Rowe, Marcum, Perdue and Hornbuckle:

H. B. 2227 - “A Bill to amend and reenact §29-27-1, §29-27-2, §29-27-3, §29-27-4, §29-27-5 and §29-27-6 of the Code of West Virginia, 1931, as amended, all relating to the National Coal Heritage

Area Authority; expanding the number of member counties; increasing number of members and providing for appointments by county commissions rather than the Governor; providing for chairperson appointed by and serving at the will and pleasure of the Secretary of Education and the Arts rather than the Governor; creating a standing committee and its responsibilities; and transferring all assets and responsibilities of the Coal Heritage Highway Authority to the National Coal Heritage Area Authority”; to the Committee on Government Organization.

By Delegates L. Phillips, Eldridge, Pethtel, Guthrie, Moye, Moore, Hornbuckle and P. Smith:

H. B. 2228 - “A Bill to amend and reenact §18-5-18b of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-9A-8 of said code, all relating to modifying the funding ratio of school students to counselors; providing counties with the flexibility to set caseload standards so long as the standards equally distribute counselors to students at each academic level throughout the county and providing protection for counties that currently exceed the proposed funding ratio”; to the Committee on Education then Finance.

By Delegates L. Phillips, Guthrie and Moore:

H. B. 2229 - “A Bill to amend and reenact §3-10-7 and §3-10-8 of the Code of West Virginia, 1931, as amended, all relating to elections for vacancies in county offices; and providing that a county employee may run for a vacant county office without giving up his or her current position”; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Walters, Westfall, B. White, Ambler, Cooper, Upson, Espinosa, Eldridge, Marcum, R. Phillips and H. White:

H. B. 2230 - “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to calculation of West Virginia adjusted gross income for personal income tax purposes; and subtracting social security benefits from federal adjusted gross income to the extent included in federal gross income for federal income tax purposes”; to the Committee on Finance.

By Delegates Hill, J. Nelson, Border, Kessinger, Foster, Householder, Cadle and Espinosa:

H. B. 2231 - “A Bill to amend and reenact §20-2-28 of the Code of West Virginia, 1931, as amended, relating to permitting grandchildren of resident landowners to hunt, trap or fish on that landowner’s property without a license”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates Perry, Fast, Moore, Sponaugle, Miley, Perdue, Rowe, Kessinger, Boggs, Pethtel and Ferro:

H. B. 2232 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §46A-2-138a, relating to consumer credit and protection; and providing that an automatic renewal provision of a contract for service, maintenance or repair is unenforceable unless notice of renewal is given to the recipient of the service no less than 30 days prior to the cancellation of renewal date of the contract”; to the Committee on the Judiciary.

By Delegates Walters, Sobonya, Rohrbach, Ambler, Mr. Speaker, Mr. Armstead, Storch, H. White, R. Phillips, Ireland, Hanshaw and E. Nelson:

H. B. 2233 - “A Bill to amend and reenact §29A-3-16 of the Code of West Virginia, 1931, as amended, relating to requiring the Legislative Rule-Making Committee and the Legislative Auditor’s Office to review legislative rules five years after initial approval by the Legislature; and authorizing rule-making proposal authority to the committee and auditor”; to the Committee on the Judiciary then Finance.

By Delegates Ashley, Shott, Lane, E. Nelson, Upson, Hanshaw, Mr. Speaker, Mr. Armstead, McCuskey, Manchin, Campbell and Rowe:

H. B. 2234 - “A Bill to amend and reenact §48-5-613 of the Code of West Virginia, 1931, as amended, relating to requiring a court to permit a party in a divorce proceeding to resume using the name he or she used prior to the marriage”; to the Committee on the Judiciary.

By Delegates Fluharty, Ferro, Byrd, Hornbuckle, Trecost, H. White, Storch, Miley, Hamilton, Lynch and Pushkin:

H. B. 2235 - “A Bill to amend and reenact §6B-3-2 of the Code of West Virginia, 1931, as amended, relating to prohibiting chairmen of state political parties during or up to one year after the termination of their employment as chairmen of those political parties from registering as lobbyists; and providing an effective date”; to the Committee on the Judiciary.

By Delegates R. Smith, J. Nelson, R. Phillips, Marcum, Summers, Butler, Gearheart, Walters, D. Evans, Cooper and Kessinger:

H. B. 2236 - “A Bill to repeal §22A-2A-302, §22A-2A-303, §22A-2A-304, §22A-2A-305, §22A-2A-306 and §22A-2A-307 of the Code of West Virginia, 1931, as amended; to amend and reenact §22A-2A-101, §22A-2A-301, §22A-2A-308, §22A-2A-309, §22A-2A-310, §22A-2A-402, §22A-2A-403, §22A-2A-404, §22A-2A-405, §22A-2A-501, §22A-2A-601, §22A-2A-602, §22A-2A-603, §22A-2A-604, §22A-2A-701, §22A-2A-702, §22A-2A-703, §22A-2A-704, §22A-2A-801, §22A-2A-802, §22A-2A-803, §22A-2A-804, §22A-2A-805, §22A-2A-806, §22A-2A-807 and §22A-2A-901 of said code; and to further amend said code by adding thereto a new section, designated §22A-2A-204a, all relating to abolishing the West Virginia Diesel Equipment Commission; transferring the powers, duties and appropriations of the commission to the Director of the office of Miners’ Health, Safety and Training; establishing legislative rule-making authority of the director; and providing that approvals of equipment and rules previously approved by the commission continue in full force and effect”; to the Committee on Energy then Government Organization.

By Delegates Foster, Cadle, Butler, Ihle, Faircloth, Kessinger, Overington, Moffatt, Cowles, Shott and Householder:

H. B. 2237 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-3-10f, relating to prohibiting project labor agreements on state-funded

construction contracts”; to the Committee on Government Organization then Finance.

By Delegates Hamilton, Frich, Moye, L. Phillips, Guthrie, Longstreth, Sobonya and Romine:

H. B. 2238 - “A Bill to amend and reenact §24-1-3 of the Code of West Virginia, 1931, as amended, relating to appointment of Public Service Commissioners”; to the Committee on Government Organization then the Judiciary.

By Delegates Howell, Ellington, Arvon, Householder, R. Phillips, Miller, Storch, Waxman, Summers, Trecost and Rohrbach:

H. B. 2239 - “A Bill to repeal §30-1-15 of the Code of West Virginia, 1931, as amended; to amend and reenact §30-1-5, §30-1-10, and §30-1-19 of said code; and to amend said code by adding thereto a new article, designated §30-1C-1, §30-1C-2, §30-1C-3, §30-1C-4, §30-1C-5, §30-1C-6, §30-1C-7, §30-1C-8, §30-1C-9, §30-1C-10, §30-1C-11 and §30-1C-12 all relating to creating a Board of Health Professions; establishing the purpose of the board; defining terms; providing for appointment of executive director; enumerating the powers and duties of the board; providing enforcement power to the executive director and investigative staff; establishing authority of board to protect escrow funds held by licensees of health regulatory boards; establishing composition of Board of Health Professions and board member appointment and terms; establishing who will act as chairman of the board; establishing a quorum of the board; and establishing powers and duties of the board of Health Professions”; to the Committee on Health and Human Resources then Government Organization.

DAILY CALENDAR

THIRD READING

Com. Sub. for H. B. 2001, Repealing portions of the Alternative and Renewable Energy Portfolio Act; on third reading, coming up in regular order, was read a third time.

Delegate Lane requested to be excused from voting on the passage of Com. Sub. for H. B. 2001 under the provisions of House Rule 49.

The Speaker replied that the Delegate was a member of a class of persons possibly to be affected by the passage of the bill but exhibited no direct personal or pecuniary interest therein, and refused to excuse the Member from voting.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 5**), and there were, including pairs—yeas 95, nays 4, absent and not voting 1, with the nays, paired and absent and not voting being as follows:

NAYS: Fleischauer and Pushkin.

Pursuant to House Rule 43, the following pairs were filed and announced by the Clerk:

PAIRED:

YEA: Caputo NAY: Skinner

YEA: H. White NAY: Guthrie

ABSENT AND NOT VOTING: Boggs.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2001) passed.

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

Com. Sub. for H. B. 2001 - “A Bill to repeal §24-2F-1, §24-2F-2, §24-2F-3, §24-2F-4, §24-2F-5, §24-2F-6, §24-2F-7, §24-2F-9, §24-2F-10, §24-2F-11 and §24-2F-12, of the Code of West Virginia, 1931, as amended, all relating to repealing certain provisions of the Alternative and Renewable Energy Portfolio Act.”

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

SECOND READING

Com. Sub. for H. B. 2025, Prohibiting certain sex offenders from loitering within one thousand feet of a school or child care facility; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Shott, the bill was amended on page two, section twenty-six, line thirteen, by striking out the words “or for” and inserting in lieu thereof the word “and”.

On page two, section twenty-six, line thirteen, by striking out the words “as the case may be”.

And,

On page two, section twenty-six, line fifteen, by striking out the comma after the word residence and by reinserting the stricken word “or”.

The bill was then ordered to engrossment and third reading:

H. B. 2201, Requiring the Public Service Commission to adopt certain net metering and interconnection rules and standards; on second reading, coming up in regular order, was read a second time.

At the request of Delegate Cowles, and by unanimous consent, the bill was advanced to third reading with amendments pending, and the rule was suspended to permit the offering and consideration of the amendments on that reading.

LEAVES OF ABSENCE

At the request of Delegate Cowles, and by unanimous consent, leaves of absence for the day were granted Delegates Boggs, Caputo and H. White.

MISCELLANEOUS BUSINESS

Delegates Azinger, Ihle and Kelly and obtained unanimous consent that they be added as cosponsors of H. B. 2184, Discontinuing the use of common core standards and assessments in the state.

REMARKS BY MEMBERS

Delegate Westfall asked and obtained unanimous consent that the remarks of Delegates Eldridge, Folk, Gearheart, Hill, Howell, Marcum, J. Nelson, R. Phillips, Rodighiero, P. Smith, R. Smith, Storch and B. White regarding Com. Sub. for H. B. 2001, Repealing portions of the Alternative and Renewable Energy Portfolio Act, be printed in the Appendix to the Journal.

Delegate Lane then asked and obtained unanimous consent that the remarks of Delegate Shott regarding H. B. 2001 be printed in the Appendix to the Journal.

Delegate Miley asked and obtained unanimous consent that the remarks of Delegate Manchin regarding H. B. 2001 be printed in the Appendix to the Journal.

At 12:50 P.M., the House of Delegates adjourned until 11:00 A.M., Friday, January 23, 2015.



FRIDAY, JANUARY 23, 2015

TENTH 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, January 22, 2015, being the first order of business, when the further reading thereof was dispensed with and the same approved.

COMMITTEE REPORTS

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

Your Committee on Energy has had under consideration:

H. B. 2004, Providing a procedure for the development of a state plan under section 111(d) of the Clean Air Act,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 2004) was referred to the Committee on the Judiciary.

Delegate Ellington, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2009, Allowing State Police, police, sheriffs and fire and emergency service personnel to possess naloxone or other approved opioid antagonist,

And,

H. B. 2045, Overdose Prevention Act,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2009 and H. B. 2045) were each referred to the Committee on the Judiciary.

MESSAGES FROM THE EXECUTIVE

The Speaker laid before the House of Delegates the following communication from His Excellency, the Governor, as follows:

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
Charleston, WV 25305

January 22, 2015

The Honorable William P. Cole III
President, West Virginia Senate
The Honorable Tim Armstead
Speaker, West Virginia House of Delegates
State Capitol
Charleston, West Virginia

Dear President Cole and Speaker Armstead:

My recommended FY 2016 Executive Budget, which was submitted on January 14, 2015, included retirement contributions based on the best estimates available at that time. Those estimated retirement contribution numbers have been updated and the final contribution amounts for West Virginia's retirement systems are now available. Due to these changes in the final actuarial valuations for the Teachers' Defined Benefit System (TRS), State Police Retirement System, and Public Employees Retirement System (PERS), various line items throughout the Budget Bill can be adjusted.

These adjustments amount to a net decrease of \$43,927,000 in the required contributions for the various retirement systems in FY 2016 for the General Revenue and Lottery Funds.

I recommend that all of these available funds be appropriated for the Medicaid program which will reduce the appropriation in the FY 2016 budget from the Revenue Shortfall Reserve Fund by \$43,927,000. This will minimize the usage of the fund and maintain a healthy reserve balance, which, among others, is a factor in the State's bond rating.

Therefore, pursuant to Section 51, Article VI of the Constitution of the State of West Virginia, I submit revisions to the FY 2016 Budget Bill for the TITLE II – APPROPRIATIONS as follows:

Section 1. Appropriations from general revenue.

Funds appropriated for the Public Employees Retirement System (PERS), are adjusted in numerous line items throughout the Governor's Recommended FY 2016 Budget Bill in General Revenue. Please see the attached spreadsheet for the adjustments relating to the January 14, 2015, final actuarial estimation. The total reduction for PERS in the General Revenue Fund is \$1,629,731.

Department of Education

State Board of Education - State Department of Education, Fund 0313, Fiscal Year 2016, Org 0402

(To adjust the Teachers' Retirement Savings Realized appropriations due to the January 14, 2015, final actuarial estimation.)

- Increase "Teachers' Retirement Savings Realized" Appropriation 09500 by \$972,000.

State Board of Education - State Aid to Schools, Fund 0317, Fiscal Year 2016, Org 0402

(To adjust the State Aid Formula Teachers' Retirement System and the Retirement Systems - Unfunded Liability appropriations due to the January 14, 2015, final actuarial estimation.)

- Decrease "Teachers' Retirement System" Appropriation 01900 by \$5,466,000
- Decrease "Retirement Systems - Unfunded Liability" Appropriation 77500 by \$37,056,000.

Department of Health and Human Resources

Division of Human Services, Fund 0403, Fiscal Year 2016, Org 0511

(To increase the appropriation for Medical Services.)

- Increase "Medical Services" Appropriation 18900 by \$43,927,000

Department of Military Affairs and Public Safety

West Virginia State Police, Fund 0453, Fiscal Year 2016, Org 0612

(To adjust the appropriation due to the January 14, 2015, final actuarial estimation for State Police Plan A Retirement and State Police Plan B Retirement.)

- Decrease “Retirement Systems - Unfunded Liability”
Appropriation 77500 by \$723,000.

Bureau of Senior Services

Bureau of Senior Services, Fund 0420, Fiscal Year 2016, Org 0508

(To move part of the appropriation for Title XIX Waiver to the Lottery Fund.)

- Decrease “Transfer to Division of Human Services for Health Care and Title XIX Waiver for Senior Citizens”
Appropriation 53900 by \$24,269.

Section 3. Appropriations from other funds.

Department of Administration

Department of Administration - Office of the Secretary Employee Pension and Health Care Benefit Fund, Fund 2044, Fiscal Year 2016, Org 0201

(To adjust the appropriation to allow for the full transfer of the Teachers’ Realized Savings Realized.)

- Increase “Current Expenses” Appropriation 13000 by
\$972,000.

Department of Health and Human Resources

Division of Human Services - Medical Services Trust Fund, Fund 5185, Fiscal Year 2016, Org 0511

(To adjust the appropriation due to the reduced transfer from the Revenue Shortfall Reserve Fund.)

- Decrease “Medical Services” Appropriation 18900 by \$43,927,000.

Department of Revenue

Office of the Secretary - Revenue Shortfall Reserve Fund, Fund 7005, Fiscal Year 2016, Org 0701

(To reduce the transfer to the Medical Services Trust Fund now funded from General Revenue.)

- Decrease “Medical Services Trust Fund - Transfer” Appropriation 51200 by \$43,927,000.

Section 4. Appropriations from lottery net profits.

Funds appropriated for the Public Employees Retirement System (PERS), are adjusted in various line items throughout the Governor’s Recommended FY 2016 Budget Bill in Lottery Net Profits. Please see the attached spreadsheet for the adjustments relating to the January 14, 2015, final actuarial estimation. The total reduction for PERS in the Lottery Fund is \$24,269.

Bureau of Senior Services

Bureau of Senior Services, Lottery Senior Citizens Fund, Fund 5405, Fiscal Year 2016, Org 0508

(To adjust the appropriation for Title XIX Waiver moved from General Revenue.)

- Increase “Transfer to Division of Human Services for Health Care and Title XIX Waiver for Senior Citizens” Appropriation 53900 by \$24,269.

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

Sincerely,

Earl Ray Tomblin,
Governor.

RESOLUTIONS INTRODUCED

Delegates Statler, Kurcaba, Fleischauer, Frich, Border, Pasdon, D. Evans, Summers, Pethtel, Blair, Hamrick and Pushkin offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 21 - "Requesting the Division of Highways to name the bridge on U. S. Route 19 crossing Scott's Run, bridge number 31-19-14.98, (39.66036, -80.00463), locally known as Osage Bridge, near Osage in Monongalia County, the 'PFC James Elwood Wickline Memorial Bridge'."

WHEREAS, James Elwood Wickline was born the son of Melvin B. and Eatal Wickline and was a life-long resident of Bethel Road in the Historic Scott's Run Area of Monongalia County, West Virginia. He was educated in Monongalia County schools, attending Osage Junior High and University Demonstration High School. Following graduation he enlisted in the Army Air Corps and became a paratrooper in the 508th Parachute Infantry Regiment serving in 1943-44 during WWII; and

WHEREAS, James Elwood Wickline died on September 17, 1944, during a parachute jump, where he was buried in the Netherlands American Cemetery in Margraten; and

WHEREAS, Naming the bridge on U. S. Route 19 crossing Scott's Run, bridge number 31-19-14.98, (39.66036, -80.00463), locally

known as Osage Bridge, near Osage in Monongalia County, the “PFC James Elwood Wickline Memorial Bridge” is an appropriate recognition of his contributions and his supreme sacrifice to his country, state, community and Monongalia County; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the bridge on U. S. Route 19 crossing Scott’s Run, bridge number 31-19-14.98, (39.66036, -80.00463), locally known as Osage Bridge, near Osage in Monongalia County, the “PFC James Elwood Wickline 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 “PFC James Elwood Wickline 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 the surviving relatives of James Elwood Wickline.

Delegates Marcum, R. Phillips, H. White, Eldridge, Reynolds, Perdue, Hartman, Sponaugle, Moffatt, Rodighiero and Campbell offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 22 - “Requesting the Division of Highways to build the bridge on County Route 65/03 located near Tug Valley High School in Naugatuck, Mingo County.”

WHEREAS, The West Virginia Division of Highways has begun the process to build a potential bridge located on the new County 65/03 Route; and

WHEREAS, The bridge is vital to the further economic development of Mingo County; and

WHEREAS, The Mingo County Board of Education has taken steps to develop and improve the Tug Valley High School and its athletic facilities; and

WHEREAS, These upgrades are very important and in dire need to improve the education and quality of life for all Tug Valley students; and

WHEREAS, The improvements and further developments of Tug Valley High School cannot proceed without the new bridge; and

WHEREAS, The students, teachers and citizens of Mingo County deserve the improvements that will stem from the new bridge; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to build the bridge located near Tug Valley High School in Naugatuck, Mingo County, West Virginia; and, be it

Further Resolved, That time is of the essence; 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.

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

By Delegates Longstreth, Hamilton, Guthrie and Sponaugle:

H. J. R. 11 - “Proposing an amendment to the Constitution of the State of West Virginia, amending section one-b, article X thereof, relating to homestead exemption increase; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; which was referred to the Committee on the Judiciary then Finance.

BILLS INTRODUCED

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

By Delegates Kurcaba, Fleischauer, Statler, Householder, Espinosa, Moffatt, Summers, Blair, Hicks, Byrd and Upson:

H. B. 2240 - “A Bill to amend and reenact §61-2-9 of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-8B-1 and §61-8B-3 of said code, all relating to crimes against the person; providing that an act of domestic violence or sexual offense by strangling is an aggravated felony offense; and providing criminal penalties”; to the Committee on the Judiciary then Finance.

By Delegates Walters and Frich

[By Request of the Division of Banking]:

H. B. 2241 - “A Bill to amend and reenact §32A-2-4 and §32A-2-13 of the Code of West Virginia, 1931, as amended, all relating to licenses for the business of currency exchange, transportation or transmission; establishing an expiration date of December 31 for those licensees; and requiring licensees to provide sixty days advance notice of any change in control or change in principals”; to the Committee on Banking and Insurance then Finance.

By Delegates Longstreth, Pethtel, Ferro, Manchin, Hamilton, Perry and Sponaugle:

H. B. 2242 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §33-15-22; to amend said code by adding thereto a new section, designated §33-16-18; to amend said code by adding thereto a new section, designated §33-24-15; to amend said code by adding thereto a new section, designated §33-25-15; and to amend said code by adding thereto a new section, designated §33-25A-29, all relating to requiring health insurers to reimburse ambulance service providers directly for ambulance services covered under a person’s health insurance policy, plan or contract”; to the Committee on Banking and Insurance then Finance.

By Delegate Rodighiero:

H. B. 2243 - “A Bill to amend and reenact §21-5C-3 of the Code of West Virginia, 1931, as amended, relating to minimum wage and maximum hours standards for employers”; to the Committee on Industry and Labor then Finance.

By Delegate Rodighiero:

H. B. 2244 - “A Bill to amend and reenact §5-16-2 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Public Employees Insurance Act; and providing state health care services for all active and inactive duty military personnel”; to the Committee on Banking and Insurance then Finance.

By Delegate Rodighiero:

H. B. 2245 - “A Bill to amend and reenact §31-20-27 of the Code of West Virginia, 1931, as amended, relating to salary increases for Regional Jail Authority employees of \$5,000 paid over a three-year period”; to the Committee on the Judiciary then Finance.

By Delegate Rodighiero:

H. B. 2246 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-6-13, relating to establishing seniority rights for public employees; defining when seniority begins; setting standards for accumulation of seniority; requiring notice of job postings; requiring registers or certified lists of eligible applicants; allowing senior employees the first right of refusal for extra duty, overtime and promotions; and determining seniority in case of absence”; to the Committee on Government Organization then Finance.

By Delegate Cowles:

H. B. 2247 - “A Bill to amend and reenact §7-14-13 and §7-14-15 of the Code of West Virginia, 1931, as amended, all relating to prohibiting a chief deputy sheriff from engaging in certain political activities; prohibiting the solicitation of funds within a sheriff’s office; prohibiting using his or her official authority for political purposes; and

prohibiting him or her from coercing anyone to contribute anything of value for political purposes”; to the Committee on the Judiciary.

By Delegate Rodighiero:

H. B. 2248 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-43-1, §16-43-2 and §16-43-3, all relating to ensuring patient safety; defining terms; creating an ‘acuity-based patient classification system’; directing hospitals to establish an acuity standard; establishing minimum direct-care registered nurse to patient ratios; providing additional conditions for licensing; prohibiting assignment of unlicensed personnel to perform licensed nurse functions; requiring a full-time registered nurse executive leader; providing for quality assurance; requiring appropriate orientation and competence in clinical area of assignment with documentation thereof to be maintained in personnel files; and exempting critical access hospitals”; to the Committee on Health and Human Resources then Government Organization.

By Delegate Rodighiero:

H. B. 2249 - “A Bill to amend and reenact §11-3-2 of the Code of West Virginia, 1931, as amended, relating to requiring the assessor of each county to, within three months of a deed filing in the county clerk’s office of each county, prepare a new property tax ticket and cause the tax ticket to be mailed from the county sheriff’s office”; to the Committee on Political Subdivisions then the Judiciary.

By Delegate Rodighiero:

H. B. 2250 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-6c, relating to allowing parents or the school to serve sweets during the holidays if the school receives parental or guardian consent”; to the Committee on Education.

By Delegate Rodighiero:

H. B. 2251 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §61-6-26 and

§61-6-27, all relating to making it a criminal offense to disturb the peace; providing examples of disturbing the peace; defining a term; and providing criminal penalties”; to the Committee on the Judiciary.

By Delegate Rodighiero:

H. B. 2252 - “A Bill to repeal §61-3-11 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §61-2-31; and to amend and reenact §61-3-12 of said code, all relating to replacing the present crime of burglary with the crime of home invasion; providing criminal offenses of home invasion in the first, second, third and fourth degrees; and prescribing penalties”; to the Committee on the Judiciary.

By Delegate Rodighiero:

H. B. 2253 - “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to the reduction of state income taxes for certain state and federal retirees by increasing the exemption on retirement income in calculating the federal gross income for state personal income tax purposes”; to the Committee on Pensions and Retirement then Finance.

By Delegate Rodighiero:

H. B. 2254 - “A Bill to amend and reenact §31-20-31 of the Code of West Virginia, 1931, as amended, relating to allowing the Executive Director of the West Virginia Regional Jail and Correctional Facility Authority to establish a work program only for qualified inmates sentenced to a regional jail facility and not awaiting transfer to a state correctional facility; and specifying minimum requirements for the program”; to the Committee on the Judiciary then Finance.

By Delegate Rodighiero:

H. B. 2255 - “A Bill to amend and reenact §60A-10-12 of the Code of West Virginia, 1931, as amended, relating to the Uniform Control Substances Act; the Methamphetamine Laboratory Eradication Act; and increasing the felony criminal penalties for exposing children to methamphetamine manufacturing”; to the Committee on the Judiciary.

By Delegate Rodighiero:

H. B. 2256 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2M-1, relating to public health; and prohibiting state funding of abortions”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Cowles:

H. B. 2257 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-2-12a, relating to establishing a bill of rights for children in foster care”; to the Committee on the Judiciary.

By Delegate Cowles:

H. B. 2258 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §44-10A-1, §44-10A-2, §44-10A-3, §44-10A-4 and §44-10A-5, all relating to the codification of a Parents’ Bill of Rights”; to the Committee on Health and Human Resources then Finance.

By Delegates Hamrick, Howell, Arvon, Ihle, Faircloth, Zatezalo, Cadle, Border, McGeehan, R. Smith and Moffatt:

H. B. 2259 - “A Bill to amend and reenact §5-1-22 of the Code of West Virginia, 1931, as amended, relating to the Governor filling vacancies on professional boards; requiring appointments to be made within sixty days of the date the vacancy occurs; and providing that a person appointed to serve on a professional board is limited to eight years service”; to the Committee on Government Organization.

By Delegates Ellington, Householder, Arvon, Kurcaba, Stansbury, Sobonya and Summers:

H. B. 2260 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-24, relating to managed care”; to the Committee on Health and Human Resources then Finance.

By Delegate Cowles:

H. B. 2261 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-27, relating to requiring automated external defibrillators in public schools”; to the Committee on Education then Finance.

By Delegates Shott and Ellington:

H. B. 2262 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-28-1, §11-28-2, §11-28-3, §11-28-4, §11-28-5, §11-28-6, §11-28-7 and §11-28-8, all relating to establishing a procedure by which counties and municipalities may be authorized to levy a sales tax on food and beverages sold at restaurants; providing for county and municipality options; limiting the total tax to three percent; limiting a municipal tax to two percent; setting forth the procedures for counties or municipalities to use to impose the tax; requiring publication; setting forth how the collected tax may be used; setting forth apportionment of the tax between local jurisdictions; setting forth exemptions from the tax; defining terms; and providing criminal penalties”; to the Committee on Political Subdivisions then Finance.

By Delegate Cowles:

H. B. 2263 - “A Bill to amend and reenact §49-7-26 of the Code of West Virginia, 1931, as amended, relating to the responsibilities of prosecuting attorneys when representing the Department of Health and Human Resources”; to the Committee on the Judiciary.

By Delegate Cowles:

H. B. 2264 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-2-12b, relating to establishing a bill of rights for foster parents”; to the Committee on the Judiciary.

By Delegate Cowles:

H. B. 2265 - “A Bill to amend and reenact §7-2-2 of the Code of West Virginia, 1931, as amended, relating to increasing the minimum

number of magisterial districts in a county from three to four”; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Shott, Ellington and Gearheart:

H. B. 2266 - “A Bill to repeal §44-2-2 and §44-2-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §44-1-14a of said code, relating to the publication requirements of the administration of estates”; to the Committee on the Judiciary then Finance.

By Delegates Walters, Householder, Butler, Canterbury, Stansbury, R. Phillips, Hamrick and Cowles:

H. B. 2267 - “A Bill to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-13b, relating to authorizing a county school board to adopt a policy that allows an inspirational message to be delivered by students at a student assembly; providing policy requirements; and providing purpose”; to the Committee on Education then the Judiciary.

By Delegates Hamilton, A. Evans, Lynch, Wagner, J. Nelson, Campbell, Hartman, Sponaule, Canterbury, Williams and Ashley:

H. B. 2268 - “A Bill to amend and reenact §11-13A-3b of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-13V-4 of said code, all relating to removing the severance tax on timber”; to the Committee on Finance.

By Delegates Walters, R. Phillips, Storch, Ihle and Foster:

H. B. 2269 - “A Bill to amend and reenact §22-1-3a and §22-5-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §29A-3-19, all relating to requiring rules of the Department of Environmental Protection, Department of Health and Human Resources, Division of Natural Resources and Department of Commerce be no more stringent than corresponding federal laws or regulations”; to the Committee on the Judiciary.

By Delegates Overington, Walters, Rowan, Frich, Kelly, Butler, Rohrbach, R. Phillips, Sobonya, Foster and Ellington:

H. B. 2270 - “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 Delegates Marcum, H. White, Hicks, R. Phillips, Byrd, Hartman, Fluharty, Lynch, Moye, Campbell and Perdue:

H. B. 2271 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-40, relating to state control of county schools; giving the State Board of Education no more than five years to improve any school or school system under its control; and requiring the State Board of Education to hold a public hearing if it seeks to take control of the school or school system within three years of control being relinquished”; to the Committee on Education.

By Delegates Ellington, Householder, Arvon, Howell, Kurcaba, Stansbury, Sobonya and Summers:

H. B. 2272 - “A Bill to repeal §16-5W-1, § 16-5W-2, §16-5W-3, §16-5W-4, §16-5W-5, §16-5W-6, §16-5W-7, and §16-5W-8, of the Code of West Virginia, 1931, as amended, and to amend and reenact §30-5-7, of said code, relating the authority of the Board of Pharmacy to maintain an official prescription paper program; and allowing pharmacy interns to administer certain immunizations”; to the

Committee on Health and Human Resources then Government Organization.

By Delegate Deem:

H. B. 2273 - “A Bill to amend and reenact §21-5A-5 of said code, relating to prevailing wages; providing for prevailing wages to be established by a commission”; to the Committee on Industry and Labor then the Judiciary.

By Delegates Hanshaw, Hamilton, A. Evans and Azinger:

H. B. 2274 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §25-1-5a, relating to authorizing the Commissioner of Corrections to enter into mutual aid agreements”; to the Committee on the Judiciary then Finance.

By Delegates R. Phillips, H. White, Perdue, Hartman, Marcum, Moffatt, Folk, R. Smith, J. Nelson, Sobonya and Westfall:

H. B. 2275 - “A Bill to amend and reenact §22-15A-4 of the Code of West Virginia, 1931, as amended, relating to increasing criminal penalties for littering”; to the Committee on the Judiciary.

DAILY CALENDAR

THIRD READING

Com. Sub. for H. B. 2025, Prohibiting certain sex offenders from loitering within one thousand feet of a school or child care facility; 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. 6**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Hicks.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2025) passed.

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

H. B. 2201, Requiring the Public Service Commission to adopt certain net metering and interconnection rules and standards; on third reading, coming up in regular order, with amendments pending, was reported by the Clerk.

An amendment to the bill, recommended by Delegate Ireland, was reported by the Clerk.

Whereupon,

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

Delegate Ireland then asked and obtained unanimous consent to offer a reformed amendment on this reading.

On motion of Delegate Ireland, the bill was amended on page one, section eight, line eighteen, by striking out all of section eight and inserting in lieu thereof the following:

“§24-2F-8. Net metering and interconnection standards.

(a) ‘Net metering’ means measuring the difference between electricity supplied by an electric utility and electricity generated from a facility owned and operated by an electric retail customer when any portion of the electricity generated from the facility is used to offset part or all of the electric retail customer’s requirements for electricity: Provided, That this section shall not preclude an educational or religious organization customer-generator, that either owns or operates its own facility, from utilizing a net metering system in this state.

(b) The commission shall adopt a rule requiring that all electric utilities provide a rebate or discount at fair value, to be determined by

the commission, to customer-generators for any electricity generation that is delivered to the utility under a net metering arrangement.

~~(b)~~ (c) The commission shall also consider adopting, by rule, a requirement that all sellers of electricity to retail customers in the state, including rural electric cooperatives, municipally owned electric facilities or utilities serving less than thirty thousand residential electric customers in this state, offer net metering rebates or discounts to customer-generators.

~~(c)~~ (d) The commission shall institute a general investigation for the purpose of adopting rules pertaining to net metering and the interconnection of eligible electric generating facilities intended to operate in parallel with an electric utility's system. As part of its investigation, the commission shall take into consideration rules of other states within the applicable region of the regional transmission organization, as that term is defined in 18 C.F.R. §35.34, that manages a utility's transmission system in any part of this state. Furthermore, the commission shall consider increasing the allowed kilowatt capacity for commercial customer-generators to an amount not to exceed five hundred kilowatts and for industrial customer-generators to an amount not to exceed two megawatts. The commission shall further consider interconnection standards for combined heat and power.

~~(d) The commission shall promulgate these rules within twelve months of the effective date of this article.~~

(e) The commission shall adopt a rule requiring compliance with the National Electrical Code and the Institute of the Electrical and Electronics Engineers (IEEE), and the same shall be amended, standards at all times, including having a disconnect readily accessible to the utility between the facilities of the customer generator and the electric utility."

Delegate Folk then moved to amend the bill on page two, line three, section eight, immediately following the word "arrangement" and the period, by inserting the following:

“The commission shall assure that any net metering tariff does not create a cross-subsidization between customers within one class of service.”

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

The yeas and nays having been ordered, they were taken (**Roll No. 7**), and there were—yeas 63, nays 33, absent and not voting 4, with the yeas and absent and not voting being as follows:

NAYS: Ashley, Bates, Boggs, Byrd, Cadle, Campbell, Caputo, Duke, Ferro, Fleischauer, Fluharty, Guthrie, Hartman, Hornbuckle, Longstreth, Manchin, McCuskey, Miley, Moffatt, Moore, Morgan, Perdue, Pethtel, L. Phillips, Pushkin, Reynolds, Skinner, Sponaugle, Summers, Trecost, Upson, Westfall and H. White.

ABSENT AND NOT VOTING: D. Evans, Hicks, Rowe and Williams.

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

Having been engrossed, the bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 8**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: D. Evans, Hicks, Rowe and Williams.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2201) 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

Com. Sub. for H. B. 2002, Predicating actions for damages upon principles of comparative fault; on first reading, coming up in regular order, was read a first time and ordered to second reading.

LEAVES OF ABSENCE

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

MISCELLANEOUS BUSINESS

Delegate Boggs announced that he was absent yesterday when the vote was taken on Roll No. 5, and that had he been present, he would have voted “YEA” thereon.

Delegate L. Phillips asked and obtained unanimous consent that she be removed as a cosponsor of H. B. 2125, Requiring that mining equipment being transported or trammed underground be done by qualified personnel under supervision of a certified foreman.

REMARKS BY MEMBERS

Delegate R. Smith asked and obtained unanimous consent that the remarks of Delegates Fleischauer and Guthrie regarding Com. Sub. for H. B. 2001 be printed in the Appendix to the Journal.

At 12:12 P.M., the House of Delegates adjourned until 11:00 A.M., Monday, January 26, 2015.

MONDAY, JANUARY 26, 2015

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, January 23, 2015, 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. 2138, Adding aircraft operations on private airstrips and farms to the definition of recreational purpose,

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

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

Your Committee on Government Organization has had under consideration:

H. B. 2187, Encouraging public officials to display the national motto on all public property and public buildings,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 2187) was referred to the Committee on Finance.

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

Your Committee on Government Organization has had under consideration:

H. B. 2121, Establishing a policy for formal recognition of Indian tribes,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2121) was referred to the Committee on the Judiciary.

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

S. B. 3, Relating to real property possessor's liability for trespasser harm,

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

MESSAGES FROM THE EXECUTIVE

The Clerk read a letter from the Legislative Rule-Making Review Committee as follows:

WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

January 12, 2015

The Honorable Joseph Minard
Clerk, Senate
State Capitol
Charleston, WV 25305

The Honorable Bo Hoover
Clerk, House of Delegates
State Capitol
Charleston, WV 25305

Gentlemen:

In accordance with the provisions of W.Va. Code, §29A-3-12, we have attached copies of the proposed legislative rules which have been submitted to and acted upon by the Legislative Rule-Making Review Committee, pursuant to the provisions of W.Va. Code, §29A-3-11, and which have not previously been submitted to the Legislature for study.

Also, attached is a report listing the proposed legislative rules considered by the Committee, and setting forth the recommendations of the Committee with respect to the proposed legislative rules. This letter also serves as a statement that a separate bill authorizing the promulgation of each proposed legislative rule has been drafted by the staff of the Legislative Rule-Making Review Committee.

In accordance with W.Va. Code, §29A-3-11, the draft bills are available for any member to introduce to the Legislature. The undersigned, as Co-Chairmen of the Legislative Rule-Making Review Committee, are requesting that, the Senate Chairman's name be placed on the draft bills as the sponsor in the Senate, and the House of

Delegates Chairman's name be placed on the draft bills as the sponsor in the House of Delegates.

Thank you for your cooperation.

Sincerely,
HERB SNYDER,
Senate.

KELLI SOBONYA,
House of Delegates.

Whereupon,

Mr. Speaker, Mr. Armstead, presented the report of the Legislative Rule-Making Review Committee in accordance with section twelve, article three, chapter twenty-nine of the code, which was read by the Clerk, and the accompanying rules were referred as follows:

WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

January 12, 2015

West Virginia Legislature
State Capitol
Charleston, West Virginia

Ladies and Gentlemen:

In accordance with the provisions of West Virginia Code, §29A-3-12, as chairmen of the Legislative Rule-Making Review Committee we submit this report of its activities. A bill, in the form approved by the Committee, authorizing each of the proposed legislative rules below as submitted, as modified, or as modified and amended have been drafted by the staff of the Legislative Rule-Making Review Committee pursuant to West Virginia Code §29A-3-11.

The Committee submits the following proposed rules to the Legislature with the recommendation that the proposed rules be authorized for promulgation by the respective agencies as submitted:

Agriculture, WV Department of

Inspection of Meat and Poultry, 61CSR16 [H. B. 2276].

Consolidated Public Retirement Board, WV

Deputy Sheriff Retirement System, 162CSR10 [H. B. 2277].

Consolidated Public Retirement Board, WV

Refund, Reinstatement, Retroactive Service, Loan and Employer Error Interest Factors, 162CSR7 [H. B. 2278].

Consolidated Public Retirement Board, WV

Service Credit for Accrued and Unused Sick and Annual Leave, 162CSR8 [H. B. 2279].

Dental Examiners, WV Board of

Formation and Approval of Professional Limited Liability Companies, 5CSR2 [H. B. 2280].

Dental Examiners, WV Board of

Formation and Approval of Dental Corporations; and Dental Practice Ownership, 5CSR6 [H. B. 2281].

DEP - Air Quality

Permits for Construction and Major Modification of Major Stationary Sources for the Prevention of Significant Deterioration of Air Quality, 45CSR14 [H. B. 2282].

DEP - Air Quality

Standards of Performance for New Stationary Sources, 45CSR16 [H. B. 2283].

DEP - Air Quality

Control of Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities, 45CSR25 [H. B. 2284].

DEP - Air Quality

Requirements for Operating Permits, 45CSR30 [H. B. 2285].

DEP - Air Quality

Emission Standards for Hazardous Air Pollutants, 45CSR34 [H. B. 2286].

DEP - Secretary's Office

Awarding of West Virginia Stream Partners Program Grants, 60CSR4 [H. B. 2287].

DEP - Water and Waste Management

Hazardous Waste Management System, 33CSR20 [H. B. 2288].

DEP - Water and Waste Management

Requirements Governing Water Quality Standards, 47CSR2 [H. B. 2289].

DEP - Water and Waste Management

WV/NPDES Rule for Coal Mining Facilities, 47CSR30 [H. B. 2290].

Enterprise Resource Planning Board, WV

Enterprise Resource Planning System Fee, 213CSR1 [H. B. 2291].

Fire Commission, WV State

Volunteers Firefighters' Training, Equipment and Operating Standards, 87CSR8 [H. B. 2292].

Health and Human Resources, WV Department of

Chronic Pain Management Clinic Licensure, 69CSR8 [H. B. 2293].

Insurance Commission, WV

Recognizing Annuity Mortality Tables for Use in Determining Reserve Liabilities for Annuities, 114CSR45 [H. B. 2294].

Natural Resources, WV Division of

Special Boating, 58CSR26 [H. B. 2295].

Natural Resources, WV Division of

Defining the Terms Used in All Hunting and Trapping Rules, 58CSR46 [H. B. 2296].

Natural Resources, WV Division of

Lifetime Hunting, Trapping and Fishing Licenses, 58CSR67 [H. B. 2297].

Natural Resources, WV Division of

Hunting, Trapping and Fishing License and Stamp Fees, 58CSR71 [H. B. 2298].

Osteopathic Medicine, WV Board of

Fees for Services Rendered, 24CSR5 [H. B. 2299].

Physical Therapy, WV Board of

Fees for Physical Therapist and Physical Therapist Assistant, 16CSR4 [H. B. 2300].

Racing Commission, WV

Thoroughbred Racing, 178CSR1 [H. B. 2301].

The Committee submits to the Legislature the following proposed rules which were modified by the agency in accordance with the provisions of West Virginia Code, §29A-3-14, and which were approved by the Committee with the modifications with the recommendation that the proposed rules be authorized for adoption by the respective agencies as modified:

Administration, WV Department of

Purchasing Division, 148CSR1 [H. B. 2302].

- Administration, WV Department of
State Owned Vehicles, 148CSR3 [H. B. 2303].
- Administration, WV Department of
State Plan for the Operation of the West Virginia State Agency
for Surplus Property, 148CSR4 [H. B. 2304].
- Administrative Hearings, Office of
Appeal Procedures, 105CSR1 [H. B. 2305].
- Agriculture, WV Department of
Animal Disease Control, 61CSR1 [H. B. 2306].
- Agriculture, WV Department of
Auctioneers, 61CSR11B [H. B. 2307].
- Agriculture, WV Department of
Fee Structure for the Pesticide Control Act of 1990, 61CSR12
[H. B. 2308].
- Agriculture, WV Department of
West Virginia Plant Pest Act, 61CSR14 [H. B. 2309].
- Agriculture, WV Department of
West Virginia Spay Neuter Assistance Program, 61CSR24 [H.
B. 2310].
- Agriculture, WV Department of
Industrial Hemp, 61CSR29 [H. B. 2311].
- Agriculture, WV Department of
Livestock Care Standards, 61CSR31 [H. B. 2312].
- Agriculture, WV Department of
Equine Rescue Facilities, 61CSR32 [H. B. 2313].
- Agriculture, WV Department of
Aquaculture Importation, 61CSR35 [H. B. 2314].

- Agriculture, WV Department of
Frozen Desserts and Imitation Frozen Desserts, 61CSR4B [H. B. 2315].
- Alcohol Beverage Control Commission, WV
Private Club Licensing, 175CSR2 [H. B. 2316].
- Alcohol Beverage Control Commission, WV
Nonintoxicating Beer Licensing and Operations Procedures, 176CSR1 [H. B. 2317].
- Dental Examiners, WV Board of
Rule for the WV Board of Dentistry, 5CSR1 [H. B. 2318].
- Dental Examiners, WV Board of
Dental Recovery Networks, 5CSR15 [H. B. 2319].
- Family Protection Services Board, WV
Operation of the Family Protection Advisory Board, 191CSR1 [H. B. 2320].
- Family Protection Services Board, WV
Family Protection Programs, Outreach Services and Shelter, 191CSR2 [H. B. 2321].
- Family Protection Services Board, WV
Perpetrator Intervention Programs Licensure, 191CSR3 [H. B. 2322].
- Family Protection Services Board, WV
Monitored Parenting and Exchange Program Certification, 191CSR4 [H. B. 2323].
- Family Protection Services Board, WV
Perpetrator Intervention Programs Licensure for Correctional Institutions, 191CSR5 [H. B. 2324].

Fire Marshal, WV State
Supervision of Fire Protection Work, 103CSR3 [H. B. 2325].

Forestry, WV Division of
Ginseng, 22CSR1 [H. B. 2326].

Governor's Committee on Crime, Delinquency and Correction
Law Enforcement Training and Certification Standards,
149CSR2 [H. B. 2327].

Health and Human Resources, WV Department of
Nursing Home Licensure, 64CSR13 [H. B. 2328].

Health and Human Resources, WV Department of
Medication Administration and Performance of Health
Maintenance Tasks by Unlicensed Personnel, 64CSR60 [H. B.
2329].

Health and Human Resources, WV Department of
Nurse Aid Abuse Registry, 69CSR6 [H. B. 2330].

Health, WV Bureau for Public
State-wide Trauma/Emergency Care System, 64CSR27 [H. B.
2331].

Health, WV Bureau for Public
Fatality and Mortality Review Team, 64CSR29 [H. B. 2332].

Health, WV Bureau for Public
Public Water Systems, 64CSR3 [H. B. 2333].

Insurance Commission, WV
Annuity Disclosure, 114CSR11E [H. B. 2334].

Labor, WV Division of
Amusement Rides and Amusement Attractions Safety Act,
42CSR17 [H. B. 2335].

- Labor, WV Division of
Weights and Measures Calibration Fees, 42CSR26 [H. B. 2336].
- Labor, WV Division of
Verifying the Legal Employment Status of Workers, 42CSR31 [H. B. 2337].
- Labor, WV Division of
Supervision of Plumbing Work, 42CSR32 [H. B. 2338].
- Labor, WV Division of
Regulation of Heating, Venting and Cooling Work, 42CSR34 [H. B. 2339].
- Labor, WV Division of
Child Labor, 42CSR9 [H. B. 2340].
- Medicine, WV Board of
Licensure, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants, 11CSR1B [H. B. 2341].
- Miners' Health, Safety and Training, WV Office of
Safety of Those Employed In and Around Quarries in West Virginia, 56CSR20 [H. B. 2342].
- Motor Vehicles, WV Division of
Examination and Issuance of Driver's License, 91CSR4 [H. B. 2343].
- Natural Resources, WV Division of
Commercial Whitewater Outfitters, 58CSR12 [H. B. 2344].
- Natural Resources, WV Division of
Wildlife Damage Control Agents, 58CSR41 [H. B. 2345].
- Natural Resources, WV Division of
General Hunting, 58CSR49 [H. B. 2346].

Office of Technology

Procedures for Sanitization, Retirement and Disposition of Information Technology Equipment, 163CSR1 [H. B. 2347].

Osteopathic Medicine, WV Board of

Osteopathic Physician Assistants, 24CSR2 [H. B. 2348].

Pharmacy, WV Board of

Licensure and Practice of Pharmacy, 15CSR1 [H. B. 2349].

Pharmacy, WV Board of

Immunizations Administered by Pharmacists, 15CSR12 [H. B. 2350].

Pharmacy, WV Board of

Registration of Pharmacy Technicians, 15CSR7 [H. B. 2351].

Pharmacy, WV Board of

Controlled Substances Monitoring, 15CSR8 [H. B. 2352].

Real Estate Appraiser Licensing and Certification Board, WV

Requirements for Registration and Renewal of Appraisal Management Companies, 190CSR5 [H. B. 2353].

Secretary of State

Procedures for Recount of Election Results, 153CSR20 [H. B. 2354].

Secretary of State

Standards and Guidelines for Electronic Notarization, 153CSR45 [H. B. 2355].

Secretary of State

Notaries Public, 153CSR46 [H. B. 2356].

Secretary of State

Schedule of Fees, 153CSR50 [H. B. 2357].

Soil Conservation Committee, WV State
Financial Assistance Programs, 63CSR2 [H. B. 2358].

State Police, WV
Regulations and Procedures Pertaining to the West Virginia
DNA Databank, 81CSR9 [H. B. 2359].

Tax and Revenue, WV Department of
Appointment of Special Assessors by State Tax
Commissioner, 110CSR1Q [H. B. 2360].

The Committee submits the following legislative rule which was modified by the agency in accordance with the provisions of West Virginia Code, §29A-3-14, and which was approved by the Committee with the modifications and with the recommendation that the rule be authorized for adoption by the agency with amendments:

Agriculture, WV Department of
Dangerous Wild Animals, 61CSR30 [H. B. 2361].

Agriculture, WV Department of
Rural Rehabilitation Loan Program, 61CSR33 [H. B. 2362].

DEP - Water and Waste Management
Waste Management, 33CSR1 [H. B. 2363].

The Committee submits the following legislative rule with the recommendation that the rule be withdrawn by the agency pursuant to West Virginia Code §29A-3-14:

Engineers, WV State Board of Registration for Professional
Examination, Licensure and Practice of Registered
Professional Engineers, 7CSR1 [H. B. 2364].

MESSAGES FROM THE SENATE

A message from the Senate, by

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

Com. Sub. for S. B. 12 - “A Bill to amend and reenact §21-5-4 of the Code of West Virginia, 1931, as amended, relating to payment of wages by employers and when final wages are required to be paid; requiring payment of wages to be by next regular payday; providing exception; providing that bonuses and fringe benefits are not covered; reducing amount of liquidated damages available for violation of this section; providing instance when liquidated damages are not available; clarifying that section does not address whether overtime pay is due; authorizing payment by mail if requested by employee; and establishing date paid if payment mailed pursuant to employee request”; which was referred to the Committee on the Committee on Industry and Labor then Finance.

SPEAKER PRO TEMPORE ANDERSON IN THE CHAIR

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. 280 - “A Bill to amend and reenact §22-6A-7 of the Code of West Virginia, 1931, as amended, relating to allowing transfer of well work permits upon prior written approval of the Secretary of the Department of Environmental Protection; providing for forms prescribed by the secretary; requiring transferee to give notice of transfer; requiring transferee to update their emergency point of contact; and providing for permit transfer fee”; which was referred to the Committee on Energy.

MR. SPEAKER, MR. ARMSTEAD, IN THE CHAIR**RESOLUTIONS INTRODUCED**

Mr. Speaker, Mr. Armstead, offered the following resolutions, which were read by their titles and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 23 - "Requesting the Division of Highways to name bridge numbers 20-79-15.46, northbound and southbound (20A510 and 20A511), latitude 38.50136, longitude -81.41475, locally known as I-79 Wills Creek Overpass 2674 Bridges Northbound and Southbound, carrying Interstate 79 over County Route 53 and Wills Creek in Kanawha County, as the 'US Marine Corps PFC Clayton Andrew Craft Memorial Bridge'."

WHEREAS, PFC Clayton Andrew Craft was born on May 30, 1949, in Charleston, West Virginia, the son of Raymond W. Craft and Faye D. Nunley; and

WHEREAS, PFC Clayton Andrew Craft grew up near Clendenin, West Virginia, and graduated in 1967 from Herbert Hoover High School; and

WHEREAS, Following his graduation from high school, PFC Clayton Andrew Craft enlisted in the US Marine Corps on August 9, 1967, in Ashland, Kentucky and received his basic military training in California; and

WHEREAS, PFC Clayton Andrew Craft arrived in the Republic of Vietnam on January 18, 1968, where he was assigned for duty with Company D, 1st Battalion, 5th Marine Regiment; and

WHEREAS, On April 8, 1968, while on patrol in the Thua Thien Province of the Republic of Vietnam, PFC Clayton Andrew Craft was wounded and killed by a hostile explosive device; and

WHEREAS, During his service in the United States Marine Corps, PFC Clayton Andrew Craft received the following decorations and awards: Purple Heart with two Gold Stars; National Defense Service Medal; Vietnam Service Medal with three Bronze Stars; Republic of Vietnam Campaign Medal with 1960 device; Republic of Vietnam Military Merit Medal; Republic of Vietnam Gallantry Cross with Palm; and Gold Star Lapel Button; and

WHEREAS, It is fitting that an enduring memorial be established to commemorate PFC Clayton Andrew Craft, a native son who gave the ultimate sacrifice for his state and his country, by naming the bridges in his honor; therefore, be it

Resolved by the West Virginia Legislature:

That the Legislature hereby requests the Division of Highways to name bridge numbers 20-79-15.46, northbound and southbound (20A510 and 20A511), latitude 38.50136, longitude -81.41475, locally known as I-79 Wills Creek Overpass 2674 Bridges Northbound and Southbound, carrying Interstate 79 over County Route 53 and Wills Creek in Kanawha County, as the “US Marine Corps PFC Clayton Andrew Craft Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying both bridges, northbound and southbound, as the “US Marine Corps PFC Clayton Andrew Craft 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 to the members of the American Legion Post 61 in Clendenin, West Virginia.

And,

H. C. R. 24 - “Requesting the Division of Highways to name the bridge carrying County Route 43 (Frame Road) over Interstate 79 in

Kanawha County, bridge number 20-43-1.31 (20A327), latitude 38.45607, longitude -81.49513, locally known as the Elkview I-79 Interchange Bridge, as the ‘US Army SP5 Johnnie Marvin Ayers Memorial Bridge’.”

WHEREAS, SP5 Johnnie Marvin Ayers was born on October 4, 1949, the oldest of eleven children born to Mr. and Mrs. Ira V. Ayers. He grew up in the small community of Schrader on Blue Creek, West Virginia, and attended Herbert Hoover High School and was a member of the Blue Creek Advent Church; and

WHEREAS, SP5 Johnnie Marvin Ayers enlisted in the US Army in July, 1967, and arrived in the Republic of Vietnam on March 6, 1968, where he was a Food Service Specialist with the 173rd Support Battalion, 173rd Engineer Company. On January 17, 1969, SP5 Johnnie Marvin Ayers volunteered to accompany an Infantry Unit, “A” Company, on a mine sweep of Highway 19 west of the An Khe Base Camp. During this combat mission, “A” Company, 1st of the 50th, was ambushed by an estimated two squads of VC/NVA employing small arms, automatic weapons and B40 Rockets and SP5 Ayers was killed and four others wounded. For his service to the US Army, SP5 Johnnie Marvin Ayers was posthumously awarded the Bronze Star, Purple Heart, Good Conduct Medal, National Defense Service Medal, Vietnam Service Medal, Vietnam Campaign Ribbon and the Parachutist Badge; and

WHEREAS, It is fitting that an enduring memorial be established to commemorate SP5 Johnnie Marvin Ayers, a native son who gave the ultimate sacrifice for his state and his country, by naming the bridge carrying County Route 43 (Frame Road) over Interstate 79 in Kanawha County, bridge number 20-43-1.31 (20A327), latitude 38.45607, longitude -81.49513, locally known as the Elkview I-79 Interchange Bridge, as the “US Army SP5 Johnnie Marvin Ayers Memorial Bridge”; therefore, be it

Resolved by the West Virginia Legislature:

That the Legislature hereby requests the Division of Highways to name the bridge carrying County Route 43 (Frame Road) over Interstate 79 in Kanawha County, bridge number 20-43-1.31 (20A327), latitude 38.45607, longitude -81.49513, locally known as the Elkview I-79 Interchange Bridge, as the “US Army SP5 Johnnie Marvin Ayers Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “US Army SP5 Johnnie Marvin Ayers 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 to the family members of SP5 Johnnie Marvin Ayers.

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

By Delegates Sponaugle, Longstreth, Hartman, H. White, Marcum, Hicks, Byrd, Hamilton, Perdue, Guthrie and R. Phillips:

H. J. R. 12 – “Proposing an amendment to the Constitution of the State of West Virginia, amending Article III thereof, by adding thereto a new section, designated section 23 relating to the right to hunt and fish; 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

At the request of Delegate Lane, and by unanimous consent, the applicable provisions of House Rule 133, as to House Resolution 5, were suspended.

BILLS INTRODUCED

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

By Delegate Sobonya:

H. B. 2276 - “A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to the inspection of meat and poultry”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 2277 - “A Bill to amend and reenact article 2, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Consolidated Public Retirement Board to promulgate a legislative rule relating to the Deputy Sheriff Retirement System”; to the Committee on Pensions and Retirement then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 2278 - “A Bill to amend and reenact article 2, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Consolidated Public Retirement Board to promulgate a legislative rule relating to refund, reinstatement, retroactive service, loan and employer error interest factors”; to the Committee on Pensions and Retirement then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 2279 - “A Bill to amend and reenact article 2, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Consolidated Public Retirement Board to promulgate a rule relating to service credit for accrued and unused sick and annual leave”; to the Committee on Pensions and Retirement then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 2280 - “A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing

the Board of Dental Examiners to promulgate a legislative rule relating to the formation and approval of professional limited liability companies”; to the Committee on Government Organization then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 2281 - “A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the board of Dental Examiners to promulgate a legislative rule relating to the formation and approval of dental corporations and dental practice ownership”; to the Committee on Government Organization then the Judiciary.

By Delegate Sobonya:

H. B. 2282 - “A Bill to amend and reenact article 3, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to permits for construction and major modification of major stationary sources for the prevention of significant deterioration of air quality”; to the Committee on Industry and Labor then the Judiciary.

By Delegate Sobonya:

H. B. 2283 - “A Bill to amend and reenact article 3, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to standards of performance for new stationary sources”; to the Committee on Industry and Labor then the Judiciary.

By Delegate Sobonya:

H. B. 2284 - “A Bill to amend and reenact article 3, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the control of air pollution from hazardous waste treatment, storage and disposal facilities”; to the Committee on Industry and Labor then the Judiciary.

By Delegate Sobonya:

H. B. 2285 - “A Bill to amend and reenact article 3, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to requirements for operating permits”; to the Committee on Industry and Labor then the Judiciary.

By Delegate Sobonya:

H. B. 2286 - “A Bill to amend and reenact article 3, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to emission standards for hazardous air pollutants”; to the Committee on Industry and Labor then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 2287 - “A Bill to amend and reenact article 3, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the awarding of WV Stream Partners Program Grants”; to the Committee on Finance then the Judiciary.

By Delegate Sobonya:

H. B. 2288 - “A Bill to amend and reenact article 3, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the hazardous waste management system”; to the Committee on Industry and Labor then the Judiciary.

By Delegate Sobonya:

H. B. 2289 - “A Bill to amend and reenact article 3, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to requirements governing water quality standards”; to the Committee on Industry and Labor then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 2290 - “A Bill to amend and reenact article 3, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the WV/NPDES rule for coal mining facilities”; to the Committee on Energy then the Judiciary.

By Delegate Sobonya:

H. B. 2291 - “A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Enterprise Resource Planning Board to promulgate a legislative rule relating to the enterprise resource planning system user fee”; to the Committee on Finance then the Judiciary.

By Delegate Sobonya:

H. B. 2292 - “A Bill to amend and reenact article 6, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Fire Commission to promulgate a legislative rule relating to volunteer firefighters’ training, equipment and operating standards”; to the Committee on Government Organization then the Judiciary.

By Delegate Sobonya:

H. B. 2293 - “A Bill to amend and reenact article 5, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to chronic pain management clinic licensure”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 2294 - “A Bill to amend and reenact article 7, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to recognizing annuity mortality tables for use in determining reserve liabilities for annuities”; to the Committee on Banking and Insurance then the Judiciary.

By Delegate Sobonya:

H. B. 2295 - “A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to special boating”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Sobonya:

H. B. 2296 - “A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to defining the terms used in all hunting and trapping rules”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Sobonya:

H. B. 2297 - “A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to lifetime hunting, trapping and fishing licenses”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Sobonya:

H. B. 2298 - “A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to hunting, trapping and fishing license and stamp fees”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Sobonya:

H. B. 2299 - “A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the board of Osteopathy to promulgate a legislative rule relating to fees for services rendered by the board”; to the Committee on Finance then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 2300 - “A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Physical Therapy to promulgate a legislative rule relating to fees for physical therapists and physical therapist assistants”; to the Committee on Finance then the Judiciary.

By Delegate Sobonya:

H. B. 2301 - “A Bill to amend and reenact article 7, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Racing Commission to promulgate a legislative rule relating to thoroughbred racing”; to the Committee on Finance then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 2302 - “A Bill to amend and reenact article 2, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Administration to promulgate a legislative rule relating to the Purchasing Division”; to the Committee on Government Organization then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 2303 - “A Bill to amend and reenact article 2, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Administration to promulgate a legislative rule relating to state owned vehicles”; to the Committee on Government Organization then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 2304 - “A Bill to amend and reenact article 2, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Administration to promulgate a legislative rule relating to the state plan for the operation of the West Virginia State Agency for Surplus Property”; to the Committee on Government Organization then the Judiciary.

By Delegate Sobonya:

H. B. 2305 - “A Bill to amend and reenact article 8, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Office of Administrative Hearings to promulgate a legislative rule relating to appeal procedures”; to the Committee on Government Organization then the Judiciary.

By Delegate Sobonya:

H. B. 2306 - “A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to animal disease control”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Sobonya:

H. B. 2307 - “A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to auctioneers”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Sobonya:

H. B. 2308 - “A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to the fee structure for the Pesticide Control Act of 1990”; to the Committee on Finance then the Judiciary.

By Delegate Sobonya:

H. B. 2309 - “A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to the West Virginia Plant Pest Act”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Sobonya:

H. B. 2310 - “A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to the West Virginia Spay Neuter Assistance Program”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Sobonya:

H. B. 2311 - “A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to industrial hemp”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Sobonya:

H. B. 2312 - “A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to livestock care standards”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Sobonya:

H. B. 2313 - “A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to equine rescue facilities”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Sobonya:

H. B. 2314 - “A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to aquaculture importation”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Sobonya:

H. B. 2315 - “A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to frozen deserts and imitation frozen deserts”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Sobonya:

H. B. 2316 - “A Bill to amend and reenact article 7, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Alcohol Beverage Control Commission to promulgate a legislative rule relating to private club licensing”; to the Committee on Government Organization then the Judiciary.

By Delegate Sobonya:

H. B. 2317 - “A Bill to amend and reenact article 7, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Alcohol Beverage Control Commission to promulgate a legislative rule relating to nonintoxicating beer licensing and operations procedures”; to the Committee on Government Organization then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 2318 - “A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the board of Dental Examiners to promulgate a legislative rule relating to the board”; to the Committee on Government Organization then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 2319 - “A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the board of Dental Examiners to promulgate a legislative rule relating to dental recovery networks”; to the Committee on Government Organization then the Judiciary.

By Delegate Sobonya:

H. B. 2320 - “A Bill to amend and reenact article 5, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Family Protection Services Board to promulgate a legislative rule relating to the operation of the board”; to the Committee on Government Organization then the Judiciary.

By Delegate Sobonya:

H. B. 2321 - “A Bill to amend and reenact article 5, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Family Protection Services Board to promulgate a legislative rule relating to domestic violence program licensure standards”; to the Committee on Government Organization then the Judiciary.

By Delegate Sobonya:

H. B. 2322 - “A Bill to amend and reenact article 5, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Family Protection Services Board to promulgate a legislative rule relating to perpetrator intervention programs licensure”; to the Committee on Government Organization then the Judiciary.

By Delegate Sobonya:

H. B. 2323 - “A Bill to amend and reenact article 5, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Family Protection Services Board to promulgate a legislative rule relating to the Monitored Parenting and Exchange Program Certification”; to the Committee on Government Organization then the Judiciary.

By Delegate Sobonya:

H. B. 2324 - “A Bill to amend and reenact article 5, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Family Protection Services Board to promulgate a legislative rule relating to perpetrator intervention programs licensure for correctional institutions”; to the Committee on Government Organization then the Judiciary.

By Delegate Sobonya:

H. B. 2325 - “A Bill to amend and reenact article 6, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Fire Marshal to promulgate a legislative rule relating to supervision of fire protection work”; to the Committee on Government Organization then the Judiciary.

By Delegate Sobonya:

H. B. 2326 - “A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Forestry to promulgate a legislative rule relating to ginseng”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 2327 - “A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Governor’s Committee on Crime, Delinquency and Correction to promulgate a legislative rule relating to law enforcement training and certification standards”; to the Committee on Government Organization then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 2328 - “A Bill to amend and reenact article 5, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to nursing home licensure”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 2329 - “A Bill to amend and reenact article 5, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medication administration and performance of health maintenance tasks by approved medication assistive personnel”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Sobonya:

H. B. 2330 - “A Bill to amend and reenact article 5, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to the nurse aid abuse and neglect registry”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 2331 - “A Bill to amend and reenact article 5, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to the state-wide trauma/emergency care system”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Sobonya:

H. B. 2332 - “A Bill to amend and reenact article 5, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to the Fatality and Mortality Review Team”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 2333 - “A Bill to amend and reenact article 5, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to public water systems”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 2334 - “A Bill to amend and reenact article 7, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to annuity disclosure”; to the Committee on Banking and Insurance then the Judiciary.

By Delegate Sobonya:

H. B. 2335 - “A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to the Amusement Rides and Amusement Attractions Safety Act”; to the Committee on Industry and Labor then the Judiciary.

By Delegate Sobonya:

H. B. 2336 - “A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to weights and measures calibration fees”; to the Committee on Industry and Labor then the Judiciary.

By Delegate Sobonya:

H. B. 2337 - “A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to verifying the legal employment status of workers”; to the Committee on Industry and Labor then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 2338 - “A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to the supervision of plumbing work”; to the Committee on Industry and Labor then the Judiciary.

By Delegate Sobonya:

H. B. 2339 - “A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to the regulation of heating, venting and cooling work”; to the Committee on Industry and Labor then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 2340 - “A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to child labor”; to the Committee on Industry and Labor then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 2341 - “A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Medicine to promulgate a legislative rule relating to licensure, disciplinary and complaint procedures; continuing education; and physician assistants”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Sobonya:

H. B. 2342 - “A Bill to amend and reenact article 3, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Office of Miners’ Health, Safety and Training to promulgate a legislative rule relating to the safety of those employed in and around quarries in West Virginia”; to the Committee on Industry and Labor then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 2343 - “A Bill to amend and reenact article 8, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to the examination and issuance of driver’s licenses”; to the Committee on Roads and Transportation then the Judiciary.

By Delegate Sobonya:

H. B. 2344 - “A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to commercial whitewater outfitters”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Sobonya:

H. B. 2345 - “A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to wildlife damage control agents”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Sobonya:

H. B. 2346 - “A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to general hunting”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Sobonya:

H. B. 2347 - “A Bill to amend and reenact article 2, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Office of Technology to promulgate a legislative rule relating to the procedures for sanitization, retirement and disposition of information technology equipment”; to the Committee on Government Organization then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 2348 - “A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the board of Osteopathic Medicine to promulgate a legislative rule relating to osteopathic physician assistants”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 2349 - “A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to licensure and the practice of pharmacy”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 2350 - “A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to immunizations administered by pharmacists”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 2351 - “A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to the registration of pharmacy technicians”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Sobonya:

H. B. 2352 - “A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to controlled substances monitoring”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 2353 - “A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Real Estate Appraiser Licensing and Certification Board to promulgate a legislative rule relating to the requirements for registration and renewal of appraisal management companies”; to the Committee on Government Organization then the Judiciary.

By Delegate Sobonya:

H. B. 2354 - “A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to the procedures for recount of election results”; to the Committee on Government Organization then the Judiciary.

By Delegate Sobonya:

H. B. 2355 - “A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to the standards and guidelines for electronic notarization”; to the Committee on Government Organization then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 2356 - “A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to notaries public”; to the Committee on Government Organization then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 2357 - “A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to a schedule of fees for notaries public”; to the Committee on Finance then the Judiciary.

By Delegate Sobonya:

H. B. 2358 - “A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Conservation Committee to promulgate a legislative rule relating to financial assistance programs”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Sobonya:

H. B. 2359 - “A Bill to amend and reenact article 6, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Police to promulgate a legislative rule relating to the regulations and procedures pertaining to the West Virginia DNA databank”; to the Committee on Government Organization then the Judiciary.

By Delegate Sobonya:

H. B. 2360 - “A Bill to amend and reenact article 7, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to the appointment of special assessors by the State Tax Commissioner”; to the Committee on Finance then the Judiciary.

By Delegate Sobonya:

H. B. 2361 - “A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to dangerous wild animals”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Sobonya:

H. B. 2362 - “A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to the Rural Rehabilitation Loan Program”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 2363 - “A Bill to amend and reenact article 3, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to waste management”; to the Committee on Industry and Labor then the Judiciary.

By Delegate Sobonya:

H. B. 2364 - “A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Registration for Professional Engineers to promulgate a legislative rule relating to the examination, licensure and practice for professional engineers”; to the Committee on Government Organization then the Judiciary.

By Delegate Lane:

H. B. 2365 - “A Bill to amend and reenact §3-1-34 of the Code of West Virginia, 1931, as amended; to amend and reenact §3-4A-10 of said code; to amend said code by adding thereto a new section, designated §5-1A-6; and to amend and reenact §17B-2-1 of said code, all relating to voting procedures; requiring a voter to present an identifying document issued either by the State of West Virginia or the United States Government that contains the name, address and a photograph of the person desiring to vote; requiring the poll clerk to inspect and confirm that the name on the document conforms to the name in the individual’s voter registration record and that the image displayed is truly an image of the person presenting the document; permitting the casting of a provisional ballot by a person without adequate proof of identification if the voter executes an affidavit; permitting the provisional ballot to be counted if certain conditions are met; providing that certain funds be made available; requiring identification photos to be taken by certain spending units; accessing databases; exempting voters who vote in person at a precinct polling place that is located at a state licensed care facility where the voters are residents; providing that county clerks are the custodian of vote-recording devices, tabulating equipment and electronic poll books and duties; providing requirements and specifications for electronic poll books; permitting the Division of Motor Vehicles to issue, at no charge, identification cards to persons who will be at least eighteen years of age at the next general, municipal or special election and intends to use the identification card as a form of identification for voting; and providing criminal penalties”; to the Committee on the Judiciary then Finance.

By Delegates Rowan, L. Phillips, Miller, Sobonya, P. Smith, Border, Arvon and Storch:

H. B. 2366 - “A Bill to amend and reenact §61-3C-14b of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-8A-4 of said code, all relating generally to the solicitation of minors; clarifying the law pertaining to the use of a computer to solicit

a minor; deleting reference to offenses defined in the Uniform Controlled Substances Act; defining a new felony offense of soliciting a minor through use of a computer and traveling to engage in prohibited sexual activity with the minor; setting a new criminal penalty; and prohibiting the use or distribution of obscene materials by an adult to solicit or seduce a minor, or a person believed to be a minor, for unlawful sexual activity”; to the Committee on the Judiciary.

By Delegate Rodighiero:

H. B. 2367 - “A Bill to amend and reenact §5-16-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §8-15-8b of said code, all relating to permitting members of volunteer fire departments to participate in the state’s public employees insurance plan; adding to the definitions of employer and employee; and authorizing the payment of the costs of the insurance coverage”; to the Committee on Banking and Insurance then Finance.

By Delegates Faircloth, D. Evans, Kessinger, Border, Ellington, Sobonya, Kurcaba, Waxman, Rohrbach and Summers:

H. B. 2368 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-7-37, relating to child welfare; and requiring the Secretary of the Department of Health and Human Services to make annual reports to the Health and Human Resources Committees of the Senate and House of Delegates concerning child fatalities from the records of the Bureau for Children and Families Child Protective Services”; to the Committee on Health and Human Resources.

By Delegates Caputo, Longstreth, Manchin and Miley:

H. B. 2369 - “A Bill to amend and reenact §50-1-9a of the Code of West Virginia, 1931, as amended, relating to creating an additional magistrate court deputy clerk position for Marion County”; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Pasdon, Duke, Rowan, Wagner, Upson, Ambler and Espinosa:

H. B. 2370 - “A Bill to amend and reenact §18-2-26 of the Code of West Virginia, 1931, as amended, relating to increasing the powers of regional councils for governance of regional education service agencies; providing for revision of state board rule; requiring selection of executive director from nominations with certain limitations; requiring consultation with councils on development of job description, qualifications and procedures; requiring provisions for annual performance evaluations with portion of rating determined by council; expanding role of council; stating ability of agencies to cooperate, share or combine services with each other; updating references to computer programs and systems and removing outdated provisions; removing prescriptive provisions for computer installation, maintenance and repair; and removing provisions relating to repealed section on professional development”; to the Committee on Education.

By Delegates P. Smith, Perry, Hartman, Moye, Rodighiero, Frich, Cowles, Sobonya, J. Nelson, Hamrick and Shott:

H. B. 2371 - “A Bill to amend and reenact §16-2F-1 and §16-2F-4 of the Code of West Virginia, 1931, as amended, all relating to abortions performed on unemancipated minors; stating the state’s public policy to protect unborn life as well as the intent of the Legislature to protect the rights of the minor mother; and providing for the appointment of a guardian ad litem to represent the interests of the unborn child during certain proceedings and payment for that service”; to the Committee on the Judiciary.

By Delegate Rodighiero:

H. B. 2372 - “A Bill to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended, relating to school calendars; and permitting a county board of education to lengthen an instructional day in certain instances”; to the Committee on Education.

By Delegate Rodighiero:

H. B. 2373 - “A Bill to amend and reenact §16-1-6 of the Code of West Virginia, 1931, as amended, relating to prohibiting the

establishment of new methadone treatment programs and clinics in this state except for programs and clinics operated as comprehensive community mental health centers by the Division of Health or local nonprofit organizations; requiring all private and community mental health center methadone treatment programs to monitor each patient's pharmacy registry each month"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Rodighiero and Hicks:

H. B. 2374 - "A Bill to amend and reenact §5-10-15 of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-6-10 of said code, all relating to providing benefits for those who have served in the military service; providing service credits for purposes of public employment retirement for service in any branch of the military including the West Virginia National Guard and Reserve; and awarding additional testing credit points in civil service examinations for members of the National Guard and Reserve who are applying for state employment"; to the Committee on Veterans' Affairs and Homeland Security then Finance.

By Delegate Rodighiero:

H. B. 2375 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §31-20-27b, relating to providing civil service status for certain employees of the Regional Jail and Correctional Facility Authority"; to the Committee on the Judiciary.

By Delegates McGeehan, Faircloth, Hamrick, Folk, J. Nelson, Canterbury, Storch and Householder:

H. B. 2376 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-15-9o, and to amend said code by adding thereto a new section, designated §11-27-39, all relating to creating the Save the Hospitals Act; exempting nonprofit hospitals that provide a certain amount of uncompensated care from sales tax; allowing all hospitals that provide a certain amount of uncompensated care a credit against medical provider tax; and

requiring West Virginia Hospital Finance Authority to promulgate rules to effectuate this section”; to the Committee on Government Organization then Finance.

By Delegates Pasdon, Statler, Duke, Wagner, Romine, Ambler and Espinosa:

H. B. 2377 - “A Bill to amend and reenact §18-2-5 of the Code of West Virginia, 1931, as amended, relating to authorizing State Board of Education to approve certain alternatives with respect to instructional time proposed by a county board or school that meet the spirit and intent of affected statutes and are intended to optimize student learning; removing outdated and conflicting provisions related to school entrance and kindergarten; stating the purpose of subsection and providing context; providing limitations on alternatives; and making findings on learning time for consideration by state board”; which was referred to the Committee on Education then the Judiciary.

By Delegates Sponaugle, Hartman, Marcum, H. White, Reynolds, Perdue, Guthrie, Perry, Rowe, R. Phillips and L. Phillips:

H. B. 2378 - “A Bill to amend and reenact §6B-3-2 of the Code of West Virginia, 1931, as amended, relating to prohibiting chairmen of state political parties during or up to one year after the termination of their employment as chairmen of those political parties from registering as lobbyists”; to the Committee on the Judiciary.

By Delegates Walters and Frich

[By Request of the Division of Banking]:

H. B. 2379 - “A Bill to amend and reenact §31A-4-40 of the Code of West Virginia, 1931, as amended; and to amend and reenact §31A-8-12d, all relating to replacing the requirement of a board resolution and legal advertisement for any change in the days or hours a bank office is open for business with a requirement that the banking institution provide forty-five days advance written notice in the form of signage at the office and written notice to the Commissioner of Financial Institutions; and reducing the time for consideration of

expedited branch applications from thirty-five days to twenty-one days”; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Folk, McGeehan, Ihle, Faircloth, Frich, Householder, Shott, Kurcaba, Weld, Sobonya and J. Nelson:

H. B. 2380 - “A Bill to amend and reenact §17C-5-4 of the Code of West Virginia, 1931, as amended, relating to requiring the issuance of a search warrant before a driver of a motor vehicle can be made to submit to a secondary blood test to determine the concentration of alcohol or controlled substance in his or her blood”; to the Committee on the Judiciary.

By Delegates Ambler, Cooper, D. Evans, Perry, Duke, Rohrbach, Espinosa, Upson, Rowan and Romine:

H. B. 2381 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-4-2c, relating to providing a teacher mentoring increment for classroom teachers with national board certification who teach and mentor at priority and focus schools; defining focus and priority schools; defining mentoring; specifying method of payment; and specifying eligibility”; to the Committee on Education then Finance.

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

H. B. 2382 - “A Bill to amend and reenact §9-9-11 of the Code of West Virginia, 1931, as amended, relating to the temporary assistance to needy families program; authorizing Secretary of Department of Health and Human Resources to prescribe policies in accordance with the program to reform violations, sanctions, and penalties”; to the Committee on Health and Human Resources then the Judiciary.

DAILY CALENDAR

SECOND READING

Com. Sub. for H. B. 2002, Predicating actions for damages upon principles of comparative fault; on second reading, coming up in regular order, was read a second time.

At the request of Delegate Cowles, and by unanimous consent, the bill was advanced to third reading with amendments pending and with restricted right to amend by Delegate Shott, and the rule was suspended to permit the consideration of the amendments on that reading.

The bill was then ordered to third reading.

At 11:23 A.M., the House of Delegates adjourned until 11:00 A.M., Tuesday, January 27, 2015.

TUESDAY, JANUARY 27, 2015

FOURTEENTH 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 Monday, January 26, 2015, 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. 2053, Relating to the form of trust deeds,

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

Com. Sub. for H. B. 2053 - "A Bill to amend and reenact §38-1-2 and §40-1-9 of the Code of West Virginia, 1931, as amended, all relating to the form of trust deeds; and permitting the recording of a memorandum of deed of trust in lieu of the deed of trust,"

With the recommendation that the committee substitute do pass.

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

Your Committee on Government Organization has had under consideration:

H. B. 2227, Relating to the National Coal Heritage Area Authority,

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

Com. Sub. for H. B. 2227 - “A Bill to repeal §29-28-1, §29-28-2, §29-28-3, §29-28-4, §29-28-5, §29-28-6, §29-28-7, §29-28-8, §29-28-9, §29-28-10, §29-28-11, §29-28-12 and §29-28-13 of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-27-1, §29-27-2, §29-27-3, §29-27-4 and §29-27-6 of said code, all relating to the National Coal Heritage Area Authority; adding Lincoln and Kanawha counties as member counties; increasing number of authority board members; adding ex-officio non-voting member to the authority board from Marion County; adding working in member counties to qualifications of appointed members; providing for county commissions of member counties to recommend three nominees to Governor; providing for the Secretary of Education and the Arts to recommend three nominees for chairperson to Governor; creating a standing committee; establishing standing committee responsibilities; repealing article relating to the Coal Heritage Highway Authority; and transferring all assets and responsibilities of the Coal Heritage Highway Authority to the National Coal Heritage Area Authority,”

With the recommendation that the committee substitute do pass.

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

Your Committee on Education has had under consideration:

H. B. 2005, Relating to alternative programs for the education of teachers,

And,

H. B. 2160, Making the West Virginia Schools for the Deaf and Blind eligible to participate in any and all funding administered or distributed by the West Virginia School Building Authority,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2005 and H. B. 2160) were each referred to the Committee on Finance.

MESSAGES FROM THE SENATE

A message from the Senate, by

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

Com. Sub. for S. B. 43 - “A Bill to amend and reenact §55-2-21 of the Code of West Virginia, 1931, as amended, relating to tolling statute of limitations in certain cases generally; limiting circumstances within which statute of limitations is tolled for institution of third-party complaints associated with pending civil actions; providing alternative periods when statute of limitations on third-party complaints is tolled; defining ‘third-party complaint’; and clarifying that this section does not limit doctrine of equitable tolling or discovery rule”; which was referred to the Committee on the Judiciary.

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 the Clerk as follows:

S. C. R. 12 - “Adopting joint rules of the Senate and House of Delegates.”

Resolved by the Legislature of West Virginia:

That the Joint Rules of the Senate and House of Delegates to be adopted as follows and shall govern the proceedings of the ~~eightieth~~ eighty-second Legislature, subject to amendment as provided in the standing rules of the Senate and the House of Delegates:

Joint Assembly

1. Whenever there shall be a joint assembly of the two houses, a brief account of the proceedings shall be entered upon the Journal of each house, except in the joint assembly for counting votes for state officers.

Joint Assembly to Open and Publish Election Returns

2. As soon as the Senate, being organized, is informed that the House of Delegates is ready to proceed, as provided by ~~section three of article seven~~ Article VII, Section 3 of the Constitution of West Virginia, to open and publish the returns of the election for state officers, the Senate, preceded by its presiding officer and other officers, shall repair in a body to the hall of the House of Delegates. Upon their arrival the Sergeant at Arms of the House of Delegates shall announce the presence of the Senate. The presiding officer of the Senate shall then address the Speaker of the House, stating that a majority of the Senate has assembled in the hall of the House of Delegates to be present at the opening and publishing of the returns of the elections for State officers, held on the _____ day of _____ . The Speaker of the House of Delegates shall invite the presiding officer of the Senate to a seat upon his right, and the other members of the Senate and officers thereof to take seats assigned to them, and after announcing that a majority of the House of Delegates is present, shall then open and publish the returns of said election, proceeding by counties in alphabetical order, the Clerks of the two houses each taking down the returns as announced by the Speaker, to be entered upon the Journal of the House, and when completed and

tabulated the Speaker shall announce the votes received by each person voted for, for each of said offices, and those receiving the largest number of votes, shall be by him declared duly elected; and the Senate shall then return to its hall, and if any two or more candidates for any of said offices have an equal and the highest number of votes for the same office, the two houses shall immediately proceed to choose one of such persons for said office by a joint vote, as provided by ~~Section 3~~ of Article VII, Section 3 of the Constitution of West Virginia.

Disagreement and Conference

3. (a) Whenever a measure of one house is amended in the other and the house in which it originated shall refuse to concur in the amendment, the house amending the measure may either insist or recede therefrom. But when a measure originating in one house is amended in the other, the house in which it originated may amend such amendment and a motion therefor shall take precedence of a motion to concur. If said house refuses to concur, the other house may either recede from or insist upon its amendment, and a motion to recede shall take precedence of a motion to insist. The motion to lay on the table or to postpone indefinitely shall not be in order in respect to the motion to recede from or to insist.

A motion to recede having failed shall be equivalent to the adoption of a motion to insist and shall be so entered upon the Journal. A motion to insist being decided in the negative shall be equivalent to the adoption of a motion to recede and shall be so entered upon the Journal. If the motion to insist prevails, the house so insisting shall request a committee of conference on the subject of disagreement; and shall appoint a committee therefor. The other house may thereupon appoint such committee. Unless a different number is agreed upon, such conference committee shall consist of five members from each house.

Such committee shall consider and report upon only the subject matter of the amendment or amendments which were in disagreement,

with necessary consequential changes. The committee shall meet at a convenient time, to be agreed upon by their ~~Chairmen~~ Chairs, and upon notifying all conferees of the time and place of any such meeting, and having conferred freely, shall report to their respective houses the result of the conference. In case of agreement, the report shall be first made, with the papers referred accompanying it, to the house which refused to concur, and there acted upon; and such action, with the papers referred, shall be immediately reported by the Clerk to the other house. In case of disagreement, the papers shall remain with the house in which the measure originated. If an agreement is reached, the report shall be made and signed in duplicate by at least a majority of the conferees from each house, one of the duplicates being retained by the conferees of each house.

(b) With respect to any conference agreed to within the first fifty-one days of a regular session, the conference committee shall report to each house within seven days of agreement to conference or be discharged, except that upon a concurrent resolution duly adopted by a majority of those present and voting in each house, the presiding officer of each house may extend the conference not to exceed an additional three days. In no event shall a conference committee report to each house later than ~~9:00~~ 8:00 P.M. on the sixtieth day.

With respect to any conference agreed to after the fifty-first day of a regular session, or any time during any extraordinary session, the conference committee shall report to each house within three days after agreement to conference or be discharged, except that such conference may be extended by concurrent resolution duly adopted by a majority of those present and voting in each house, for a period not to exceed one additional day. In no event shall a conference committee report to each house later than ~~9:00~~ 8:00 P.M. on the sixtieth day.

Any conference committee which fails to report within the time limits established by this rule shall be deemed to be discharged, and the papers referred shall remain with the house in which the measure originated.

Any conference report shall, upon recognition by the presiding officer, be communicated to each house by its Clerk and made available to members of each house. Each house shall designate a location or office where copies of such report shall be made available. The Clerk shall communicate availability of conference reports by an announcement to the members of said house during the session. Such announcement can be made at any time upon recognition by the presiding officer, and the Clerk shall duly note the time of said announcement. Except as provided herein, the conference report shall lie over one day and shall not be considered in either house until at least the next day following, but thereafter it shall be proper to take up consideration of the conference report at any time otherwise permitted by the rules of such house whether or not such house met on the preceding day: *Provided*, That after the fifty-ninth day of any regular session or on any day of any extraordinary session a conference committee report may be considered the same day if availability of written copies of such report is communicated to that house while in session at least two hours prior to any consideration: *Provided, however*, That the conference report may be taken up for immediate consideration at any time by a two-thirds vote of the members of that house present.

Nothing herein shall affect the right of the presiding officer of either house to appoint or discharge any conference committee as heretofore provided, such right to appoint and discharge such committee being subject to the rules of each respective house.

The provisions of subsection (b) above shall not apply to the Budget Bill.

Messages Between the Houses

4. When a message is sent by one house to the other, it shall be communicated by the Clerk thereof to the Clerk of the house to which it is sent, but no message shall be received during a call of the roll. The Clerk of one house may communicate a message to the Clerk of

the other ~~after adjournment~~ at any time, and any message so sent shall be received by the house to which it is sent whenever it may be in session.

Bill Processing

5. (a) ~~In every regular session beginning after the effective date of this rule, legislation~~ Legislation recommended by the Governor or by executive departments or agencies is requested to be filed in the respective Clerks' offices, and a copy sent to Legislative Services, no later than the tenth day of each regular session of a Legislature.

(b) No bill or joint resolution shall be considered on third reading in its house of origin after the fiftieth day, unless authorization shall be granted by a concurrent resolution adopted by a two-thirds vote of the members present of both houses: *Provided*, That the Budget Bill, or any salary or supplementary appropriation bills, may be considered at any time.

(c) This rule may be suspended by adopting a concurrent resolution approved by a two-thirds majority of those present and voting in each house. A house desiring to suspend this rule may adopt a concurrent resolution and proceed as if the concurrent resolution had been adopted in both houses and the rule suspended. Any bill or joint resolution passed pursuant to such concurrent resolution may be communicated to the other house with the concurrent resolution or at any time after the concurrent resolution has been communicated to the other house. The other house may proceed to consider such bill or joint resolution only after adopting the concurrent resolution. The provisions of this rule shall not apply to any extended regular session or to any extraordinary session.

Processing of Bills Authorizing the Promulgation of Proposed Legislative Rules; Duplication and Distribution of Proposed Legislative Rules

5a. A "bill authorizing the promulgation of proposed legislative rules" or a "bill of authorization" is a measure intended to be enacted

as general law, which incorporates by reference a proposed legislative rule, with or without amendments or substitutions set forth in the bill, and which authorizes the promulgation and implementation of the proposed legislative rule. The processing of bills authorizing the promulgation of proposed legislative rules shall be governed by the standing rules of the Senate and the House of Delegates, which are supplemented by the provisions of this joint rule. In the case of any conflict between this rule and a standing rule of the Senate or the House of Delegates, the provisions of this rule shall control.

(1) The requirement of either house that bills shall be presented in duplicate applies to bills authorizing the promulgation of proposed legislative rules, but does not apply to the proposed legislative rule which the bill incorporates by reference. Of the duplicate copies, only the designated original copy shall have appended thereto the full text of the proposed legislative rule as finally approved by the agency seeking permission for its promulgation. Other copies of the full text of the proposed legislative rule shall be made available to members of the Legislature as hereinafter provided.

(2) Copies of the full text of each proposed legislative rule shall be reproduced by printing or duplication by the Clerk prior to, or as soon as is reasonably practicable after, the introduction of the bill which would authorize by law the promulgation of the proposed legislative rule. Prior to such printing or duplication, a notation shall be affixed to the proposed legislative rule which identifies the bill number of the introduced bill which would authorize its promulgation and which also identifies the committee or committees of the house to which the bill is to be referred by the presiding officer following its introduction. Otherwise, the copies printed or duplicated shall conform to the copy of the proposed legislative rule appended to the original bill, so as to facilitate the consideration and amendment of the rule throughout the legislative process.

(3) The Clerk shall furnish to any member, upon his or her request, without cost, one copy of the full text of a proposed legislative rule as

reproduced by the Clerk in accordance with the provisions of subsection (2) of this ~~joint rule~~ Joint Rule. For any request for an additional copy or copies of the proposed legislative rule, the member requesting the copy or copies shall pay to the Clerk, in advance, a charge which the Clerk has reasonably determined to be adequate to cover the actual cost of the printing or duplication: *Provided*, That the provisions herein for the Clerk to furnish a member with an additional copy or copies, with a cost charged, may not interfere with or delay the prompt and otherwise timely consideration of bills of authorization by the house or its committees or subcommittees.

(4) Whenever the standing rules of either house require the printing or reprinting of a bill, the rules apply to bills authorizing the promulgation of a proposed legislative rule with the same force and effect as they apply to other bills. However, no printing or reprinting of the proposed legislative rule which is incorporated by reference in the bill of authorization shall be required, other than the printing required by subsection (2) of this ~~joint rule~~ Joint Rule.

(5) Whenever the standing rules of either house require a bill to be read, or fully and distinctly read, the rules apply to bills authorizing the promulgation of a proposed legislative rule with the same force and effect as they apply to other bills. However, no reading of the proposed legislative rule which is incorporated by reference in the bill of authorization shall be required.

One House to Notify Other of Rejection of Bill

6. When a bill or resolution passed in one house is rejected in the other, notice thereof shall be sent to the house in which the same shall have been passed.

Record of Bills and Resolutions

7. The Clerks of the two houses shall keep separate records or registers, in which shall be recorded every action taken by the Senate and House on each bill and resolution.

Clerks to Endorse Bills or Resolutions

8. The Clerks of the two houses shall endorse on each bill or resolution a statement of any action taken by their respective bodies.

Notice Messages to Be in Writing

9. Notice Messages to either house of the action of the other shall be in writing, signed by the Clerk of the house ~~giving such notice sending the message.~~

Each House to Have Control of Own Printing

10. Each house may order the printing of ~~bills, resolutions, reports, and other~~ documents without the consent of the other.

Joint Committees

11. Joint standing committees of the Senate and House shall be appointed as follows:

(1) *Joint Committee on Enrolled Bills* — To consist of five members from each house.

(2) *Joint Committee on Joint Rules* — To consist of the presiding officers and two members of each house, to be appointed by the presiding officers.

(3) ~~Such other joint committees as may be provided for by concurrent resolution. A bill or resolution referred to a joint committee may be recalled from such committee by the house in which it originated.~~ *Joint Committee on Pensions and Retirement* — (a) The Joint Committee on Pensions and Retirement shall continually study and investigate public retirement systems. All pension and retirement related legislation introduced in the Legislature shall be referred to the committee in addition to any other reference the presiding officer may designate. Upon reference of any pension or retirement related

legislation, the committee shall forward such legislation to the actuary of the Consolidated Public Retirement Board or other actuary or actuarial firm who shall return an actuarial letter or note to the committee prior to the committee's consideration of such legislation.

(b) The committee shall consist of seven members of the Senate to be appointed by the presiding officer of the Senate and seven members of the House of Delegates to be appointed by the presiding officer of the House of Delegates. If possible, no more than five of the seven members appointed by the presiding officers of the Senate and the House of Delegates, respectively, may be members of the same political party.

(c) The committee shall make a continuing study and investigation of retirement benefit plans applicable to nonfederal government employees in this state. The powers and duties of the committee include, but are not limited to, the following:

(1) Studying retirement benefit plans applicable to nonfederal government employees in the State of West Virginia, including, without limitation, federal plans available to such employees;

(2) Making recommendations within the scope of the study with particular attention to financing of the various pension funds and financing of accrued liabilities;

(3) Considering all aspects of pension planning and operation, and making recommendations designed to establish and maintain sound pension policy as to all funds;

(4) Filing a report to each regular session of the Legislature concerning activities conducted between sessions;

(5) Analyzing each item of proposed pension and retirement legislation, including amendments thereto, with particular reference to analysis as to cost, actuarial soundness and adherence to sound pension

policy, and reporting of its findings in regard thereto to the Legislature; and

(6) Maintaining reference materials concerning pension and retirement matters, including, without limitation, information as to laws and systems in other states.

(d) The committee shall hold meetings at such times and places as it may designate. The presiding officer of each house shall appoint a cochair of the committee. When the Legislature is not in session, the committee shall meet and conduct its business as a joint committee.

When the Legislature is in session, in addition to joint meetings, the members of either house may meet separately from members of the other house to conduct committee business concerning pension and retirement related legislation introduced or originated in that house. When the members meet separately, they may function as other committees of that house. As far as practicable, relevant information, including actuarial letters or notes, gathered by members meeting separately from the other house shall be sent to the cochair of the other house if it is considering the same or similar legislation.

12. Other joint committees may be created by concurrent resolution or by approval of the presiding officers of each house.

Engrossed Bills to Be Filed with Clerk of the House

~~12:~~ 13. All engrossed bills passed by, and joint and concurrent resolutions adopted by, both houses shall be filed with the Clerk of the House of Delegates to be kept with the rolls of the Legislature and to be used ~~by him~~ in printing and publishing the Acts of the Legislature.

Joint Committee on Enrolled Bills

~~13:~~ 14. The Joint Committee on Enrolled Bills shall consist of five members of the Senate and five members of the House of Delegates, to be appointed by the presiding officer of each house, whose duty it

shall be to compare carefully all bills and joint resolutions passed by both houses, with the enrollment thereof, and to correct any errors or omissions they may discover and to make reports to their respective houses, from time to time, of the correctly enrolled bills or joint resolutions. It shall be in order for the Joint Committee on Enrolled Bills to report at any time.

Printing Enrolled Bills

~~14.~~ 15. After a bill has been passed by both houses, the type text from which it was originally printed shall be corrected as to any typographical errors that may not previously have been corrected and to include any amendments that may have been made by either house since the last printing of the bill. After the type text has been so corrected, ~~three hundred fifty copies~~ not less than fifty copies of the bill shall be printed (~~except charter bills, of which only twenty-five of each shall be printed~~). Twelve of these copies shall be on seven and one-fourth by ten bond paper, twenty-pound basis of at least fifty percent rag content for the use of the Joint Committee on Enrolled Bills, one of which copies, when properly authenticated, shall become the Enrolled Bill, and the remainder shall be on twenty-pound basis, sulphite bond paper. ~~From these copies all judges shall be furnished enrolled bills as provided for in section fourteen, article one, chapter four of the code.~~ In the case of enrolled bills authorizing the promulgation of a proposed legislative rule, a copy of the full text of the proposed legislative rule which the bill incorporates by reference shall be appended to the bill which has been properly authenticated and designated to be the Enrolled Bill. The copy appended to the Enrolled Bill shall conform to the copy of the full text of the proposed legislative rule appended to the introduced bill. Copies of the proposed legislative rule shall not be appended to the additional copies of the Enrolled Bill. Following action by the Governor, or the failure or refusal of the Governor to approve or disapprove a bill of authorization, the copy of the Enrolled Bill with the proposed legislative rule appended shall be the copy of the bill filed with the

Secretary of State in accordance with the provisions of Rule ~~18~~ 19 of these Joint Rules.

Authentication of Enrolled Bills

~~15.~~ 16. Enrolled Bills shall be authenticated by the signature of the ~~Chairman~~ Chair of the House Committee and the ~~Chairman~~ Chair of the Senate Committee, composing such Joint Committee on Enrolled Bills, but in the absence of such ~~Chairman~~ Chair another member of the committee may act in his stead, and they shall require all bills and joint resolutions before such authentication to be free from interlineations or erasures and destroy any previous enrollment containing any interlineations or erasures. A certificate, showing in which house the bill originated and when it takes effect, signed by the Clerks of the two houses, shall be endorsed on the bill. After enrolled bills and joint resolutions are authenticated as aforesaid, they shall be signed by the presiding officer of each house.

Presenting Enrolled Bills to Governor

~~16.~~ 17. After a bill shall have thus been signed in each house, it shall be presented by the ~~said committee~~ Joint Committee on Enrolled Bills to the Governor, for his approval. The said committee shall report the day of presentation to the Governor, which time shall be entered on the Journal of each house.

Record of Enrolled Bills

~~17.~~ 18. It shall be the duty of the Clerk of the House of Delegates, as Keeper of the Rolls of the Legislature, to keep a record book of all bills presented to the Governor for his approval. The title and number of each bill presented to the Governor shall be entered in this book, and when a bill is presented to ~~him~~ the Governor, the date presented and the signature of the Governor, showing receipt of same, shall be entered at the side of each title.

Action of Governor on Bills

~~18:~~ 19. When the Legislature is in session, any bill, including an appropriation bill or any part thereof, disapproved by the Governor shall be returned ~~by him~~ to the house in which it originated, with ~~his~~ objections thereto, within five days after receipt thereof, Sundays excepted, or become a law. If the Legislature, by adjournment, prevents the return of a disapproved bill, other than an appropriation bill, within such time, it shall be filed by the Governor in the office of the Secretary of State with ~~his~~ objections within fifteen days, Sundays excepted, after adjournment, or become a law. If the Legislature, by adjournment, prevents the return of a disapproved appropriation bill or any part thereof, it shall be filed by the Governor in the office of the Secretary of State with ~~his~~ objections within five days after adjournment, or become a law. When any bill, including an appropriation bill or any part thereof, is disapproved after adjournment of the Legislature and such bill with the Governor's objections is filed in the office of the Secretary of State within the prescribed time as aforesaid, the Governor shall notify the house in which the bill originated ~~of his action~~.

Every bill approved by the Governor shall, within the prescribed time after it is presented ~~to him~~, as aforesaid, be filed by the Governor in the office of the Secretary of State and the fact of such approval communicated by the Governor to the house in which said bill originated.

Any bill which shall be neither approved nor disapproved by the Governor shall immediately, after the expiration of the time fixed by the Constitution of West Virginia in which he may disapprove the same, be filed in the office of the Secretary of State, who shall forthwith engross thereon a certificate to the following effect: "I certify that the foregoing act, having been presented to the Governor for ~~his~~ approval, and not having been returned ~~by him~~ to the house of the Legislature in which it originated within the time prescribed by the Constitution of the State, has become a law without ~~his~~ approval;" and

shall date and sign the same. The Governor shall notify the house in which the bill originated of each bill becoming a law without his approval.

When a bill is returned to either house of the Legislature with the objections of the Governor, proceedings thereon shall be governed by ~~section fourteen, article seven~~ Article VII, Section 14 of the ~~State~~ Constitution of West Virginia. In such cases the Clerk of the Senate and the Clerk of the House of Delegates shall engross the action, if any, of their respective houses on the reconsideration of the bill; and sign the same.

The action of the Governor on all bills presented ~~to him~~ shall be appropriately noted in the Journals of the two houses.

Joint Meetings of Committees

~~19: 20.~~ 20. Whenever any bill has been referred by the Senate to one of its standing committees, and the same or like bill has been referred by the House to one of its committees, the ~~Chairmen~~ Chairs of the respective committees, when in their judgment the interest of legislation or the expedition of business will be better served thereby, may arrange for a joint meeting of their committees for the consideration of such bill. All joint committee meetings shall be presided over by the ~~Chairman~~ Chair of the Senate committee.

What Shall Be Printed in the Journal

~~20: 21.~~ 21. The following shall always be printed in the Journal of each house:

(a) Messages from the Governor and messages from the other house, the titles of all bills and the title and text of all resolutions.

(b) A record of all votes taken by yeas and nays as required by the Constitution of West Virginia, the rules of the respective houses and these rules; and a brief statement of the contents of each petition, memorial; or paper presented to each house.

(c) A true and accurate account of the proceedings of each house.

Manner of Printing the Journal and Bills

~~21.~~ 22. In printing the daily Journal of the proceedings of each house there shall be printed at the top of each page, except the first, the date of the Journal; and on the last page of each day's Journal shall be printed the calendar for the next day.

At the top of the first page of each bill, preceding the title and number thereof, there shall be printed the name of the person by whom, or the committee by which, it was introduced and the date of introduction; and at the top of each page, except the first, shall be printed the number of the bill.

Regulation and Use of Legislative Offices, Chambers, Halls, Stairways and Corridors

~~22.~~ 23. The presiding officer of each house shall have power to assign and regulate the office space in the portions of the Capitol used by their respective houses and to grant permission for the use of such space and the legislative Chambers for other than legislative purposes. They shall also have jurisdiction over all halls, stairways and corridors in the areas used by their respective houses. The presiding officers may submit any question or request arising under the foregoing provisions of this rule to the Committee on Rules of their respective houses for determination and action.

The area on the second floor between the legislative Chambers and surrounding the rotunda on the second floor shall be under the jurisdiction of the Joint Committee on Rules. It shall be the duty of this committee to maintain and preserve the aesthetic features of this area of the Capitol. No display or exhibition of any material or objects in this area shall be permitted without approval of the committee.

Attaching pictures, posters, cards or placards on the walls in any manner whatsoever in the halls, stairways and corridors in the areas

used by the respective houses and in the area between the legislative Chambers surrounding and to the east and west of the rotunda is prohibited.

Resolutions

~~23:~~ 24. Resolutions requiring concurrent action may originate in either house; and shall be of two kinds, namely:

Joint Resolutions: These resolutions shall be used for proposing amendments to the ~~State~~ Constitution of West Virginia and for ratifying amendments to the Constitution of the United States. Joint resolutions proposing amendments to the ~~State~~ Constitution of West Virginia shall be adopted as provided in ~~section two, article fourteen~~ Article XIV, Section 2 of said Constitution.

Concurrent Resolutions: Such resolutions shall be used for all purposes not covered by joint resolutions as defined above.

Suspension of Joint Rules

~~24:~~ 25. ~~No Joint Rule shall~~ Joint Rules may only be suspended; ~~except~~ by a two-thirds vote of each house, ~~and unless there be unanimous consent, such vote shall be taken by yeas and nays, or by unanimous consent.~~

Transfer Amounts Between Items

~~25:~~ 26. The Clerk of the Senate, with the approval of the presiding officer, is authorized to make written request to the State Auditor for the transfer of amounts between items of the total appropriations for the Senate; in order to protect or increase the efficiency of the service. Upon receipt of such written request, the State Auditor shall transfer the amounts as requested.

~~26:~~ 27. The Clerk of the House of Delegates, with the approval of the presiding officer, is authorized to make written request to the State

Auditor for the transfer of amounts between items of the total appropriations for the House of Delegates; in order to protect or increase the efficiency of the service. Upon receipt of such written request, the State Auditor shall transfer the amounts as requested.

~~27.~~ 28. The Clerk of the Senate and the Clerk of the House of Delegates, with the approval of the presiding officers, are authorized to make a joint written request to the State Auditor for the transfer of amounts between items of the total appropriations for joint expenses of the Legislature; in order to protect or increase the efficiency of the service. Upon receipt of such written request, the State Auditor shall transfer the amounts as requested.

Lobbying

~~28.~~ (Rescinded by SCR2, 2nd Ex. Sess., 1990)

Joint Committee on Pensions and Retirement

~~29.~~ (a) A joint standing committee of the Senate and House of Delegates, named the Joint Committee on Pensions and Retirement, shall continually study and investigate public retirement systems. All pension and retirement related legislation introduced in the Legislature shall be referred to the committee in addition to any other reference the presiding officer may designate. Upon reference of any pension or retirement related legislation, the committee shall forward such legislation to the actuary of the Consolidated Public Retirement Board or other actuary or actuarial firm who shall return an actuarial letter or note to the committee prior to the committee's consideration of such legislation.

(b) The committee shall consist of seven members of the Senate to be appointed by the presiding officer of the Senate and seven members of the House of Delegates to be appointed by the presiding officer of the House of Delegates. If possible, no more than five of the seven members appointed by the presiding officers of the Senate and the House of Delegates, respectively, may be members of the same political party.

~~(c) The committee shall make a continuing study and investigation of retirement benefit plans applicable to non-federal government employees in this state. The powers and duties of the committee include, but are not limited to, the following:~~

~~(1) Studying retirement benefit plans applicable to non-federal government employees in the state of West Virginia, including, without limitation, federal plans available to such employees;~~

~~(2) Making recommendations within the scope of the study with particular attention to financing of the various pension funds and financing of accrued liabilities;~~

~~(3) Considering all aspects of pension planning and operation, and making recommendations designed to establish and maintain sound pension policy as to all funds;~~

~~(4) Filing a report to each regular session of the Legislature concerning activities conducted between sessions;~~

~~(5) Analyzing each item of proposed pension and retirement legislation, including amendments thereto, with particular reference to analysis as to cost, actuarial soundness, and adherence to sound pension policy, and reporting of its findings in regard thereto to the Legislature; and~~

~~(6) Maintaining reference materials concerning pension and retirement matters, including, without limitation, information as to laws and systems in other states.~~

~~(d) The committee shall hold meetings at such times and places as it may designate. The presiding officer of each house shall appoint a co-chair of the committee. When the Legislature is not in session, the committee shall meet and conduct its business as a joint committee.~~

~~When the Legislature is in session, in addition to joint meetings, the members of either house may meet separately from members of the~~

~~other house to conduct committee business concerning pension and retirement related legislation introduced or originated in that house. When the members meet separately, they may function as other committees of that house. As far as practicable, relevant information, including actuarial letters or notes, gathered by members meeting separately from the other house shall be sent to the co-chair of the other house if it is considering the same or similar legislation.~~

~~Bill Carryover~~

~~30. (Rescinded by SCR 1, Reg. Sess., 1988)~~

Governing Powers

~~31.~~ 29. The presiding officers of each house, as selected in accordance with the Constitution of West Virginia, the Rules of the Senate, the Rules of the House of Delegates, respectively, these Joint Rules; and laws of the State, shall have the power to and are hereby authorized to act on behalf of the Legislature as required by the business and legal affairs of the Legislature unless otherwise directed by a majority vote of both houses while the Legislature is in session or by the majority vote of the Joint Committee on Government and Finance while the Legislature is not in session.

Receipt of Constitutional Petitions and Resolutions

~~32.~~ 30. Any application from a county commission or a verified petition from the voters of a county seeking to reform, alter or modify a county commission pursuant to Article IX, Section 13 of the ~~West Virginia~~ West Virginia Constitution of West Virginia and any related documents that may be subsequently submitted shall be filed with the Clerk of the Senate and the Clerk of the House of Delegates. The Clerk of the Senate and the Clerk of the House of Delegates shall verify that the application, petition or related document has been properly submitted to the other ~~clerk~~ Clerk before processing it in his or her respective house. Such applications, petitions and related documents not submitted to both the Clerk of the Senate and the Clerk of the House

of Delegates will not be submitted to either house for processing or consideration by the Legislature.

When the Legislature is not sitting in regular session, upon receipt of an application, petition or related document from a county commission by the Clerk of the Senate and the Clerk of the House of Delegates, it shall be processed as a regular order of business at the next regular session following receipt of the application, petition or related document.

~~Effective with the 2009 regular session of the Legislature, an~~ An application or petition to reform, alter or modify a county commission filed with the Legislature on or after the tenth day of a regular legislative session may not be processed or considered by the Legislature until the next regular legislative session.

An application or petition to reform, alter or modify a county commission filed with the Legislature is only valid for the session in which it was processed and such application or petition not acted upon during that session is null and void.

If an application or petition to reform, alter or modify a county commission filed with the Legislature is determined by the Legislature to have an unconstitutional provision, then the Legislature may: (a) Request that the application or petition be corrected and resubmitted; or (b) make changes necessary to meet the constitutional objection. A corrected application or petition may be processed by the Legislature if there is sufficient time remaining in the session for full consideration. If any request by the Legislature to correct an application or petition prevents full consideration of that application or petition during the session in which it would have been considered, the Senate and the House of Delegates ~~and the Senate~~ may process the corrected application or petition at the next regular session.

At the request of Delegate Cowles, and by unanimous consent, reference of the resolution (S. C. R. 12) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

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

RESOLUTIONS INTRODUCED

Delegates Border, Ambler, Anderson, Arvon, Azinger, Blair, Cadle, Canterbury, Cooper, Espinosa, D. Evans, Faircloth, Gearheart, Hamrick, Hanshaw, Hill, Howell, Ihle, Kelly, Kessinger, Miller, Moffatt, L. Phillips, Romine, Rowan, Stansbury, Statler, Walters and Zatezalo offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 25 - "Requesting the Division of Highways to name the bridge on Route 14, bridge number 53-14-9.61, in Wirt County, known as Moorehead Bridge, the 'US Army PFC Jessica Dawn Lynch Bridge'."

WHEREAS, US Army Private First Class Jessica Dawn Lynch, then a 19-year-old supply clerk with the 507th Maintenance Company (based in Fort Bliss, Texas), was injured and captured by Iraqi forces after her group made a wrong turn and was subsequently ambushed on March 23, 2003 near Nasiriyah, a major crossing point over the Euphrates River northwest of Basra. She was initially listed as missing in action (MIA). Eleven other soldiers in the company were killed in the ambush; and

WHEREAS, US Army Private First Class Jessica Dawn Lynch was a prisoner of war of the Iraqi military in the 2003 invasion of Iraq who was rescued by United States forces on April 1, 2003. It was the first successful rescue of an American POW since World War II and the first ever of a woman soldier; and

WHEREAS, On April 12, 2003, US Army Private First Class Jessica Dawn Lynch was flown to the Walter Reed Army Medical Center to undergo specialized treatment and rehabilitation. On April 17, 2003 she underwent surgery to repair a bone in her right foot; and

WHEREAS, While recovering in Washington, US Army Private First Class Jessica Dawn Lynch was inundated with gifts and flowers from well wishers, so much so that she asked the public to send cards instead. Her family suggested that the public send monetary gifts to charity and relief organizations; and

WHEREAS, US Army Private First Class Jessica Dawn Lynch was released from the hospital on July 22, 2003, more than three months after her injury, and, on August 27, 2003, she was given an honorable discharge; and

WHEREAS, US Army Private First Class Jessica Dawn Lynch was awarded the Bronze Star Medal, the Purple Heart, the Prisoner of War Medal, the National Defense Service Medal, the Global War on Terrorism Expeditionary Medal and the Army Service Ribbon; and

WHEREAS, On December 16, 2011 US Army Private First Class Jessica Dawn Lynch received her education degree from West Virginia University at Parkersburg, after completing her student-teacher training at the same elementary school she had attended in Wirt County; and

WHEREAS, It is only fitting that we name this bridge to honor US Army Private First Class Jessica Dawn Lynch; therefore, be it

Resolved by the West Virginia Legislature:

That the Legislature hereby requests the Division of Highways to name the bridge on Route 14, bridge number 53-14-9.61, known as Moorehead Bridge, in Wirt County the “US Army PFC Jessica Dawn Lynch Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “US Army PFC Jessica Dawn Lynch 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 US Army Private First Class Jessica Dawn Lynch.

Delegates Marcum, H. White, R. Phillips, Rodighiero, Moffatt, Eldridge, Moye, Byrd, Miley, Ambler, Arvon, Blair, Campbell, Caputo, Faircloth, Ferro, Folk, Hartman, Hicks, Householder, Howell, Ihle, Kessinger, Kurcaba, Longstreth, Lynch, Miller, Morgan, O’Neal, Overington, Perdue, Perry, L. Phillips, Pushkin, Reynolds, Rohrbach, P. Smith, R. Smith, Sobonya, Stansbury, Wagner, Walters, Westfall, B. White and Sponaugle offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 26 - “Requesting the Division of Highways to name a stretch of road beginning at 20 Whitman Church and up Whitman Creek one mile in Logan County, “Ingram’s Way”.

WHEREAS, James and John Ingram of Logan County have the following accomplishments in the world of competitive archery: James Ingram – 2004 World Champion; 2004 World Record Holder of Highest Archery Score in competition; Placed in the top ten of the greatest archery competitors in the World Championships on three separate occasions; 10 State Championships – Louisiana (3 times), Arkansas (3 times), Missouri (2 times) and Texas and Tennessee. John Ingram – Air Force veteran; 2012 ASA 8th Place in World Championships; 2012 central Arkansas Bowhunter Shooter of the year 2012 Hoyt State Champion; 2012 IAS Shooter of the Year; 2010 Hoyt State Champion; 2010 IAS Shooter of the Year; 2010 Arkansas 2nd Place ASA State Championship; 2005 T.H.E. 2nd Place World Championship; 1999 Missouri Red Head Indoor Pop Up State Champion 1999 ASAA State Champion; and

WHEREAS, Their archery accomplishments and contributions to their county and state should not go unnoticed; and

WHEREAS, Naming that stretch of road in Logan County, “Ingram’s Way” is an appropriate recognition of their contributions and accomplishments; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name that one mile stretch of road beginning at 20 Whitman Church and up Whitman Creek one mile in Logan County, “Ingram’s Way”; and, be it

Further Resolved, That the Division of Highways is requested to have made and be placed signs identifying the one mile stretch of road up Whitman Creek as the “Ingram’s Way”; 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, James and John Ingram and the family of James and John Ingram.

Mr. Speaker, Mr. Armstead, and Delegates Walters, D. Evans and J. Nelson offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 27 - “Requesting the Division of Highways to name a future bridge with a design number of 10978, longitude 38.39933, latitude -81.57895, carrying future County Route 219/32 over the Elk River in Kanawha County the “West Virginia Air National Guard 167th Fighter Squadron Memorial Bridge.”

WHEREAS, On April 8, 1951, nine officers and twelve enlisted Airmen of the West Virginia Air National Guard’s 167th Fighter Squadron left Godman Air Force Base, Kentucky, aboard a Douglas C-47B Skytrain en route to Charleston, West Virginia, to attend the funeral of a brother pilot. Most of the men aboard the flight had trained for more than three years at Kanawha Airport as members of the West Virginia Air National Guard and had flown thousands upon thousands of miles over the territory without one fatal accident and knew the terrain. All of the pilots of the squadron were veterans of World War II. The previous year the squadron had attained the highest

efficiency rating which included morale, operating efficiency, maintenance, safety and many other factors of any Air National Guard squadron in the nation. Credit for this distinction should go to every member of the squadron which was headed at the time by Lieutenant Colonel James K. McLaughlin of Charleston, West Virginia; and

WHEREAS, The plane was piloted on April 8 by Captain Edwin Keatley Whittington of Charleston, West Virginia, who had an outstanding war record with the Air Transport Command and joined the 167th when it was formed in the Spring of 1947. Captain Whittington was considered by most as the best "big ship" pilot in the squadron. The co-pilot was 1st Lt. Harry B. Kesler who was also a war veteran with the Air Transport Command. After joining the squadron at its inception, Lieutenant Kesler was severely injured in an automobile accident and wore a steel brace that held his back rigid, but he loved flying so much that he refused to give up his pilot's rating and his handicap did not impair his skill as a flier. Also on board the flight were T. Sgt. William H. Shelton, S. Sgt. David E. Rollyson, Jr., Cpl. Charles E. Cobb, Cpl. Dennis I. Meeks, S. Sgt. Kenneth C. Amick, Sgt. Richard F. Hazeltine, and Captain Harry K. Blackhurst all of Charleston; Sgt. Winson A. Schoonover, Cpl. Columbus Hall, Cpl. John R. Price, 1st Lt. Herman F. Winter, and Pfc. James Richard Lewis all of South Charleston; Sgt. James E. Creasy of Cabin Creek; Pfc. Jimmy Dolan of Cheylan; 1st Lt. Drexel E. Crites of St. Albans; 1st Lt. Lyle F. Finley of Harrisville; 1st Lt. Charles R. Michaelson of Nitro; 1st Lt. William J. Frank of Montgomery; and Major Isaac E. Bonifas of Portland, Indiana; and

WHEREAS, Eight miles and four air minutes away from their destination and on their way in to land, the plane struck the side of a hill and vaulted fifty feet on the other side. The second impact tore off the right wing and part of the left wing, and the fuselage skidded 400 feet before it came to rest and burst into flames. Nineteen of those on board were killed in the crash, and two were badly injured and later succumbed to their injuries, making this one of the worst air tragedies in the history of Southern West Virginia. Another plane of Airmen

also on their way from Godman Air Base on April 8 to Charleston for the funeral and piloted by Lt. Col. James K. McLaughlin, deputy commanding officer of the 123rd fighter-bomber wing, turned back to Godman following the crash; and

WHEREAS, It is fitting and appropriate that we honor these fallen West Virginia Air National Guard members by naming a future bridge with a design number of 10978, longitude 38.39933, latitude -81.57895, carrying future County Route 219/32 over the Elk River in Kanawha County the “West Virginia Air National Guard 167th Fighter Squadron Memorial Bridge”; therefore, be it

Resolved by the West Virginia Legislature:

That the Legislature hereby requests the Division of Highways to name a future bridge with a design number of 10978, longitude 38.39933, latitude -81.57895, carrying future County Route 219/32 over the Elk River in Kanawha County the “West Virginia Air National Guard 167th Fighter Squadron Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “West Virginia Air National Guard 167th Fighter Squadron 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 to the office of the Adjutant General.

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

By Delegates Overington, Householder, Moffatt, Espinosa, Upson, Frich, R. Phillips, Perdue, Hanshaw, Border and Miller:

H. J. R. 13 - “Proposing an amendment to the Constitution of the State of West Virginia, amending section one-b, article X thereof,

relating to homestead exemption increase; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on the Judiciary.

By Delegates Hamrick, Sobonya, Miller, Butler, Rohrbach and J. Nelson:

H. J. R. 14 - “Proposing an amendment to the Constitution of the State of West Virginia, amending section two, article twelve thereof, relating to reforming the West Virginia Board of Education so that its membership is made up of elected and appointed members; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on the Judiciary.

Delegates Rowan, A. Evans and Sponaugle offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. R. 6 - “Proclaiming August 28, 2015, and every August 28 thereafter to be designated as Teachers’ Day in Hardy, Grant and Hampshire counties of West Virginia in tribute to public citizens who have aided public education and abiding respect for those persons who have dedicated their careers to be a teacher.”

WHEREAS, A special day should be proclaimed in the State of West Virginia to honor the dedicated people who teach our children and there is currently no such day designated at the state or the national level; and

WHEREAS, A special day honoring West Virginia’s teachers is in the best interest of the teaching profession, would increase the morale of individual teachers and would be in the public interest; and

WHEREAS, Teachers’ Day in West Virginia would be a day to honor the outstanding teachers in the State of West Virginia at no additional cost to its taxpayers; and

WHEREAS, Every effort should be made by the Legislature and the citizens of West Virginia to encourage the federal government to designate August 28, 2015 and every August 28 thereafter as National Teachers' Day; and

WHEREAS, The Legislature encourages the citizens of each county in the State of West Virginia to observe August 28 by honoring our exemplary retired teachers and their many accomplishments on behalf of our young people; therefore, be it

Resolved by the House of Delegates:

That August 28, 2015, and every August 28 thereafter be designated as Teachers' Day in Hardy, Grant and Hampshire counties of West Virginia in tribute to public citizens who have aided public education and abiding respect for those persons who have dedicated their careers to be a teacher; and, be it

Further Resolved, That the Clerk of the House prepare a copy of this resolution for the state superintendent of schools, and each teacher and principal in the schools of Hardy, Grant and Hampshire counties.

BILLS INTRODUCED

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

By Delegate Rodighiero:

H. B. 2383 - "A Bill to amend and reenact §5-16-5 of the Code of West Virginia, 1931, as amended, relating to freezing employee premiums at the current level until July 1, 2018"; to the Committee on Banking and Insurance then Finance.

By Delegates Walters, Canterbury, R. Phillips, Overington, Byrd, Rowe, Stansbury, Guthrie, B. White, Mr. Speaker, Mr. Armstead, and E. Nelson:

H. B. 2384 - "A Bill to amend and reenact §8-1-5a of the Code of West Virginia, 1931, as amended, relating to removing prohibition of

municipalities that are participating in the Municipal Home Rule Pilot Program to pass ordinances, acts, rules or regulations pertaining to municipal pension plans”; to the Committee on Pensions and Retirement then Political Subdivisions.

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

H. B. 2385 - “A Bill to amend and reenact §11-16-6, §11-16-9 and §11-16-12 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-16-6a, all relating to brewer, resident brewer and brewpub licensing and operations; permitting licensed brewers and resident brewers to conduct a nonintoxicating beer sampling; permitting licensed brewers and resident brewers to conduct growler sales for off-premises consumption from their brewery premises located in the state; clarifying licensing and operational requirements for brewers, resident brewers and brewpubs; and removing brewpub bonding requirements”; to the Committee on Small Business, Entrepreneurship and Economic Development then the Judiciary.

By Delegates Pethtel, Ferro, Statler, Kurcaba, Howell, McGeehan, Faircloth, Hartman, Morgan and Storch:

H. B. 2386 - “A Bill to amend and reenact §30-27-10 of the Code of West Virginia, 1931, as amended relating to the Board of Barbers and Cosmetologists; and exempting cosmetologists who have been licensed for twenty years or more from continuing education requirements”; to the Committee on Government Organization.

By Delegates Pasdon, Statler, Rowan, Romine, Ambler and Espinosa:

H. B. 2387 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-36, relating to a framework for initiating comprehensive transformation of school leadership; making legislative findings that provide a context for leadership that promotes instructional improvement; stating

purpose of section as framework for development of needed statutory and policy changes; stating further purpose to initiate transformation through general statement of legislative intent; providing certain expectations; stating intent for process of broad stakeholder input; requiring convening of stakeholders to assist state board; listing minimum issues to be considered for state recommendations; and requiring reports and recommendations to Legislature and Governor”; to the Committee on Education.

By Delegates Rodighiero and Hicks:

H. B. 2388 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §17C-15-43a, relating to requiring the State Board of Education to cause school buses to be equipped with safety belts”; to the Committee on Education then Finance.

By Delegates Rodighiero and Hicks:

H. B. 2389 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-5-2a; to amend said code by adding thereto a new section, designated §5-10-22i; to amend said code by adding thereto a new section, designated §18-7A-26w; and to amend said code by adding thereto two new sections, designated §18A-4-2c and §18A-4-8j, all relating to granting all public employees, all teachers, all service employees, all public employee retirees, all teacher retirees and all service employee retirees a \$1,000 per year permanent pay increase”; to the Committee on Finance.

By Delegate Rodighiero:

H. B. 2390 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-1-9f, relating to public health; and requiring all public accessible restrooms to provide hand sanitizers either in or at the exit from the restroom portion of the public facility”; to the Committee on Health and Human Resources then Finance.

By Delegates Pasdon, Duke, Statler, Kurcaba, Upson, Rohrbach, D. Evans, Cooper, Romine, Wagner and Rowan:

H. B. 2391 - “A Bill to amend and reenact §18-5-44 of the Code of West Virginia, 1931, as amended, relating to authorizing additional annual waiver to full implementation of five full day early childhood education program for a certain purpose”; to the Committee on Education.

By Delegates Pasdon, Duke, Statler, Rowan, Cooper, D. Evans, Kurcaba, Ambler and Espinosa:

H. B. 2392 - “A Bill to amend and reenact §18-9A-4, §18-9A-5 and §18-9A-7 of the Code of West Virginia, 1931, as amended, all relating to adding flexibility for use of certain public school support plan amounts; removing limits on amounts of certain allowances based on numbers employed; basing required ratio of instructional personnel on professional educators funded; adding propane to incentive for alternative fuels; allowing portion of amount for bus replacement for higher priority use subject to certain certification; and removing obsolete provisions”; to the Committee on Education then Finance.

By Delegates Rodighiero and Hicks:

H. B. 2393 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-24, relating to requiring recipients of Supplemental Nutrition Assistance Program be issued a photo identification card; establishing criminal penalties for misuse; and granting rule-making authority”; to the Committee on the Judiciary then Finance.

By Delegates R. Smith, R. Phillips, J. Nelson, Wagner, Summers, Marcum, H. White, Arvon, L. Phillips, Kessinger and Storch:

H. B. 2394 - “A Bill to amend and reenact §11-13V-4 of the Code of West Virginia, 1931, as amended, relating to repealing the additional tax on the privilege of severing coal, effective July 1, 2015”; to the Committee on Energy then Finance.

By Delegates Westfall, Pasdon, B. White, Frich, O'Neal and Ashley:

H. B. 2395 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §46A-6M-1, §46A-6M-2, §46A-6M-3, §46A-6M-4, §46A-6M-5 and §46A-6M-6, all relating generally to providing consumers with the right to cancel residential roofing contracts where the contract is expected to be paid from a property and casualty insurance policy; providing definitions; establishing a consumer’s right to cancel; creating standard disclosure and notice requirements; providing for advanced payment prohibition, refunds, emergency repairs and unenforceability of contract; prohibiting certain acts; and misdemeanor criminal offense and penalty”; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Rodighiero and Perdue:

H. B. 2396 - “A Bill to amend and reenact §31-20-10 of the Code of West Virginia, 1931, as amended, relating to changing the way that the costs of incarcerating inmates in regional jails is collected so that these are shared by the county, state and municipality where the alleged criminal act occurs; making the cost of incarceration for less than twenty-four hours one-half the per diem charge for a full day; and, providing a funding source for regional jail central office employees and operations”; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Rodighiero and Perdue:

H. B. 2397 - “A Bill to amend and reenact §16-1-6 of the Code of West Virginia, 1931, as amended, relating to prohibiting the establishment of methadone treatment programs and clinics in this state, except for programs and clinics operated by comprehensive community mental health centers”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Rodighiero, Hicks and Perdue:

H. B. 2398 - “A Bill to amend and reenact §33-6B-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact

§33-20-3 and §33-20-5 of said code, all relating to prohibiting the number of inquiries reflected in a credit report, credit score report or CLUE report from adversely affecting an application for insurance; to limiting the use of a credit score to banking institution credit scoring for casualty insurance rate filings; and prohibiting reliance on information which is false or potentially false; limiting the use of a credit score in casualty insurance rate filings”; to the Committee on Banking and Insurance then Finance.

By Delegates Rodighiero and Marcum:

H. B. 2399 - “A Bill to amend and reenact §20-2-28 of the Code of West Virginia, 1931, as amended, relating to exempting all veterans of the Armed Forces or any reserve component thereof from having to obtain a hunting, trapping fishing license”; to the Committee on Agriculture and Natural Resources then Finance.

By Delegates Rodighiero and Marcum:

H. B. 2400 - “A Bill to amend and reenact §11A-1-3 of the Code of West Virginia, 1931, as amended, relating to quarterly payment of real and personal property taxes; and requiring new tax tickets to be mailed after property is transferred”; to the Committee on Finance.

By Delegates Rodighiero and Marcum:

H. B. 2401 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17A-3-14a, relating to authorizing the issuance of special ‘In God We Trust’ motor vehicle registration plates”; to the Committee on Roads and Transportation then the Judiciary.

By Delegate Rodighiero:

H. B. 2402 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-2-31, relating to crimes against the person; creating a criminal felony offense of aggravated assault or battery of a child or a person who is mentally incapacitated; and providing penalties”; to the Committee on the Judiciary.

By Delegate Rodighiero:

H. B. 2403 - “A Bill to amend the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §5-16B-6f, relating to qualifying children of state employees, receiving income of \$25,000 per year or less, for the West Virginia Children’s Health Insurance Program”; to the Committee on Health and Human Resources then Finance.

By Delegate Rodighiero:

H. B. 2404 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10-22l; and to amend said code by adding thereto a new section, designated §18-7A-26w, all relating to providing one-time supplements to all annuitants when they reach the age of seventy”; to the Committee on Pensions and Retirement then Finance.

By Delegate Rodighiero:

H. B. 2405 - “A Bill to amend and reenact §17D-2A-4 of the Code of West Virginia, 1931, as amended, relating to motor vehicle insurance; and providing a maximum repair cost for insured owners of motor vehicles if a collision with a deer caused the damage”; to the Committee on Banking and Insurance then the Judiciary.

By Delegate Rodighiero:

H. B. 2406 - “A Bill to amend and reenact §31-20-10 of the Code of West Virginia, 1931, as amended, relating to relieving the burden imposed on counties of incarcerating inmates in regional jails by changing the way the cost of incarcerating inmates in regional jails is collected so that it is shared by the county, state and municipality wherein the alleged criminal act occurred; and making the cost of incarcerating a person for less than twenty-four hours, one-half the amount charged for incarcerating an inmate for a full day”; to the Committee on the Judiciary then Finance.

By Delegates Storch, Zatezalo, Weld, Fluharty, Trecoast, Ferro and D. Evans:

H. B. 2407 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13A-5c, relating to reallocating and dedicating three percent of oil and gas severance tax revenues up to \$20 million annually to the oil and gas producing counties of origin and their respective municipalities; establishing state and local oil and gas county reallocated severance tax funds and providing for distribution of the moneys to the county commissions and governing bodies of the municipalities by the State Treasurer; establishing amounts each oil and gas producing county and their respective municipalities are to receive; requiring the creation of local funds into which moneys are to be deposited; requiring moneys be expended solely for economic development projects and infrastructure projects; providing definitions; providing restrictions on the expenditure of moneys; providing duties of State Tax Commissioner; requiring report of expenditures to Joint Committee on Government and Finance; providing audits of distributed funds when authorized by the Joint Committee on Government and Finance; and authorizing legislative and emergency rules”; to the Committee on Energy then Finance.

By Delegates Ellington, Householder, Sobonya, Arvon, Stansbury, Pasdon and Rohrbach:

H. B. 2408 - “A Bill to amend and reenact §30-7-15a of the Code of West Virginia, 1931, as amended, relating to collaborative practice; relating to requiring local public officer and licensed physician faculty member at a school of medicine to enter into a collaborative relationship with an authorized advance practice registered nurse”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Rodighiero:

H. B. 2409 - “A Bill to repeal §24-2F-3, §24-2F-4, §24-2F-5, §24-2F-6, §24-2F-7, §24-2F-8, §24-2F-9, §24-2F-10, §24-2F-11 and §24-2F-12 of the Code of West Virginia, 1931, as amended, all relating

to the Alternative and Renewable Energy Portfolio Act; and repealing that act”; to the Committee on Energy then the Judiciary.

By Delegates Walters, Canterbury, Ambler, Cooper, H. White, R. Smith, J. Nelson, Stansbury, R. Phillips, McGeehan and Byrd:

H. B. 2410 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13DD-1, §11-13DD-2 and §11-13DD-3; to amend and reenact §15-5-21 of said code; and to amend and reenact §55-7D-1 of said code, all relating to improving state emergency preparedness; creating an emergency generator tax credit for gas, diesel or propane fueled machines; requiring the Office of Emergency Services to coordinate with local radio and television stations to broadcast public service announcements with information as to the location of emergency shelters; and providing a protection from civil or criminal liability to persons donating food during times of emergencies”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

By Delegates Hamilton, Skinner, Storch, Guthrie, Moye, L. Phillips, Longstreth, Romine, Azinger, Lynch and Canterbury:

H. B. 2411 - “A Bill to amend and reenact §3-1A-6 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to prosecute election violations”; to the Committee on the Judiciary then Finance.

By Delegates P. Smith, Perry, Hartman, Eldridge, Campbell, Lynch, Williams, Longstreth, Frich, Rowe and Pethtel:

H. B. 2412 - “A Bill to amend and reenact §15-12-5 of the Code of West Virginia, 1931, as amended, relating to disclosure of sex offender registration to public and private elementary and secondary schools and institutions of higher education where the registrant is employed or attends school”; to the Committee on Education then the Judiciary.

By Delegates P. Smith, Rodighiero, Trecost, Eldridge, Lynch, Williams, Rowe and Ferro:

H. B. 2413 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §18A-4-2c and §18A-4-8j; and to amend said code by adding thereto a new section, designated §18B-7-1a, all relating to providing pay rates for teachers and other personnel employed by county boards of education and institutions of higher education for work assignments outside of regular school days or regular employment duties or beyond contracted employment periods”; to the Committee on Education then Finance.

By Delegates P. Smith, Moye, Rodighiero, Trecost, Eldridge, Campbell, Lynch, Williams, Longstreth, L. Phillips and Rowe:

H. B. 2414 - “A Bill to amend and reenact §18-5-18a of the Code of West Virginia, 1931, as amended, relating to permitting a salary increase for kindergarten aides and early childhood classroom assistant teachers who have more than twenty pupils per session”; to the Committee on Education then Finance.

By Delegates P. Smith, Rodighiero, Trecost, Eldridge, Campbell, Lynch, Williams and Longstreth:

H. B. 2415 - “A Bill to amend and reenact §5-10-15 of the Code of West Virginia, 1931, as amended, relating to removing the armed conflict requirement before state employees may receive credit for time served in the Armed Forces of the United States; and prohibiting those employees who were not honorably discharged from receiving that credit”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

By Delegates P. Smith and Lynch:

H. B. 2416 - “A Bill to amend and reenact §27-6A-3 of the Code of West Virginia, 1931, as amended, relating to competency and criminal responsibility of persons charged or convicted of a crime; and the evaluation standard used in releasing forensic admissions from mental health facilities to a less restrictive environment”; to the Committee on the Judiciary.

By Delegates P. Smith, Hartman, Moye, Rodighiero, Trecost, Eldridge, Lynch and Williams:

H. B. 2417 - “A Bill to amend and reenact §18-7A-28 of the Code of West Virginia, 1931, as amended, relating to the State Teachers Retirement System; options to beneficiaries; and authorizing a change of options because of death of beneficiary with a joint life annuity, within the first five years of retirement”; to the Committee on Pensions and Retirement then Finance.

By Delegates P. Smith, Rodighiero and Lynch:

H. B. 2418 - “A Bill to amend and reenact §27-5-4 of the Code of West Virginia, 1931, as amended, relating to requiring the Department of Health and Human Resources to reimburse the circuit clerk of the county for expenses of filing, postage and copies of involuntary commitment hearings”; to the Committee on the Judiciary then Finance.

By Delegates P. Smith, Trecost, Eldridge, Lynch and Longstreth:

H. B. 2419 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-5A-1, relating to adding fifty new positions to the staff at the William R. Sharpe, Jr. Hospital”; to the Committee on Health and Human Resources then Finance.

**By Delegates Hamilton, A. Evans, Romine, Lynch, Border, Kurcaba, Statler, Ambler, Guthrie, L. Phillips and Eldridge
[By Request of the Division of Natural Resources]:**

H. B. 2420 - “A Bill to amend and reenact §20-2-5 of the Code of West Virginia, 1931, as amended, relating to unlawful methods of hunting and fishing; and prohibiting the use of night vision technology and drones or other unmanned aerial vehicles in the hunting or taking of wildlife”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates P. Smith, Rodighiero, Trecost, Eldridge, Lynch, Williams, Longstreth, Rowe and Ferro:

H. B. 2421 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §6-13A-1, relating to retaining jobs for certain disabled veterans seeking or receiving treatment for active duty service-connected injury”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

By Delegates Overington, Butler, Espinosa, Rohrbach, Upson, J. Nelson, Cooper, D. Evans, Border, Frich and Foster:

H. B. 2422 - “A Bill to amend and reenact §18C-7-6 of the Code of West Virginia, 1931, as amended, relating to removing the requirement that home schooled students have to acquire a general equivalency degree (GED) in order to be eligible to receive a PROMISE scholarship”; to the Committee on Education then the Judiciary.

By Delegates Hamilton, Romine, Azinger, Sponaugle, Lynch, Canterbury, Border, Ambler, Pethel, Guthrie and Morgan:

H. B. 2423 - “A Bill to amend and reenact §5-10-18 of the Code of West Virginia, 1931, as amended, relating to providing an eleven month window to permit members of the public employees retirement system to purchase credited service that had been previously forfeited”; to the Committee on Pensions and Retirement then Finance.

By Delegates Overington, Gearheart, Cadle, Butler, Householder, Moffatt, Faircloth, Frich, Sobonya and Howell:

H. B. 2424 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §3-11A-1, §3-11A-2, §3-11A-3 and §3-11A-4, all relating to providing a procedure for West Virginia to select delegates to an Article V convention for proposing amendments to the Constitution of the United States of America; defining terms; setting forth delegate duties and responsibilities; and providing a felony criminal penalty for violation of a delegate’s oath”; to the Committee on the Judiciary then Finance.

By Delegates Howell, McGeehan, Blair, Westfall, R. Smith, Eldridge, Kessinger, Border, Hamilton, Trecoast and Pasdon:

H. B. 2425 - “A Bill to amend and reenact §18-2-6 and of the Code of West Virginia, 1931, as amended, relating to requiring that, in order to graduate from high school or obtain a General Educational Development (GED) diploma, a pupil must correctly answer at least sixty of the one hundred questions listed on a test that is identical to the civics portion of the naturalization test used by the United States Citizenship and Immigration Services; and requiring a school to document on the pupil’s transcript that the pupil has passed the test”; to the Committee on Education.

By Delegates Walters, Frich, R. Phillips, J. Nelson, Folk, R. Smith, Marcum, Ireland, D. Evans, Hanshaw and H. White:

H. B. 2426 - “A Bill to amend and reenact §33-2-21a of the Code of West Virginia, 1931, as amended, relating to the Volunteer Fire Departments Workers’ Compensation Subsidy Program and the Volunteer Fire Department Workers’ Compensation Premium Subsidy Fund; and providing for the merger of the purposes and provisions of that subsidy program and the subsidy fund in the state agency workers’ compensation programs section of the code”; to the Committee on Finance.

By Delegates Cadle, Foster, Hamrick, Moffatt, R. Smith, Zatezalo, McGeehan, Blair, Ihle, Hill and Faircloth:

H. B. 2427 - “A Bill to amend and reenact §61-3-30 of the Code of West Virginia, 1931, as amended, relating to increasing penalties for destruction or theft of election campaign advertising”; to the Committee on the Judiciary.

By Delegates P. Smith, Perry, Hamrick, Trecoast, Eldridge, Campbell, Lynch, Williams, Frich, Ferro and Reynolds:

H. B. 2428 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8B-11b; and to amend and reenact §62-12-26 of said code, all relating to prohibiting a person convicted of a sexual offense against a child from being on

school property without written permission of a judge or parole officer; creating criminal penalties; and defining terms”; to the Committee on the Judiciary.

By Delegates P. Smith, Perry, Hamrick, Moye, Eldridge, Lynch, Williams, Ferro, Reynolds, Faircloth and Sobonya:

H. B. 2429 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8B-19, relating to requiring a convicted sex offender who volunteers for an organization whose volunteers have contact with minors to inform that organization of his or her conviction; requiring the organization that accepts the sex offender as a volunteer to notify the parents or guardians of those minors of his or her conviction; and setting forth penalties”; to the Committee on the Judiciary.

By Delegate Skinner:

H. B. 2430 - “A Bill to amend and reenact §36B-1-103, §36B-1-104, §36B-1-108, §36B-1-201, §36B-1-203, §36B-1-204, §36B-1-206 and §36B-1-207 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto four new sections, designated §36B-1-115, §36B-1-116, §36B-1-208 and §36B-1-209; to amend and reenact §36B-2-103, §36B-2-105, §36B-2-106, §36B-2-109, §36B-2-112, §36B-2-113, §36B-2-116, §36B-2-117, §36B-2-118 and §36B-2-119 of said code; to amend said code by adding thereto two new sections, designated §36B-2-123 and §36B-2-124; to amend and reenact §36B-3-101, §36B-3-102, §36B-3-103, §36B-3-105, §36B-3-106, §36B-3-108, §36B-3-109, §36B-3-110, §36B-3-111, §36B-3-112, §36B-3-113, §36B-3-114, §36B-3-115, §36B-3-116, §36B-3-117 and §36B-3-118 of said code; to amend said code by adding thereto five new sections, designated §36B-3-120, §36B-3-121, §36B-3-122, §36B-3-123 and §36B-3-124; and to amend and reenact §36B-4-101, §36B-4-102, §36B-4-103, §36B-4-108, §36B-4-109, §36B-4-112, §36B-4-113, §36B-4-114, §36B-4-116 and §36B-4-117 of said code, all relating to updating the Uniform Common Interest Ownership Act; and providing for applicability of the chapter”; to the Committee on the Judiciary.

By Delegate Skinner:

H. B. 2431 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-9C-1, §15-9C-2, §15-9C-3, §15-9C-4, §15-9C-5 and §15-9C-6, all relating to creating a board for review of officer-involved deaths”; to the Committee on the Judiciary then Finance.

By Delegates Ellington, Householder, Arvon, Howell and Stansbury:

H. B. 2432 - “A Bill to amend and reenact §30-5-9 of the Code of West Virginia, 1931, as amended, relating to the licensure requirements to practice pharmacist care”; to the Committee on Health and Human Resources then Government Organization.

By Delegates P. Smith, Rodighiero, Rowan, Trecost, Campbell, Lynch, Williams, Longstreth, Rowe, Pethtel and Ferro:

H. B. 2433 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17A-3-14a, relating to authorizing the Division of Motor Vehicles to issue special license plates for applicants who are hearing impaired; establishing requirements for eligibility; and specifying fees”; to the Committee on Roads and Transportation then Finance.

By Delegates P. Smith, Hartman, Perry, Moye, Rodighiero, Trecost, Eldridge, Campbell, Lynch, Williams and Longstreth:

H. B. 2434 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §6-13A-1, relating to requiring an employer to retain a job for a veteran with a service-connected disability while the veteran seeks or receives treatment related to the service-connected disability and is able to return to work”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

By Delegates P. Smith, Perry, Hartman, Moye, Rodighiero, Eldridge, Campbell, Lynch, Williams, Longstreth and L. Phillips:

H. B. 2435 - “A Bill to amend and reenact §5-5-2 of the Code of West Virginia, 1931, as amended, relating to increasing the amount of

annual and incremental salary increases for eligible employees from \$60 to \$80”; to the Committee on Government Organization then Finance.

By Delegates P. Smith, Perry, Hartman, Moye, Rodighiero, Trecost, Eldridge, Campbell, Lynch, Williams and Longstreth:

H. B. 2436 - “A Bill to amend and reenact §49-6-1a of the Code of West Virginia, 1931, as amended, relating to increasing the number of child protective service workers at the Department of Health and Human Resources”; to the Committee on Health and Human Resources then Finance.

By Delegates P. Smith, Perry, Moye, Rodighiero, Trecost, Eldridge, Campbell, Lynch, Williams, Longstreth and L. Phillips:

H. B. 2437 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10-37; and to amend said code by adding thereto a new section, designated §18-7A-26w, all relating to providing a cost-of-living provision for certain persons retired under the Public Employees Retirement System and the Teachers Retirement System”; to the Committee on Pensions and Retirement then Finance.

By Delegates P. Smith, Perry, Hartman, Rodighiero, Trecost, Eldridge, Campbell, Lynch, Williams, L. Phillips and Ferro:

H. B. 2438 - “A Bill to amend and reenact §18A-4-8a of the Code of West Virginia, 1931, as amended, relating to school service personnel minimum monthly salaries; increasing one of the education increments”; to the Committee on Education then Finance.

By Delegates P. Smith, Rodighiero, Trecost, Eldridge, Campbell, Lynch, Williams, Longstreth, L. Phillips and Frich:

H. B. 2439 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-2-16b, relating to creating criminal penalties for assault or battery on a pregnant woman against the will and without the consent of the woman

where the perpetrator knows or has reason to know that the victim is pregnant; creating both misdemeanors and felonies; and providing for incremental penalties for multiple batteries”; to the Committee on the Judiciary.

By Delegates Frich, Householder, Arvon, Ellington, Butler, Rohrbach, Sobonya, Waxman, Westfall, Kurcaba and Shott:

H. B. 2440 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-2-11a, relating to preventing taxpayer subsidization of health insurance covering elective abortions; prohibiting all qualified health plans offered through a state exchange from including abortion coverage except to prevent the death of the mother; and preventing all other health plans, including health insurance contracts, plans or policies, offered outside of the exchange, but within the state, from providing coverage for elective abortions except by optional separate supplemental coverage for abortion”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Stansbury, Howell, Pasdon, Sobonya, Walters, Shott, Arvon, Rohrbach, Householder, Moffatt and Ellington:

H. B. 2441 - “A Bill to amend and reenact §18-5-19 and §18-5-19d of the Code of West Virginia, 1931, as amended, all relating to providing that county boards of education are not liable for loss or injury from the use of school property made available for unorganized recreation”; to the Committee on Education then the Judiciary.

By Delegates Pasdon, Cooper, Hamrick, Wagner, Pethtel, Espinosa, Duke, Ambler, Kurcaba, Statler and Kessinger:

H. B. 2442 - “A Bill to amend and reenact §18A-2-3 of the Code of West Virginia, 1931, as amended, relating to employment of retired teachers as substitutes in areas of critical need and shortage for substitutes; requiring days of retirement before instructional term employed as substitute; requiring electronic posting of vacancy; requiring preemployment submission of information to, and verification of compliance by, state board prior to submission to

retirement board; resetting expiration date of provisions; and making other technical improvements”; to the Committee on Education then Finance.

By Delegates Pasdon, Stansbury, McCuskey, Hamilton, Fast, Ellington, Westfall, Border, Walters, Statler and Rohrbach:

H. B. 2443 - “A Bill to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating to required instruction in cardiopulmonary resuscitation and first aid in public school health education subjects; adding care for conscious choking first aid instruction; requiring after certain date minimum thirty minutes instruction prior to graduation in cardiopulmonary resuscitation and psychomotor skills necessary to perform CPR; defining psychomotor skills; requiring CPR instruction be based on program established by American Heart Association or the American Red Cross or other recognized guidelines; authorizing various persons and community members by whom instruction may be given; encouraging those community members to provide training and instructional resources; authorizing school districts to exceed minimum requirements; and requiring authorized CPR/AED instructor for instruction that results in certification being earned”; to the Committee on Education.

DAILY CALENDAR

THIRD READING

Com. Sub. for H. B. 2002, Predicating actions for damages upon principles of comparative fault; on third reading, coming up in regular order, with amendments pending, and with restricted right to amend by Delegate Shott, was reported by the Clerk.

An amendment to the bill, offered by Delegate Manchin, was reported by the Clerk.

Whereupon,

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

Delegate Marcum moved to amend the bill on page six, section thirteen-c, line thirty-five, by striking out the period, inserting a semicolon and the following:

“And,

(4) A defendant whose acts or omissions constitute intentional, willful, wanton or gross negligence which is a proximate cause of the damages suffered by the plaintiff.”

Delegate Manchin was addressing the House when Delegate Folk arose to a point of order, stating that the remarks being delivered by the Gentleman from the 50th were to the merits of the bill and not to the matter pending before the House.

The Speaker admonished the Gentleman from the 50th to confine his remarks to the question before the House.

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

The yeas and nays having been ordered, they were taken (**Roll No. 9**), and there were—yeas 38, nays 62, absent and not voting none, with the yeas being as follows:

YEAS: Bates, Boggs, Byrd, Campbell, Caputo, Eldridge, Fast, Ferro, Fleischauer, Fluharty, Guthrie, Hartman, Hicks, Hornbuckle, Longstreth, Lynch, Manchin, Marcum, McCuskey, Miley, Moore, Morgan, Moye, Perdue, Perry, Pethtel, L. Phillips, Pushkin, Reynolds, Rodighiero, Rowe, Skinner, P. Smith, Sponaugle, Trecost, Walters, H. White and Williams.

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

Delegate Skinner moved to amend the bill on page six, section thirteen-c, line thirty-eight, by striking out the word “and”.

On page six, section thirteen-c, line thirty-nine, by striking out the period and inserting a semi-colon and the following:

“And,

(4) A defendant whose conduct is a proximate cause of the damages suffered by the plaintiff who is under the age of fourteen.”

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

The yeas and nays having been ordered, they were taken (**Roll No. 10**), and there were—yeas 34, nays 66, absent and not voting none, with the yeas being as follows:

YEAS: Bates, Boggs, Byrd, Campbell, Caputo, Eldridge, Ferro, Fleischauer, Fluharty, Guthrie, Hartman, Hicks, Hornbuckle, Longstreth, Lynch, Manchin, Marcum, Miley, Moore, Morgan, Moye, Perdue, Perry, Pethtel, L. Phillips, Pushkin, Reynolds, Rodighiero, Rowe, Skinner, Sponaugle, Storch, H. White and Williams.

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

An amendment to the bill, offered by Delegate Miley, was reported by the Clerk.

Whereupon,

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

Delegate Manchin moved to amend the bill on page ten, line seventy-two, following the period, by inserting a new section thirteen-e, to read as follows:

“§55-7-13 Economic impact of assessment of abolishing joint and several liability.”

The West Virginia University Law Institute, created pursuant to article twelve, chapter four of this code, shall conduct a review the effect of implementation of H. B. 2002 as enacted by the 2015 West Virginia Legislature on the economy of the State of West Virginia including, but not limited to, the following: the effect of this new statute on limiting recovery by persons who have been injured by the negligence of others and any associated economic costs or losses; the effects on business, industry and job creation; the impact on the judicial system relating to number of and settlement of personal injury claims; and any other costs or benefits that the institute may identify that have resulted by enacting this statute. The institute shall also make available the lead author of the study or other qualified representative to discuss the study with any committee of the Legislature. The institute shall conduct a follow-up study two and five years following enactment to analyze these economic impacts which shall be based on generally accepted scientific methodology.”

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

The yeas and nays having been ordered, they were taken (**Roll No. 11**), and there were—yeas 32, nays 68, absent and not voting none, with the yeas being as follows:

YEAS: Bates, Boggs, Byrd, Campbell, Caputo, Ferro, Fleischauer, Fluharty, Guthrie, Hicks, Hornbuckle, Longstreth, Lynch, Manchin, Marcum, Miley, Moore, Morgan, Moye, Perdue, Perry, Pethtel, L. Phillips, Pushkin, Reynolds, Rodighiero, Rowe, Skinner, Sponaugle, Trecost, H. White and Williams.

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

Delegate Sponaugle moved to amend the bill on page six, section thirteen-c, line thirty-five, by striking out the period, inserting a semicolon and the following:

“And,

(4) A defendant whose acts or omissions have been found by a jury to constitute fifty percent or more of the negligence which prominently caused the damages suffered by the plaintiff.”

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

The yeas and nays having been ordered, they were taken (**Roll No. 12**), and there were—yeas 40, nays 60, absent and not voting none, with the yeas being as follows:

YEAS: Bates, Boggs, Byrd, Campbell, Caputo, Eldridge, Fast, Ferro, Fleischauer, Fluharty, Frich, Guthrie, Hartman, Hicks, Hornbuckle, Longstreth, Lynch, Manchin, Marcum, McCuskey, Miley, Moore, Morgan, Moye, J. Nelson, Perdue, Perry, Pethtel, L. Phillips, R. Phillips, Pushkin, Reynolds, Rodighiero, Rowe, Skinner, Sponaugle, Storch, Trecost, H. White and Williams.

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

On motion of Delegate Shott, the bill was amended on page eight, section thirteen, line twenty-seven, following the word “nonparty”, by inserting the words “and not by the amount of the nonparty or party’s settlement”.

There being no further amendments, and having been engrossed, the bill was read a third time.

Delegate Walters requested to be excused from voting on the passage of Com. Sub. for H. B. 2002 under the provisions of House Rule 49.

The Speaker replied that the Delegate was not a member of a class of persons possibly to be affected by the passage of the bill and exhibited direct personal or pecuniary interest therein, and therefor excused the Member from voting.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 13**), and there were—yeas 74, nays 25, excused from voting 1, absent and not voting none, with the nays and excused being as follows:

NAYS: Boggs, Byrd, Caputo, Eldridge, Ferro, Fleischauer, Fluharty, Guthrie, Hicks, Hornbuckle, Longstreth, Manchin, Marcum, Miley, Moore, Perdue, Pethtel, Pushkin, Reynolds, Rodighiero, Rowe, Skinner, Sponaule, H. White and Williams.

EXCUSED FROM VOTING: Walters.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2002) passed.

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

Com. Sub. for H. B. 2002 - “A Bill to repeal §55-7-13 and §55-7-24 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto four new sections, designated §55-7-13a, §55-7-13b, §55-7-13c and §55-7-13d, all relating to predicating actions for damages upon principles of comparative fault; establishing the comparative fault standard; abolishing joint liability and implementing several liability; establishing how to consider the fault of nonparties; establishing how to consider the fault of, and the amounts paid by, settling parties; providing for the use of special interrogatories; clarifying fault may be imputed to another person who was acting as an agent or servant of another; providing for the burden of proof and limitations; and defining terms.”

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:

S. B. 3, Relating to real property possessor's liability for trespasser harm,

And,

H. B. 2138, Adding aircraft operations on private airstrips and farms to the definition of recreational purpose.

MISCELLANEOUS BUSINESS

Delegate Hartman asked and obtained unanimous consent that he be removed as a cosponsor of H. B. 2208, Relating to local smoking restrictions.

At 1:34 P.M., the House of Delegates adjourned until 11:00 A.M., Wednesday, January 28, 2015.

WEDNESDAY, JANUARY 28, 2015

FIFTEENTH 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, January 27, 2015, being the first order of business, when the further reading thereof was dispensed with and the same approved.

COMMITTEE REPORTS

Delegate Overington, Chair of the Committee on Industry and Labor, submitted the following report, which was received:

Your Committee on Industry and Labor has had under consideration:

H. B. 2217, Relating to qualifications of the Commissioner of Labor,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Government Organization.

In accordance with the former direction of the Speaker, the bill (H. B. 2217) was referred to the Committee on Government Organization.

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. 2205, Creating the crime of prohibited sexual contact by a psychotherapist,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 2205) was referred to the Committee on Finance.

Delegate Evans, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

H. B. 2105, Creating the Captive Cervid Farming Act,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 2105) was referred to the Committee on Finance.

Delegate Ellington, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2216, West Virginia Health Benefit Exchange Act,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 2216) was referred to the Committee on the Judiciary.

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

Your Committee on Energy has had under consideration:

H. B. 2087, Permitting surface owners to purchase the mineral interests that lay below the property in certain circumstances,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 2087) was referred to the Committee on the Judiciary.

SPEAKER PRO TEMPORE ANDERSON IN THE CHAIR

COMMITTEE REPORTS

- CONTINUED -

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

Your Committee on Energy has had under consideration:

Com. Sub. for S. B. 280, Allowing well work permit transfers,

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. 280) was taken up for immediate consideration, read a first time and ordered to second reading.

Delegate Cowles moved that the constitutional rule requiring the bill to be fully and distinctly read on three different days be dispensed with.

Mr. Speaker, Mr. Armstead, arose from his seat and requested to be excused from voting on questions related to Com. Sub. for S. B. 280 under the provisions of House Rule 49.

The Speaker Pro Tempore replied that Mr. Armstead was a member of a class of persons possibly to be affected by the passage of the bill but exhibited no direct personal or pecuniary interest therein, and refused to excuse him from voting.

On the question of the dispensing the constitutional rule, the yeas and nays were taken (**Roll No. 14**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Moore, Morgan, Storch and Walters.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

The bill was then read a second and third time and put upon its passage.

The question then being on the passage of the bill, the yeas and nays were taken (**Roll No. 15**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Moore, Morgan, Storch and Walters.

So, a majority of the members present and voting in the affirmative, the Speaker declared the bill passed.

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

On this question, the yeas and nays were taken (**Roll No. 16**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Moore, Morgan, Storch and Walters.

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. 280) takes effect from its passage.

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

MR. SPEAKER, MR. ARMSTEAD, IN THE CHAIR

MESSAGES FROM THE SENATE

A message from the Senate, by

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

Com. Sub. for S. B. 13 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-27, relating to liability of possessor of real property for injuries caused by open and obvious hazards; reinstating and codifying open and obvious doctrine of common law as it existed prior to judicial abolition; clarifying that this section does not create, recognize or ratify claim or cause of action; and stating legislative intent”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates as follows:

Com. Sub. for H. B. 2001, Repealing portions of the Alternative and Renewable Energy Portfolio Act.

On motion of Delegate Cowles, the bill was taken up for immediate consideration.

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

On this question, the yeas and nays were taken (**Roll No. 17**), and there were—yeas 92, nays 4, absent and not voting 4, with the nays and absent and not voting being as follows:

NAYS: Fleischauer, Guthrie, Pushkin and Skinner.

ABSENT AND NOT VOTING: Moore, Morgan, Storch and Walters.

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 H. B. 2001) takes effect from its passage.

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

RESOLUTIONS INTRODUCED

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

H. C. R. 28 - “Requesting the Division of Highways to name the bridge on Route 32, Evergreen Road, in Upshur County, bridge number 49-32-8-16, as the ‘USMC Cpl Marple W. Landes and US Army PV2 Margel S. Landes Memorial Bridge’.”

WHEREAS, Corporal Marple W. Landes was born on October 27, 1923, in Upshur County; and

WHEREAS, Corporal Marple W. Landes graduated from Buckhannon-Upshur High School in 1941 and volunteered to serve in the US Marine Corps on February 4, 1943; and

WHEREAS, Corporal Marple W. Landes received his training at Parris Island, South Carolina, New River, North Carolina and Camp Pendleton, California; and

WHEREAS, Corporal Marple W. Landes went overseas in 1944 and was killed in action on March 10, 1945, on the Island of Iwo Jima; and

WHEREAS, Private Margel S. Landes was born on November 29, 1925, in Upshur County; and

WHEREAS, Private Margel S. Landes and Corporal Marple W. Landes were brothers whose parents were J. S. Landes and Maude Douglas Landes; and

WHEREAS, Private Margel S. Landes was employed by Mays Cleaners in Clarksburg prior to enlisting in the US Army on February 26, 1944; and

WHEREAS, Private Margel S. Landes received his basic training at Camp Stewart, Georgia and at Camp Gordon Georgia, was sent overseas in January 1945 and landed in Europe on February 15, 1945; and

WHEREAS, Private Margel S. Landes died from wounds received in Germany on March 3, 1945; and

WHEREAS, Private Margel S. Landes and Corporal Marple W. Landes died just one week apart, were the sixty-first and sixty-second casualties from Upshur County in the Second World War and are buried in the Waterloo Cemetery near French Creek, West Virginia; and

WHEREAS, It is only fitting that this bridge be named after Private Margel S. Landes and Corporal Marple W. Landes, brothers serving in two different branches of the armed forces in two different areas of the world, both of whom having given the ultimate sacrifice in preserving freedom; therefore, be it

Resolved by the West Virginia Legislature:

That the Legislature hereby requests the Division of Highways to name the bridge on Route 32, Evergreen Road, in Upshur County, bridge number 49-32-8-16, as the “USMC Cpl Marple W. Landes and US Army PV2 Margel S. Landes Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “USMC Cpl Marple W. Landes and US Army PV2 Margel S. Landes 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 to the nieces of USMC Corporal Marple W. Landes and US Army Private Margel S. Landes, Christina H. Rinehart and Mona Lee Hertz.

Delegates Campbell, P. Smith, Rodighiero, Westfall, Summers, Moore, Moffatt, Sobonya, Householder, Kelly and Azinger offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 29 - “Designating April 2 as West Virginia Autism Awareness Day.”

WHEREAS, The seventh annual World Autism Awareness Day is April 2, 2015. Every year, autism organizations around the world celebrate the day with unique fund-raising and awareness-raising events. World Autism Awareness Day aims to increase awareness about people, especially children, with autism. The day often features educational events for teachers, health care workers and parents, as well as exhibitions showcasing work created by children with autism; and

WHEREAS, Autism is a developmental disability that remains with a person for his or her whole life. This condition affects the brain’s functions. The first signs usually appear before a child is three years old. People with autism often find social interaction difficult, have problems with verbal and nonverbal communication, demonstrate

restrictive and repetitive behavior and have a limited set of interests and activities. Autism affects girls and boys of all races and in all geographic regions and has a large impact on children, their families, communities and societies. The prevalence is currently rising in many countries around the world. Caring for and educating children and young people with this condition places challenges on health care, education and training programs; and

WHEREAS, Public health officials estimate that one in every eighty-eight children in America is growing up on the autism spectrum. It is a reality that affects millions of families every day, from the classroom to the job market. On World Autism Awareness Day, all people recommit to helping individuals on the autism spectrum reach their full potential; therefore, be it

Resolved by the Legislature of West Virginia:

That it is the hope and desire of the Legislature that West Virginians increase their awareness about people, especially children, with autism and, with that goal in mind, April 2 be designated as West Virginia Autism Awareness Day; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to The Autism Society of West Virginia.

Delegates Marcum, Eldridge, Bates, Blair, Boggs, Border, Caputo, Faircloth, Ferro, Hamilton, Hartman, Hicks, Hill, Hornbuckle, Ihle, Kessinger, Longstreth, Lynch, Miley, Moore, Morgan, Moye, Perry, Pethtel, R. Phillips, Reynolds, Rodighiero, P. Smith, R. Smith, Sponaule, Stansbury, Westfall and H. White offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 30 - "Requesting that bridge number 30-3/5-13.59 (30A016) on County Route 3/5 in Mingo County, West Virginia,

locally known as the Bailey Branch Pony Truss, be named ‘The Baisden Family Memorial Bridge’.”

WHEREAS, Landen Baisden, Sr. was born on January 5, 1928 and passed away on October 28, 2011. Fannie Baisden was born on March 5, 1926 and passed away on March 18, 2011. Landen and Fannie Baisden shared their life together for 65 years in Dingess, West Virginia and had six children: Myrtle Preece, Landen Baisden, James Ed Baisden, Gary Baisden, Bruce Baisden and a newborn son who passed away after only a few short days of life, Bobby Lee Baisden. They also had twenty grandchildren and thirty-five great-grandchildren at the time of their deaths; and

WHEREAS, Landen Baisden, Sr. was a coal miner before becoming disabled in a mining accident in 1959, when he was thirty-two, that left him paralyzed. After being confined to a wheelchair, he took up several hobbies: Repairing children’s bicycles, collecting baseball cards and bee keeping. He was an avid Cincinnati Reds fan and a member of the Mt. Hope Freewill Baptist Church. He loved spending time with his family and having people over to have church with him. He always gave great advice and no one ever heard him say a bad word about anyone; and

WHEREAS, Fannie Baisden was a stay-at-home mother and took care of her husband, Landen. She babysat all of her grandchildren and great-grandchildren. She cooked dinner every Sunday for the entire family. Her hobbies were collecting whatnots and Barbie dolls. She attended church at the Mt. Hope Freewill Baptist; and

WHEREAS, Katherine Baisden was born September 10, 1952 and left this world on February 2, 1992. She was married to Landen Baisden, Jr., and lived in Dingess. Together they had seven children: Tammy Runyon, Landen Baisden III, Jennifer Copley, Jason Baisden, Sarah Queen, Matthew Baisden and Amanda Kolkedy, and a stepdaughter, Machel McCormick. Katherine Baisden loved children and would have loved the twenty grandchildren that there are now.

She was able to only meet two of them before her death. She was a first grade teacher and her goal was that no student leave her classroom without being able to read. An award is given out in her honor every year at the Dingess Elementary School. She was also a Sunday school teacher and a church member where she sang in a gospel group and played piano; and

WHEREAS, It is fitting that an enduring memorial be established to commemorate these three individuals who meant so much to their family and their community; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 30-3/5-13.59 (30A016) on County Route 3/5 in Mingo County, West Virginia, “The Baisden Family Memorial Bridge”; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge “The Baisden Family Memorial Bridge”; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Commissioner of the Division of Highways, the children of Fannie and Landen Baisden, Sr., and the children of Katherine Baisden.

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

By Delegates Campbell, Eldridge, Householder, Marcum and Ashley:

H. J. R.15 - “Proposing an amendment to the Constitution of the State of West Virginia, amending section one-b, article X thereof, relating to homestead exemption increase; 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

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

By Mr. Speaker, Mr. Armstead, and Delegates Miller, Waxman, Azinger, Upson, Kessinger, Summers, Hanshaw, Kurcaba, Hill and E. Nelson:

H. B. 2444 - “A Bill to amend and reenact §5B-2-5 of the Code of West Virginia, 1931, as amended, relating to providing assistance to small businesses by the West Virginia Development office; providing for the assignment of economic development office representatives to serve as Small Business Allies as facilitators to assist small business entities and individuals desiring to establish and maintain a small business; and duties and services to be provided”; to the Committee on Small Business, Entrepreneurship and Economic Development.

By Delegate Sobonya:

H. B. 2445 - “A Bill to repeal §29A-2-8 of the Code of West Virginia, 1931, as amended; to amend and reenact §29A-1-2 of said code; to amend said code by adding thereto two new sections, designated §29A-1-3a and §29A-1-3b; and to amend and reenact §29A-3-1a, §29A-3-4, §29A-3-8, §29A-3-13 and §29A-3-15 of said code, all relating generally to the State Administrative Procedures Act; defining the term ‘legislative exempt rule’; providing certain technical amendments; providing for the nullification and voiding of rules; setting forth requirements for amendments to existing rules, proposed new rules and the repeal of existing rules; establishing filing and adoption requirements for legislative exempt rules; making legislative rules effective upon filing; requiring agency to provide a list of interested parties with emergency rules; and changing the number of copies required when filing an emergency rule”; to the Committee on Government Organization then the Judiciary.

By Delegates Reynolds and Rohrbach:

H. B. 2446 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-7-11b, relating to permitting the possession of firearms on the grounds of higher education institutions by all persons with valid licenses to carry a concealed deadly weapon”; to the Committee on Education then the Judiciary.

By Delegates Sobonya, Householder, Rohrbach, Hamrick, Foster, Overington, Butler, J. Nelson, Ellington and Stansbury:

H. B. 2447 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §4-14-1, relating to prohibiting the naming for certain persons of a publicly funded building, road, structure or project which receives any operating or construction moneys from state sources or state taxpayers; and assessing personal liability for violations”; to the Committee on the Judiciary.

By Delegates Sobonya, Miller, Butler, Frich, Overington, Ihle, J. Nelson, Faircloth and Hill:

H. B. 2448 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-1-4e, relating to permitting the sale of raw milk; and authorizing rule-making”; to the Committee on Agriculture and Natural Resources then Health and Human Resources.

By Delegates Sobonya, Miller, Butler, Folk, Frich, Overington, Householder, Ihle, J. Nelson, Faircloth and Hill:

H. B. 2449 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-1-4e, relating to permitting co-owners of cows to receive raw milk from those cows; and authorizing rule making”; to the Committee on Agriculture and Natural Resources then Health and Human Resources.

By Delegates Campbell, L. Phillips, Eldridge, Householder, Marcum, Ferro and Perry:

H. B. 2450 - “A Bill to amend and reenact §30-7-15a, §30-7-15b and §30-7-15c of the Code of West Virginia, 1931, as amended; to amend and reenact §30-15-7, §30-15-7a, §30-15-7b and §30-15-7c of said code; and to amend said code by adding thereto a new section, designated §30-7-15d, all relating to expanding prescriptive authority of advanced practice registered nurses and certified nurse-midwives; permitting advanced practice registered nurses to prescribe an annual supply of controlled substances; permitting the signature of an advanced practice registered nurse to have the same force and effect as that of a physician insofar as patient care documentation is concerned; removing the requirement for collaborative relationships with physicians; removing certain notifications; removing the minimum requirements for certain legislative rules; and permitting certain fees to be set by rule”; to the Committee on Health and Human Resources then Government Organization.

By Delegates Campbell, Perry, Butler, Ambler, Rodighiero, Reynolds, Eldridge, Householder, Marcum, Ashley and Ellington:

H. B. 2451 - “A Bill to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended, relating to county boards of education and school calendars; and providing that recess periods or other such time allocated for student physical activity during the regular class day may not be reduced when a county school board is attempting to make up lost instructional days because of snow or other emergency situations”; to the Committee on Education.

By Delegates Ferro, Fluharty, Hornbuckle and Trecost:

H. B. 2452 - “A Bill to amend and reenact §5-1-20 of the Code of West Virginia, 1931, as amended, relating to requiring reports to the Governor from state agencies to be made available electronically via the Internet”; to the Committee on Government Organization.

By Delegates Ferro, Pethtel, P. Smith, Longstreth, Fleischauer, Trecoast, L. Phillips, Hornbuckle, Sponaugle and Fluharty:

H. B. 2453 - “A Bill to amend and reenact §18B-10-7 of the Code of West Virginia, 1931, as amended, relating to educational benefits for dependents of deceased or disabled veterans; and requiring state institutions of higher education to waive tuition and fees for children and spouses of National Guard members and members of a Reserve component of the Armed Forces of the United States or persons on federal or state active military duty who are residents of this state and who have suffered a hundred percent total and permanent service-connected disability”; to the Committee on Education then Finance.

By Delegates Ferro, Pethtel, Fluharty, Storch, Trecoast and L. Phillips:

H. B. 2454 - “A Bill to amend and reenact §55-7B-2 of the Code of West Virginia, 1931, as amended, relating to adding pharmacist and pharmacy to the definition of ‘health care provider’ as used in the Medical Professional Liability Act”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Sobonya, Miller, Frich, Householder, Butler, Ihle and Walters:

H. B. 2455 - “A Bill to amend and reenact §16-29-1 of the Code of West Virginia, 1931, as amended, relating to health care records; and requiring the release of an unemancipated minor’s medical records for drug testing to his or her parent or legal guardian without written consent from that minor”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Sobonya, Miller, Frich, Overington, Householder and Walters:

H. B. 2456 - “A Bill to amend and reenact §31-20-10 of the Code of West Virginia, 1931, as amended, relating to relieving the burden imposed on counties of incarcerating inmates in regional jails by changing the way that the cost of incarcerating inmates in regional jails

is collected so that it is shared by the county, state and municipality wherein the alleged criminal act occurred; and making the cost of incarcerating a person for less than twenty-four hours one-half the amount charged for incarcerating an inmate for a full day”; to the Committee on the Judiciary then Finance.

By Delegates Sobonya, Miller, Frich, Foster, Overington, J. Nelson, Ellington, Rohrbach and Walters:

H. B. 2457 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §6B-2-5c, relating to prohibiting the use of the name or likeness of an elected or appointed official on publicly-owned vehicles except for ceremonial purposes; prohibiting an elected or appointed official from placing his or her name’s or likeness on trinkets paid for with public funds; prohibiting an elected or appointed official from using public funds to distribute certain published materials bearing his or her name or likeness within sixty days prior to a primary or general election in which that public official is a candidate; defining terms; and making exceptions”; to the Committee on the Judiciary.

By Delegates Sobonya, Miller, Frich, Householder, Butler, Ihle and Walters:

H. B. 2458 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-2-15, relating to prohibiting school employees from counseling, referring, transporting or assisting any student to obtain an abortion; providing a violation of the section is a misdemeanor; and providing that nothing in the section may be construed as approving of abortion”; to the Committee on Education then the Judiciary.

By Delegates Sobonya, J. Nelson, Folk, Rohrbach, Stansbury and Miller:

H. B. 2459 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-29-12, relating to requiring state agencies to issue photographic identification cards to qualified retired law-enforcement officers”; to the Committee on the Judiciary.

By Delegates Perdue, Rodighiero, Hicks, Marcum, R. Phillips, J. Nelson, Butler, Westfall, Campbell and Perry:

H. B. 2460 - “A Bill to amend and reenact §48-10-902 of the Code of West Virginia, 1931, as amended, relating to the effect of adoption on grandparent visitation rights”; to the Committee on the Judiciary.

By Delegates Walters, McCuskey, Frich, Azinger, Westfall, Moore, Skinner, Perry, Perdue, Bates and E. Nelson:

H. B. 2461 - “A Bill to amend and reenact §33-10-4 and §33-10-26 of the Code of West Virginia, 1931, as amended, all relating to delinquency proceedings of insurers; issuance of injunctions or orders following the commencement of a rehabilitation or liquidation proceeding of an insurer; and providing limitations on the avoidance of a transfer to a federal home loan bank in a liquidation proceeding of an insurer-member of the federal home loan bank”; to the Committee on Banking and Insurance then the Judiciary.

By Mr. Speaker, Mr. Armstead, and Delegate Miley

[By Request of the Executive]:

H. B. 2462 - “A Bill to amend and reenact §11-15-30 of the Code of West Virginia, 1931, as amended, relating to certain deposits of tax proceeds; reducing the amount of sales tax proceeds annually dedicated to the School Major Improvement Fund by \$2,000,004 for the fiscal years 2016, 2017, 2018, 2019 and 2020; reducing the amount of sales tax proceeds annually dedicated to the School Construction Fund by \$6 million for the fiscal years 2016, 2017, 2018, 2019 and 2020; and making stylistic changes”; to the Committee on Finance.

By Delegates Moye, Perry, Hamilton, Marcum, Morgan, P. Smith, Lynch, Canterbury and R. Smith:

H. B. 2463 - “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to increasing the maximum personal income tax exemption for persons over the age of sixty-five and for persons who are totally disabled”; to the Committee on Finance.

By Delegates Moye, Marcum, Morgan, Perry, P. Smith, Lynch, Canterbury and R. Smith:

H. B. 2464 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-5-19a, relating to exempting disabled veterans from campground rental fees from the day after Labor Day until four days prior to Memorial Day; and providing rule-making authority”; to the Committee on Agriculture and Natural Resources then Finance.

By Delegates Hamrick, Sobonya, Miller, Butler, Ihle, Rohrbach and J. Nelson:

H. B. 2465 - “A Bill to amend and reenact §18-2-1 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Board of Education; requiring election of six members; requiring the Governor to appoint three members; providing six-year terms; and including residency requirements”; to the Committee on Education then the Judiciary.

By Delegates Storch, Zatezalo, McGeehan, Weld, Fluharty, Trecoast, Ferro, Howell, Pasdon and D. Evans:

H. B. 2466 - “A Bill to amend and reenact §60-6-7 of the Code of West Virginia, 1931, as amended, relating to state control of alcoholic liquors; miscellaneous provisions; and exempting valid nonprofit organizations from licensing requirements of the West Virginia Alcoholic Beverage Control Authority during certain events”; to the Committee on the Judiciary then Finance.

By Delegates A. Evans, Pethtel, Williams, Anderson and Cooper:

H. B. 2467 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-35-1, §19-35-2, §19-35-3, §19-35-4 and §19-35-5, all relating to farmers markets; stating purpose and definitions; establishing farmers market vendor permit, scope and fees; permitting consignment farmers markets; and requiring rule-making”; to the Committee on Agriculture and Natural Resources then Finance.

By Delegates Ireland, Butler, Householder, Howell, Faircloth, D. Evans, Border, Wagner, Foster, Blair and Upson:

H. B. 2468 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2M-1, relating to providing that neither the state nor any county may reimburse any person or entity for transporting any person to schedule, arrange or procure an abortion”; to the Committee on Health and Human Resources then the Judiciary.

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

H. B. 2469 - “A Bill to repeal §5B-2-3a and §5B-2-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §5B-2-2, §5B-2-3, §5B-2-4, §5B-2-5 and §5B-2-6 of said code; to amend and reenact §15-5-28 of said code; to amend and reenact §18A-3-2c of said code; to amend and reenact §33-16D-16 of said code, all relating to eliminating unnecessary, inactive, or redundant councils, committees and boards; terminating the Council for Community and Economic Development and transferring powers and duties to the Executive Director of the West Virginia Development Office; terminating the Statewide Intrastate Mutual Aid Committee and making technical corrections to the code to reference a state of preparedness; terminating the Principals Standards Advisory Council; and terminating the West Virginia Health Insurance Plan Board”; to the Committee on Government Organization.

By Delegates Campbell, Moye, Householder, Marcum and Ashley:

H. B. 2470 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-8i, relating to nursing education faculty; defining terms; creating a tax incentive from the personal income tax to encourage nurse faculty to remain in West Virginia; and assigning powers and duties to the state tax commissioner”; to the Committee on Education then Finance.

By Delegates Campbell, Moye, Eldridge, P. Smith, Householder, Marcum and Ashley:

H. B. 2471 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-2-16, relating to food handlers’ licenses; providing that a county may issue a license that is valid statewide; and providing that the county may charge separate fees, one for county only licenses and the other for multi-county licenses”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Rodighiero, Campbell, L. Phillips, Hornbuckle, Eldridge, Guthrie and P. Smith:

H. B. 2472 - “A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to the authority of the Commissioner of Motor Vehicles to issue a special registration plate for persons who are residents of this state and who have a family member diagnosed with autism spectrum disorder who operates a motor vehicle in this state”; to the Committee on Roads and Transportation then Finance.

By Delegates Cowles, Espinosa, Householder, Duke, Upson, Folk, Faircloth and Blair:

H. B. 2473 - “A Bill to amend and reenact §11-22-2 of the Code of West Virginia, 1931, as amended, relating to the excise tax on the privilege of transferring real property; and providing that the tax be used to reimburse counties for regional jail fees”; to the Committee on the Judiciary then Finance.

By Delegates Cowles, Rowan and Duke:

H. B. 2474 - “A Bill to amend and reenact §18-17-1 of the Code of West Virginia, 1931, as amended, relating to the compensation of personnel employed at the West Virginia Schools for the Deaf and the Blind; updating reference to minimum salaries in effect for personnel at facilities under jurisdiction of the State Board of Education; and authorizing board to establish salary schedules or compensation in excess of the minimums for certain teachers at the West Virginia

Schools for the Deaf and the Blind”; to the Committee on Education then Finance.

By Delegates Ireland, Folk, Hanshaw, Ambler, R. Smith, Romine, Rowan and D. Evans:

H. B. 2475 - “A Bill to amend and reenact §30-10-10 and §30-10-11 of the Code of West Virginia, 1931, as amended, all relating to the requirements for and scope of practice for registered veterinary technicians”; to the Committee on Government Organization.

By Delegates Ireland, Butler, Hanshaw, Ambler, R. Smith, J. Nelson, Frich, Folk and D. Evans:

H. B. 2476 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17A-3-14a, relating to authorizing the issuance of special ‘SECOND AMENDMENT’ registration plates”; to the Committee on Roads and Transportation then Finance.

By Delegates Ireland, Overington, Butler, Ambler, Howell, Faircloth, D. Evans, Border, Foster, Cadle and Blair:

H. B. 2477 - “A Bill to amend and reenact §3-1-34 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17B-2-1 of said code, all relating to voting procedures; requiring a voter to present an identifying document issued either by the State of West Virginia or the United States government that contains the name, address, and a photograph of the person desiring to vote which the poll clerk must inspect and confirm that the name on the document conforms to the name in the individual’s voter registration record and that the image displayed is truly an image of the person presenting the document; permitting the casting of a provisional ballot by a person without adequate proof of identification provided he or she executes an affidavit; permitting the provisional ballot be counted providing certain conditions are met; exempting voters who vote in person at a precinct polling place that is located at a state licensed care facility where the voters are residents; permitting the Division of Motor Vehicles to

issue, at no charge, identification cards to persons who will be at least eighteen years of age at the next general, municipal, or special election and intends to use the identification card as a form of identification for voting; and establishing criminal penalties”; to the Committee on the Judiciary then Finance.

By Mr. Speaker, Mr. Armstead, and Delegate Miley

[By Request of the Executive]:

H. B. 2478 - “A Bill to amend and reenact §11-8-6f of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-9A-7, §18-9A-11 and §18-9A-12 of said code, all relating to public school finance; eliminating authority of growth county boards of education to designate regular school board levy revenues due to new construction or improvements to a growth county school facilities act fund; adjusting the foundation school program allowance for transportation costs; including propane as an eligible fuel for the ten percent additional percentage allowance for school bus systems using alternative fuels; changing the percent of the replacement value of bus fleets included in the calculation of the allowance in the foundation school program for transportation; and eliminating certain adjustments in basic foundation program”; to the Committee on Education then Finance.

By Delegates Fleischauer, Sobonya, Statler, Kurcaba, Morgan, Hartman, Pasdon, Perdue, Manchin, Pethel and Overington:

H. B. 2479 - “A Bill to amend and reenact §60-7-10 of the Code of West Virginia, 1931, as amended, relating to the powers and authority of state and local law enforcement to enforce underage drinking laws at private clubs; clarifying that the grant of authority to the Alcohol Beverage Control Commissioner and his or her agents to enter and inspect the premises of a private club does not limit or restrict the authority of local law enforcement to enter any public area on or adjacent to any private club or taking other appropriate police action or investigation to enforce the underage drinking laws of this state”; to the Committee on the Judiciary.

By Delegates P. Smith and Lynch:

H. B. 2480 - “A Bill to amend and reenact §62-3-3 of the Code of West Virginia, 1931, as amended, relating to changing the number of strikes in jury selection in felony cases to provide five strikes to the accused and three strikes to the prosecution”; to the Committee on the Judiciary.

By Delegates P. Smith:

H. B. 2481 - “A Bill to amend and reenact §27-6A-11 of the Code of West Virginia, 1931, as amended, relating to the competency and criminal responsibility of persons charged or convicted of a crime; and providing forensic evaluators with civil immunity for acts committed by the subject of a dangerous assessment evaluation”; to the Committee on the Judiciary.

By Delegates P. Smith, Lynch and Frich:

H. B. 2482 - “A Bill to amend and reenact §61-2-10b of the Code of West Virginia, 1931, as amended, relating to aggressive and violent behavior that is otherwise criminal activity of persons committed to state hospitals; authorizing immediate discharge and transportation to a regional jail”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates P. Smith, Lynch and Longstreth:

H. B. 2483 - “A Bill to amend and reenact §24-1-3 of the Code of West Virginia, 1931, as amended, relating to the Public Service Commission and providing for election of commissioners”; to the Committee on Government Organization then the Judiciary.

By Delegates P. Smith, Perry, Hartman, Eldridge, Lynch, Williams, Longstreth, Ferro, Reynolds, Faircloth and Moye:

H. B. 2484 - “A Bill to amend and reenact §62-12-26 of the Code of West Virginia, 1931, as amended, relating to limitations and restrictions placed on sex offenders who have been adjudicated as violent sexual predators or who are under active supervision as a condition of release on parole or probation; clarifying the statutory

restrictions against those persons living or working within one thousand feet of a school, child care facility or residence of a former victim; and defining terms”; to the Committee on the Judiciary.

By Delegates Folk, Canterbury, Reynolds, Hamilton, Kurcaba, McGeehan, Storch, O’Neal, Pasdon, Faircloth and Householder:

H. B. 2485 - “A Bill to amend and reenact §11-13A-5b of the Code of West Virginia, 1931, as amended, relating to the West Virginia Future Fund; and prohibiting deposits into the fund in years when certain state retirement systems are not funded to ninety percent or more of their actuarial accrued liabilities”; to the Committee on Finance.

By Delegates McGeehan, Folk, J. Nelson, Moffatt, Ihle, Faircloth, Kessinger, Hill and Butler:

H. B. 2486 - “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 A. Evans and Rowan:

H. B. 2487 - “A Bill to amend and reenact §27-2-3 of the Code of West Virginia, 1931, as amended, relating to requiring a person restraining a mentally ill or mentally challenged person in a ‘four point restraint’ to administer sedation by injection at the time the patient is secured in the ‘four point restraint’; providing guidelines for handling the patient after initial restraint and sedation; and establishing a criminal penalty for failure to sedate by injection upon use of the ‘four point restraint’; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Campbell, Eldridge, Householder, Rodighiero, Marcum, Ashley and Ellington:

H. B. 2488 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-3-5e, relating to requiring the construction of new public buildings and when an entrance of an existing public building is renovated to be compliant with the federal Americans with Disabilities Act by having automatic doors; authorizing rulemaking; and defining a term”; to the Committee on the Judiciary then Finance.

By Delegates Westfall, Ihle, Foster, Butler, McGeehan, Kessinger, Householder, Cadle, Rodighiero, Kelly and Faircloth:

H. B. 2489 - “A Bill to amend and reenact §16-13-18 of the Code of West Virginia, 1931, as amended, relating to supervision of works by a sanitary board; and providing that if a professional engineer is under contract for a project, an engineer is not required to serve on the sanitary board”; to the Committee on Government Organization then the Judiciary.

By Delegate Rodighiero:

H. B. 2490 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13Q-5a, relating to establishing a tax credit for new businesses that locate in the state; setting forth how the credit is determined; establishing the conditions that must be met to qualify for the credit; and defining terms”; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

By Delegates L. Phillips, Trecost, Campbell, Ferro, Pethtel, Hornbuckle, Perry, Miley, Moore, Longstreth and Eldridge:

H. B. 2491 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-4-2c, relating to requiring the State Board of Education to conduct a study and periodically publish starting salary schedules for new hire teachers; and requiring rule-making”; to the Committee on Education then Finance.

By Delegates Householder, Azinger, Espinosa, Upson, Ellington, Gearheart, Campbell, Ihle, Blair, Hamrick and Waxman:

H. B. 2492 - “A Bill to repeal §29-5A-10 of the Code of West Virginia, 1931, as amended, relating to the authority of the State Athletic Commission”; to the Committee on Government Organization.

By Delegates McCuskey, Westfall, Ashley, Bates, Ellington, Frich, Householder, Perdue, Sobonya, Walters and Rohrbach:

H. B. 2493 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-15-4l; to amend said code by adding thereto a new section, designated §33-16-3x; to amend said code by adding thereto a new section, designated §33-24-7m; to amend said code by adding thereto a new section, designated §33-25-8j; and to amend said code by adding thereto a new section, designated §33-25A-8l, all relating to requirements for insurance policies and contracts providing accident and sickness insurance or direct health care services that cover anti-cancer medications; prohibiting higher copayments, deductibles or coinsurance for orally administered anti-cancer medications than is required for anti-cancer medications administered by injection or intravenously; prohibiting certain acts to comply with the requirements; defining ‘anti-cancer medications’; providing an effective date of January 1, 2016; and allowing cost containment measures necessary to maintain costs of compliance to below two percent of the total costs for the coverage”; to the Committee on Banking and Insurance then Health and Human Resources.

DAILY CALENDAR

SECOND READING

S. B. 3, Relating to real property possessor’s liability for trespasser harm; on second reading, coming up in regular order, was read a second time and ordered to third reading.

H. B. 2138, Adding aircraft operations on private airstrips and farms to the definition of recreational purpose; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

FIRST READING

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

Com. Sub. for H. B. 2053, Relating to the form of trust deeds,

And,

Com. Sub. for H. B. 2227, Relating to the National Coal Heritage Area Authority.

LEAVES OF ABSENCE

At the request of Delegate Cowles, and by unanimous consent, leaves of absence for the day were granted Delegates Moore, Morgan, Storch and Walters.

At 11:45 A.M., the House of Delegates adjourned until 11:00 A.M., Thursday, January 29, 2015.

THURSDAY, JANUARY 29, 2015

SIXTEENTH 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 Wednesday, January 28, 2015, being the first order of business, when the further reading thereof was dispensed with and the same approved.

COMMITTEE REPORTS

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

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

H. B. 2224, Providing that historical reenactors are not violating the provision prohibiting unlawful military organizations,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 2224) was referred to the Committee on the Judiciary.

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

Your Committee on Government Organization has had under consideration:

H. B. 2182, Relating to examination of Potomac Highlands Airport Authority accounts by Chief Inspector and Tax Commissioner,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 2182) was referred to the Committee on Finance.

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. 2200, Revising, rearranging, consolidating and recodifying the laws of the State of West Virginia relating to child welfare,

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

In the absence of objection, reference of the bill (H. B. 2200) to the Committee on Finance was abrogated.

MESSAGES FROM THE SENATE

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. 8 - “Urging the United States Environmental Protection Agency to immediately withdraw and/or rescind its proposed definition of ‘waters of the United States’ under the Clean Water Act (40 CFR 230.3).”

WHEREAS, Agriculture is critically important to West Virginia and the United States of America, to the economy of West Virginia and of the nation, to the way of life of the citizens of West Virginia and to the survival of the inhabitants of West Virginia, of the United States of America and of the world; and

WHEREAS, West Virginia’s farms are small, family-owned and -operated enterprises, providing good and wholesome food to the citizens of West Virginia and citizens of the United States of America beyond the borders of West Virginia; and

WHEREAS, The farmers of West Virginia have demonstrated a long history and tradition of being good stewards of the land, employing sound conservation practices to make their farms and West Virginia’s agricultural production sustainable and to produce agricultural products in a way that protects the environment and our water supply; and

WHEREAS, Notwithstanding this long tradition of farming in harmony with protection of the environment, the United States Environmental Protection Agency (EPA) has proposed a new definition of “waters of the United States” under the Clean Water Act (40 CFR 230.3), by which new definition the EPA will expand dramatically its jurisdiction and authority, expanding it in ways that are neither necessary or advisable and in ways that were never contemplated by the Congress of the United States when it enacted the Clean Water Act; and

WHEREAS, Under the new definition of the “waters of the United States” proposed by the EPA, Section 402 permits under the Clean Water Act will become necessary for common farming activities such as applying fertilizer or pesticide, or moving cattle, if materials

(fertilizer, pesticide or manure) would fall into jurisdictional low spots or ditches; and

WHEREAS, Under the new definition of the “waters of the United States” proposed by the EPA, Section 404 permits under the Clean Water Act will become necessary for earth-moving activity, such as plowing, planting or fencing, except as part of “established” farming ongoing at the same site since 1977; and

WHEREAS, Under the new definition of the “waters of the United States” proposed by the EPA, even the smallest low spots that puddle often enough to meet the broad definition of “wetlands” (79 Fed. Reg. 22218) would be regulated if they are in a “floodplain” or a “riparian area”, or if EPA staff find that they, in combination with similar low spots in the region, have a “significant nexus” to any other “waters of the United States”; and

WHEREAS, This unwarranted expansion of federal jurisdiction and authority that would be the consequence of the adoption of the new definition of the “waters of the United States” proposed by the EPA will be detrimental to the continuation of normal farming activities and, ultimately, to the food supply; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby urges the United States Environmental Protection Agency to immediately withdraw and/or rescind its proposed definition of “waters of the United States” under the Clean Water Act (40 CFR 230.3); and, be it

Further Resolved, That if the United States Environmental Protection Agency does not immediately withdraw and/or rescind its proposed new definition of “waters of the United States” under the Clean Water Act (40 CFR 230.3), then the Congress of the United States, as the elected representatives of the people of the United States of America, is urged to enact such statutes as are necessary to abrogate

this gross and unwarranted expansion of federal jurisdiction and authority by the EPA upon the land of the inhabitants of West Virginia and the other states that form the United States of America; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the President of the United States, to the Administrator of the United States Environmental Protection Agency and to the representatives and senators elected by the citizens of West Virginia serving the citizens of West Virginia in the Congress of the United States in Washington, D. C.

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. 8 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-6a, relating to auditing the Division of Highways”; which was referred to the Committee on Finance.

BILLS INTRODUCED

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

By Delegates Weld, Fast, Marcum, Sponaugle, Skinner and Shott:

H. B. 2494 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §62-2-1b, relating to creating a provisional plea process in criminal cases; and making findings”; to the Committee on the Judiciary.

By Delegates Gearheart and Hamrick

[By Request of the Division of Motor Vehicles]:

H. B. 2495 - “A Bill to amend and reenact §17B-2-7 of the Code of West Virginia, 1931, as amended, relating to the written examination of applicants for a license to operate a motor vehicle; and requiring information on the dangers of distracted driving to be

included on the examination”; to the Committee on Roads and Transportation then the Judiciary.

By Delegates Ellington, Howell, Householder, Pasdon and Sobonya:

H. B. 2496 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-3F-1, §30-3F-2, §30-3F-3, §30-3F-4, §30-3F-5, §30-3F-6, §30-3F-7, §30-3F-8, §30-3F-9, §30-3F-10, §30-3F-11, §30-3F-12, §30-3F-13, §30-3F-14, §30-3F-15, §30-3F-16, §30-3F-17, §30-3F-18, §30-3F-19, §30-3F-20, §30-3F-21, §30-3F-22, §30-3F-23 and §30-3F-24, all relating to adopting the Interstate Medical Licensure Compact; strengthening access to health care; developing a comprehensive process that complements current statutes regarding medical practices; providing a streamlined process that allows physicians to become licensed in multiple states, thereby enhancing the portability of a medical license and ensuring the safety of patients; creating another pathway for licensure; adopting the prevailing standard for licensure and affirming that the practice of medicine occurs where the patient is located at the time of the physician-patient encounter; and requiring the physician to be under the jurisdiction of the state medical board where the patient is located”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Ellington, Howell, Householder, Pasdon and Sobonya:

H. B. 2497 - “A Bill to amend and reenact §30-3-13 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-3-13a, all relating generally to the practice of medicine; rewriting the licensing requirements for the practice of medicine and surgery or podiatry; making exceptions; providing for unauthorized practice; requiring notice; establishing criminal penalties; permitting the practice of telemedicine; establishing requirements; making exceptions; defining terms; and authorizing rule making”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Cadle, Ihle, Zatezalo, Faircloth and Hamrick:

H. B. 2498 - “A Bill to amend and reenact §11A-1-3 of the Code of West Virginia, 1931, as amended, relating to allowing taxpayers to make partial payments of real and personal property taxes”; to the Committee on Finance.

By Delegates Rodighiero and Reynolds:

H. B. 2499 - “A Bill to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating to courses of instruction in all schools located within this state; and making available elective courses on the history of the old and new testaments of the bible”; to the Committee on Education then the Judiciary.

By Delegate Rodighiero:

H. B. 2500 - “A Bill to amend and reenact §16-2-2 and §16-2-12 of the Code of West Virginia, 1931, as amended, all relating to local boards of health and local health officers; and allowing local boards of health to appoint physician assistants as local health officers”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Rowan, L. Phillips, Border, Campbell, Arvon, Kessinger, Waxman, Summers, Miller, Sobonya and Longstreth:

H. B. 2501 - “A Bill to amend and reenact §15-12-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §62-11D-3 of said code, all relating to sex offenders; prohibiting sexual offenders from residing within one thousand feet of a school or childcare facility; requiring persons, as a condition of probation, parole or supervised release, convicted of sexual crimes against a minor be subject to global positional system monitoring for life; and providing for a felony penalty”; to the Committee on the Judiciary.

By Delegates Espinosa, Upson, Gearheart, Cooper, Ambler, O’Neal, Miller, Sobonya, Shott, Arvon and Blair:

H. B. 2502 - “A Bill to amend and reenact §61-7-11a of the Code of West Virginia, 1931, as amended, relating to persons possessing

deadly weapons on school buses or on the premises of educational facilities; authorizing active law-enforcement officers and retired law-enforcement officers acting as security for schools to carry deadly weapons on a school bus, on school property or at school sponsored functions when certain conditions are met”; to the Committee on Education then the Judiciary.

By Delegates Longstreth, Caputo, Manchin, Pethtel, Walters, Trecoast and Eldridge:

H. B. 2503 - “A Bill to amend and reenact §11-1C-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-1C-5c, all relating to appraisal value of certain motor vehicles for purposes of ad valorem property taxes; providing that the minimum appraised value of a motor vehicle is \$700 for purposes of ad valorem property taxes; and providing that the appraised value of an antique motor vehicle is \$5,000 for purposes of ad valorem property taxes”; to the Committee on Roads and Transportation then Finance.

By Delegates Canterbury, Pethtel, Folk, Kurcaba, Walters, Hamilton, Marcum and Hicks

[By Request of the Consolidated Public Retirement Board]:

H. B. 2504 - “A Bill to amend and reenact §5-10-28 of the Code of West Virginia, 1931, as amended, relating to the Public Employees Retirement System Fund; and clarifying that the members deposit fund, the employers accumulation fund, the retirement reserve fund, the income fund and the expense fund all refer to the Public Employees Retirement Fund”; to the Committee on Pensions and Retirement then Finance.

By Delegates Canterbury, Pethtel, Folk, Walters, Hamilton, Marcum, Kurcaba and Hicks

[By Request of the Consolidated Public Retirement Board]:

H. B. 2505 - “A Bill to amend and reenact §5-10-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §7-14D-5 of said code; to amend and reenact §8-22A-6 of said code; to amend and reenact §15-2A-3 of said code; to amend and reenact §16-5V-6 of

said code; and to amend and reenact §18-7A-13 of said code, all relating to retirement system participation and concurrent employment provisions; clarifying that members first employed in covered employment in the West Virginia Deputy Sheriffs Retirement System, West Virginia Municipal Police Officers and Firefighters Retirement System or the West Virginia Emergency Medical Services Retirement System shall participate in only one retirement system administered by the Consolidated Public Retirement Board in which the member has the earliest date of hire; and specifying that members of the Public Employees Retirement System, the State Police Retirement System and the Teachers' Retirement System who are employed in an additional job that requires membership in the West Virginia Deputy Sheriff Retirement System, the West Virginia Municipal Police Officers and Firefighters Retirement System or the West Virginia Emergency Medical Services Retirement System shall abide by the concurrent employment provisions of said system and participate in only one system administered by the Consolidated Public Retirement Board"; to the Committee on Pensions and Retirement then Finance.

By Delegates Canterbury, Pethtel, Folk, Kurcaba, Walters, Hamilton, Marcum and Hicks

[By Request of the Consolidated Public Retirement Board]:

H. B. 2506 - "A Bill to amend and reenact §15-2A-9 and §15-2A-10 of the Code of West Virginia, 1931, as amended, all relating to duty-related disability retirement in the West Virginia State Police Retirement System; specifying that disability disbursements shall begin the first day of the month following approval by the Consolidated Public Retirement Board and member's termination of employment"; to the Committee on Pensions and Retirement then Finance.

By Delegates Canterbury, Pethtel, Folk, Kurcaba, Walters, Hamilton, Marcum and Hicks

[By Request of the Consolidated Public Retirement Board]:

H. B. 2507 - "A Bill to amend and reenact §8-22A-2 and §8-22A-6 of the Code of West Virginia, 1931, as amended, all relating to membership provisions in the West Virginia Municipal Police and

Firefighters Retirement System”; to the Committee on Pensions and Retirement then Finance.

By Delegates R. Phillips, J. Nelson, Sobonya, R. Smith, Arvon, Miller, Rohrbach, Gearheart, Ellington, A. Evans and Moffatt:

H. B. 2508 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-11B-1, §5-11B-2, §5-11B-3, §5-11B-4, §5-11B-5 and §5-11B-6, all relating to creating the West Virginia Freedom of Conscience Protection Act to ensure that, in all cases where state action burdens the exercise of religion, strict scrutiny is applied and to provide a claim or defense to a person or persons whose exercise of religion is burdened by state action; short title; definitions; applicability; construction; remedies; effective date; and severability”; to the Committee on the Judiciary.

By Delegates Faircloth, McGeehan, Moffatt, Kessinger, J. Nelson and Ihle:

H. B. 2509 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-46-1 and §16-46-2, all relating to federal health care legislation; legislative findings; invalidity in this state; violations and providing criminal penalties”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Campbell, Kelly, Wagner, Rowan, Perry, Ambler, Romine, Cooper, Reynolds, Householder and Marcum:

H. B. 2510 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-6c, relating to school celebrations, recognition programs and events; standards, authorizations and requirements; plan required; parental participation; permissible activities and refreshments; and responsibilities of schools, faculty senates, principals, and Department of Education Office of Child Nutrition”; to the Committee on Health and Human Resources then Education.

By Delegates Walters, Howell, Ellington, Canterbury, R. Smith, Gearheart, Westfall, McGeehan, Perry, P. Smith and Ambler:

H. B. 2511 - “A Bill to amend and reenact §33-15-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §33-15F-1, §33-15F-2 and §33-15F-3; and to amend and reenact §33-16-1 of said code, all relating to creating the ‘Health Care Sharing Ministries Freedom to Share Act’; exempting health care sharing ministries from state statutory requirements of individual and group accident and health insurance policies; setting forth the conditions that must be met; providing a short title; and defining a term”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Walters, R. Phillips, J. Nelson, Canterbury, R. Smith, Gearheart, Williams, Marcum, H. White and Pethtel:

H. B. 2512 - “A Bill to amend and reenact §24-2-12 of the Code of West Virginia, 1931, as amended, relating to requiring the consent of the Public Service Commission before an electric utility subject to this chapter may retire or permanently shut-down an electric generating plant; and providing that the Public Service Commission require a contemporaneous and achievable plan by the utility to assure continuation of economical, adequate and reliable electricity power supply, before consenting to the retirement or shut-down”; to the Committee on Energy then the Judiciary.

By Delegates Perry, Rowan, Moye, Campbell, Pushkin, Reynolds, Trecost, P. Smith and Williams:

H. B. 2513 - “A Bill to amend and reenact §18A-4-8 of the Code of West Virginia, 1931, as amended, relating to school personnel, employment term and class titles of service personnel and definitions; and creating a multiclassification status within the definitions of “Early Childhood Classroom Assistant Teacher - Temporary Authorization”, “Early Childhood Classroom Assistant Teacher - Permanent Authorization” and ‘Early Childhood Classroom Assistant Teacher - Paraprofessional Certificate’”; to the Committee on Education then Finance.

By Delegates Walters, Howell, Ellington, Canterbury, R. Smith, Gearheart, Westfall, McGeehan, Perry, Williams and H. White:

H. B. 2514 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §4-10A-1, §4-10A-2 and §4-10A-3, all relating to creating a Bureau of Actuarial Services within the office of the Legislative Auditor to provide independent actuarial services for all departments, agencies or institutions of state government of West Virginia, in accordance with generally accepted government auditing standards; and transferring responsibility of providing the various actuarial service required by state agencies from those agencies to the Legislative Auditor”; to the Committee on Government Organization then Finance.

By Delegates R. Phillips, J. Nelson, Eldridge, H. White, Marcum, Reynolds, L. Phillips, R. Smith, Sobonya, Hill and Arvon:

H. B. 2515 - “A Bill to amend and reenact §20-2-4 and §20-2-5a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §20-2-5h, all relating to elk restoration; requiring persons required to deliver wildlife to an official checking station to electronically register that wildlife in lieu of its delivery to an official checking station; establishing a fine for the illegal taking of elk; requiring the Division of Natural Resources to take an active role in the reintroduction of the elk species; making findings; and providing for rule-making”; to the Committee on Agriculture and Natural Resources then Finance.

DAILY CALENDAR

THIRD READING

S. B. 3, Relating to real property possessor’s liability for trespasser harm; 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. 18**), 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: Campbell and Caputo.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 3) passed.

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

H. B. 2138, Adding aircraft operations on private airstrips and farms to the definition of recreational purpose; 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. 19**), and there were—yeas 96, nays 2, absent and not voting 2, with the nays and absent and not voting being as follows:

NAYS: Manchin and Moore.

ABSENT AND NOT VOTING: Campbell and Caputo.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2138) passed.

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

SECOND READING

Com. Sub. for H. B. 2053, Relating to the form of trust deeds; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Shott, the bill was amended on page three, line twenty-eight, following “(5)”, by inserting the words “entitled in

compliance with subsection (b), section fourteen, article one, chapter thirty-eight of this code if the indebtedness is a line of credit; (6)".

And,

On page three, line twenty-nine after the words "credit; and", by striking out "(6)" and inserting in lieu thereof "(7)".

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 2227, Relating to the National Coal Heritage Area Authority; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

LEAVES OF ABSENCE

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

MISCELLANEOUS BUSINESS

Delegate Frich asked and obtained unanimous consent that she be added as a cosponsor of H. B. 2445, Relating generally to the State Administrative Procedures Act.

Delegate Pushkin asked and obtained unanimous consent that he be added as a cosponsor of H. B. 2045, Overdose Prevention Act.

REMARKS BY MEMBERS

Numerous Members were recognized and addressed the House during today's session, and during those remarks, the Speaker reminded the Members of decorum of the House, and asked that all Members be mindful of the Rules of the House when addressing the House.

Delegate Marcum then asked and obtained unanimous consent that the remarks of Delegate Storch regarding the drug prevention program in Wheeling be printed in the Appendix to the Journal.

Delegate Perdue asked and obtained unanimous consent that the remarks of Delegate Anderson regarding the use of illegal drugs in West Virginia be printed in the Appendix to the Journal.

At 12:38 P.M., the House of Delegates adjourned until 11:00 A.M., Friday, January 30, 2015.

FRIDAY, JANUARY 30, 2015

SEVENTEENTH 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, January 29, 2015, being the first order of business, when the further reading thereof was dispensed with and the same approved.

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

INTRODUCTION OF RESOLUTIONS

Mr. Speaker, Mr. Armstead, on behalf of all members of the House, offered the following resolution, which was read by the Clerk as follows:

H. R. 7 - “Commemorating the life of Morris E. “Mike” Mowery, Jr., father, husband, lawyer, former Member of the West Virginia House of Delegates, long time Judiciary Chief Counsel, General Counsel to the West Virginia House of Delegates, and distinguished West Virginian.”

WHEREAS, That the Members of the House of Delegates hereby express their profound sadness at the passing of one of their own, the Honorable Morris E. “Mike” Mowery, Jr., legislator, long-time

legislative counsel, friend and passionate advocate for fairness and justice, and distinguished West Virginian; and

WHEREAS, Mike Mowery was born in Parkersburg, West Virginia, on January 31, 1942, one of six children born to Grace Newbanks Mowery and Morris E. Mowery; Mike was educated in the public schools of Wood County, West Virginia, and was a 1968 graduate of the West Virginia University College of Law; and

WHEREAS, Mike Mowery and his wife, Marlene, met and married while attending West Virginia University and had two much adored children, Grace-Marie and Nathan, who have given them five adored grandchildren; and

WHEREAS, Upon graduation from law school, Mike began a thirty-eight year legal career dedicated in all its permutations to helping the people of West Virginia, including work for the North Central Legal Aid Society, serving as Assistant Wood County Prosecuting Attorney, and as a member of the House of Delegates from 1974 to 1978; and

WHEREAS, Once the good people of Wood County had decided that Mike had helped them enough, he accepted a position as counsel for the House of Delegates, and then he oversaw the development of, and then became the first counsel to, the newly created Legislative Rule-Making Review Committee. During his career as legislative counsel, which spanned some twenty-eight years, he conceived, drafted and edited much of the most significant legislation passed by the Legislature during that era; and

WHEREAS, During his tenure as legislative counsel he tirelessly advocated for the House of Delegates, its prerogatives and positions, many times against that evil body sometimes respectfully referred to as “the State Senate”. He spent countless hours drafting legislation, often all night, to get it right and get it done when needed. He often quipped after receiving a major project that was on the agenda of the Judiciary Committee the following day, that the legislators needed to

go home now, and the “bill fairy” would have the bill ready the next morning; and

WHEREAS, He was the first employee of the Legislature to use a crazy new fangled thing called a computer, which he had purchased and brought to work so that all the staff and members could marvel at his new ability to easily edit his work, then watch as a printer, line by line, magically generated documents without anyone typing, just by the press of a button. He had a knack for technology, and oversaw the beginning, then the implementation of, the abandonment of the process of cutting and pasting handwritten and typed documents into bills, which had been the practice until then for the entire history of this state; and

WHEREAS, Mike truly served as a mentor and role model for how legislative counsel should perform their duties for countless lawyers and interns over the years, greatly enhancing their professionalism. His appreciation for the legislative process encouraged many non-lawyers to attend law school. Mike was often called “the professor” or “Yoda” of the law; and, when he made presentations before committee, he seemed constantly all-knowing and unflappable even in the most stressful and difficult circumstances. When any given piece of legislation was being considered, citations from the Constitution and the code sprang from his mind to expand and refine the discussion of the issues involved. His knowledge of constitutional law and statutory interpretation may never be replaced; and

WHEREAS, His support and concern for everyone who needed assistance never wavered, and he would listen to and discuss legislation with anyone who came by his office, the issues they were working on, often solving their problems or giving sage advice. He also successfully argued many cases before the State Supreme Court and in federal court on matters of legislative importance, including the separation of powers, redistricting, the process some affectionately named “the budget digest” and many others. His tireless efforts to advocate for this body were recognized when Mike received national

recognition in 1997 from the Southern Legislative Conference, the Carter-Hellard Legislative Staff Award as the outstanding legislative staffer, for his continued advocacy efforts and the development of house attorneys in the many nuances of effective legal representation for the House; and

WHEREAS, Mike worked successfully under seven judiciary chairmen and five speakers, each with his own strong personality. In counseling his leaders, Mike always expressed his opinions vigorously. But once the policy decisions were made, his constant loyalty to his chairman and his committee came to the fore, and his skills were directed to making the adopted policies succeed; and

WHEREAS, All those who worked with Mike knew of his great affection for his family. He was an extremely proud husband and father, and all who came to his office, which at his behest was named the “Sibray Library” after his friend and Judiciary Counselor John Sibray, were often regaled by stories of his family, as Mike was never happier than when he was recounting some amazing feat of one of his children, he had much to be proud of, and then later when those children blessed him and Marlene with grandchildren, his stories turned to their latest accomplishments; and

WHEREAS, It is insufficient to say he was a legend, a true character or unique personality, although these and other descriptions do apply. Those who did not have the opportunity to know Mike have missed the passing of a great human being; and all that did were enriched in the process. Through those whose lives he touched, he leaves many legacies, and Mike Mowery thus survives his death in more than memory; therefore, be it

Resolved by the House of Delegates:

That the Members of the House of Delegates hereby express their profound sadness at the passing of one of their own, the Honorable Morris E. “Mike” Mowery, Jr., outstanding member and counsel of the

West Virginia House of Delegates, and distinguished West Virginian; and, be it

Further Resolved, That the House of Delegates hereby commemorates the life and passing of Morris E. “Mike” Mowery, Jr., whose unique abilities touched the lives of many West Virginians; and who will be sorely missed by all that knew and loved him; and, be it

Further Resolved, That the Clerk of the House of Delegates prepare certified copies of this resolution for the family of Morris E. “Mike” Mowery, Jr., including his wife, Marlene, his daughter, Grace-Marie, and son, Nathan.

At the request of Delegate Cowles, and by unanimous consent, reference of the resolution (H. R. 7) to a committee was dispensed with, and it was taken up for immediate consideration.

The question now being on the adoption of the resolution, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 20**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Longstreth, Manchin and H. White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the resolution (H. R. 7) adopted.

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:

S. B. 13, Reinstating open and obvious doctrine for premises liability,

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

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

Your Committee on the Judiciary has had under consideration:

H. B. 2010, Requiring the elections of justices of the West Virginia Supreme Court of Appeals, circuit court judges, family court judges and magistrates be nonpartisan and by division,

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

Com. Sub. for H. B. 2010 - “A Bill to amend and reenact §3-1-16 and §3-1-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §3-4A-11a of said code; to amend and reenact §3-5-4 of said code; to amend said code by adding thereto four new sections, designated §3-5-6a, §3-5-6b, §3-5-6c, and §3-5-6d; to amend and reenact §3-5-7, §3-5-13 and §3-5-13a of said code; to amend and reenact §3-10-3 of said code; to amend and reenact §3-12-3, §3-12-6, §3-12-10, §3-12-11, §3-12-12 and §3-12-14 of said code; to amend and reenact §6-5-1 of said code; to amend and reenact §50-1-1 and §50-1-6 of said code; to amend and reenact §51-1-1 of said code; to amend and reenact §51-2-1 of said code; and to amend and reenact §51-2A-5 of said code, all relating to electoral reforms of the West Virginia judiciary generally; requiring the election of justices of the Supreme Court of Appeals, circuit court judges, family court judges and magistrates be on a nonpartisan basis; requiring that elections to certain offices be on a division basis when more than one justice of the Supreme Court of Appeals, circuit judge, family court judge, or magistrate is to be elected; providing for the timing and frequency of election; providing for the commencement of terms of office; establishing ballot design and printing; providing that elections for justice of the Supreme Court of Appeals, circuit judge, family court

judge, or magistrate are to be held on the same date as the primary election; requiring nonpartisan ballots be used; establishing filing announcement of candidacies, including the timing, location and information necessary thereto; providing for the order of appearance of offices on the ballot; establishing ballot content; providing the procedures for the filling of vacancies in the offices of justices of the Supreme Court of Appeals, circuit judge, family court judge, or magistrate; providing occasions for special elections to be held to fill vacancies; providing that unsuccessful non-partisan candidates can be selected to fill ballot vacancies in a general election; providing the timing of commencement of the terms of offices of justices of the Supreme Court of Appeals, circuit judge, family court judge, or magistrate; and providing for the continuing applicability of the West Virginia Supreme Court of Appeals Public Campaign Financing Program,”

With the recommendation that the committee substitute do pass.

Delegate McCuskey, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

H. B. 2294, Insurance Commissioner, recognizing annuity mortality tables for use in determining reserve liabilities for annuities,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 2294) was referred to the Committee on the Judiciary.

Delegate McCuskey, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

H. B. 2334, Insurance Commissioner, annuity disclosure,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2334) was referred to the Committee on the Judiciary.

Delegate Canterbury, Chair of the Committee on Pensions and Retirement, submitted the following report, which was received:

Your Committee on Pensions and Retirement has had under consideration:

H. B. 2277, Consolidated Public Retirement Board, rule relating to the Deputy Sheriff Retirement System,

H. B. 2278, Consolidated Public Retirement Board, rule relating to refund, retirement, retroactive service, loan and employer error interest factors,

And,

H. B. 2279, Consolidated Public Retirement Board to promulgate a rule relating to service credit for accrued and unused sick and annual leave,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2277, H. B. 2278 and H. B. 2279) were each referred to the Committee on the Judiciary.

Delegate Walters, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

H. B. 2223, Including consumer credit sales that are secured by a mortgage, deed of trust or other equivalent consensual security interest on a dwelling or residential real estate in the definitions of “primary mortgage loan” and “subordinate mortgage loan”.

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 2223) was referred to the Committee on Finance.

Delegate McCuskey, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

H. B. 2493, Relating to requirements for insurance policies and contracts providing accident and sickness insurance or direct health care services that cover anti-cancer medications,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Health and Human Resources.

In accordance with the former direction of the Speaker, the bill (H. B. 2493) was referred to the Committee on Health and Human Resources.

Delegate Ellington, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2328, Department of Health and Human Resources, relating to nursing home licensure,

And,

H. B. 2351, Board of Pharmacy to promulgate a legislative rule relating to the registration of pharmacy technicians,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2328 and H. B. 2351) were each referred to the Committee on the Judiciary.

Delegate Ellington, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2293, Department of Health and Human Resources, chronic pain management clinic licensure,

H. B. 2330, Department of Health and Human Resource, relating to the nurse aid abuse and neglect registry,

H. B. 2331, Department of Health and Human Resources, relating to the state-wide trauma/emergency care system,

H. B. 2349, Board of Pharmacy to promulgate a legislative rule relating to licensure and the practice of pharmacy,

H. B. 2350, Board of Pharmacy to promulgate a legislative rule relating to immunizations administered by pharmacists,

And,

H. B. 2352, Board of Pharmacy to promulgate a legislative rule relating to controlled substances monitoring,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2293, H. B. 2330, H. B. 2331, H. B. 2349, H. B. 2350 and H. B. 2352) were each referred to the Committee on the Judiciary.

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

Your Committee on Finance has had under consideration:

H. B. 2114, Updating the meaning of federal adjusted gross income and certain other terms used in the West Virginia Personal Income Tax Act,

And,

H. B. 2115, Updating the meaning of the term “federal taxable income” and certain other terms used in the West Virginia Corporation Net Income Tax Act,

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

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

Your Committee on Government Organization has had under consideration:

H. B. 2217, Relating to qualifications of the Commissioner of Labor,

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

Com. Sub. for H. B. 2217 - “A Bill to amend and reenact §21-1-2 of the Code of West Virginia, 1931, as amended, relating to the qualifications of the Commissioner of Labor; removing language that the commissioner be identified with the labor interests of the state and requiring that the commissioner be identified with and have knowledge and experience in employee issues and interests including employee-employer relations in this state,”

With the recommendation that the committee substitute do pass.

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

Your Committee on Government Organization has had under consideration:

H. B. 2320, Family Protection Services Board, operation of the board,

H. B. 2321, Family Protection Services Board, domestic violence program licensure standards,

H. B. 2322, Family Protection Services Board, perpetrator intervention programs licensure,

H. B. 2323, Family Protection Services Board, Monitored Parenting and Exchange Program Certification,

And,

H.B. 2324, Family Protection Services Board, perpetrator intervention programs licensure for correctional institutions,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2320, H. B. 2321, H. B. 2322, H. B. 2323 and H. B. 2324) were each referred to the Committee on the Judiciary.

RESOLUTIONS INTRODUCED

Delegates Rowan, R. Smith, L. Phillips, R. Phillips, H. White, Moye, Ambler, Cooper, Ireland, Hill and Marcum offered the following resolution, which was read by its title and referred to the Committee on Agriculture and Natural Resources then Rules:

H. C. R. 31 - “Declaring the Northern Red Salamander to be the official state amphibian.”

WHEREAS, The Northern Red Salamander’s color pattern resembles the colorful fall foliage of the Sugar Maple, West Virginia’s state tree; and

WHEREAS, The Northern Red Salamander is peppered with black spots that resemble the distribution of coal mines throughout West Virginia; and

WHEREAS, The Northern Red Salamander’s color is reminiscent of the red bandanas worn by miners during West Virginia’s mine wars in the early 20th Century; and

WHEREAS, The Northern Red Salamander is ubiquitous and located near the cold springs and streams of West Virginia; and

WHEREAS, The Northern Red Salamander has five toes on each back foot which represents the fifty-five counties of West Virginia; and

WHEREAS, The Northern Red Salamander has four toes on each of its front feet, representing the eight major rivers of West Virginia; and

WHEREAS, The Northern Red Salamander is highly sensitive to disruptions in the environment and is, therefore, a barometer to an area’s healthiness; and

WHEREAS, The Northern Red Salamander seeks to live in harmony with its environment; therefore, be it

Resolved by the Legislature of West Virginia:

That the Northern Red Salamander is hereby designated and declared to be the official state amphibian; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Romney Middle School Eighth Grade West Virginia Studies class.

BILLS INTRODUCED

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

By Delegates Moffatt, Eldridge, R. Phillips, Rodighiero, Stansbury, Hill, Kurcaba, McGeehan, Ihle, Fast and Kessinger:

H. B. 2516 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-34a, relating to the state board of education; providing for the awarding of a posthumous high school diploma to parents of a high school senior who dies during the senior year; providing that section may be known and cited as 'Todd's Law'; and providing exceptions"; to the Committee on Education.

By Delegates Ferro, Walters, Perry, Fluharty, Storch, P. Smith, Longstreth, Trecost, Sponaugle and Reynolds:

H. B. 2517 - "A Bill to amend and reenact §36B-1-103, §36B-1-104, §36B-1-108, §36B-1-201, §36B-1-203 and §36B-1-204 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto three new sections, designated §36B-1-115, §36B-1-116 and §36B-1-208; to amend and reenact §36B-2-109, §36B-2-112, §36B-2-116, §36B-2-117 and §36B-2-119 of said code; to amend said code by adding thereto two new sections, designated

§36B-2-123 and §36B-2-124; to amend and reenact §36B-3-102, §36B-3-103, §36B-3-105, §36B-3-106, §36B-3-108, §36B-3-110, §36B-3-112, §36B-3-116 and §36B-3-118 of said code; to amend said code by adding thereto five new sections, designated §36B-3-120, §36B-3-121, §36B-3-122, §36B-3-123 and §36B-3-124; and to amend and reenact §36B-4-103, §36B-4-109, §36B-4-112, §36B-4-116 and §36B-4-117 of said code, all relating to updating the Uniform Common Interest Ownership Act; and providing for applicability of the chapter”; to the Committee on the Judiciary.

By Delegates Walters, Pasdon, Householder, Ellington, Folk, Kurcaba, Fleischauer, Sponaugle, Reynolds, Perdue and Blair:

H. B. 2518 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-16-18, relating to requiring insurers issuing group accident and sickness insurance policies to certain employers to furnish claims loss experience to policyholders upon request of a policyholder; and identifying the claims loss experience information to be provided”; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Ferro, Walters, Pethel, Perry, Fluharty, Storch, P. Smith, Longstreth, Trecost, Hornbuckle and Reynolds:

H. B. 2519 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §39A-4-1, §39A-4-2, §39A-4-3, §39A-4-4, §39A-4-5, §39A-4-6 and §39A-4-7, all relating to creating the Uniform Real Property Electronic Recording Act; providing short title; defining terms; clarifying validity of electronic documents and electronic signatures; providing for recording of electronic documents; requiring any county clerk implementing the provisions of the act to comply with established standards; authorizing county clerks to receive, index, store, archive and transmit electronic documents; authorizing county clerks to allow public access, search and retrieval of electronic documents; allowing county clerks to convert paper documents accepted for recording into electronic documents; authorizing county clerks to collect electronically any tax or fee relating to electronic recording of real property documents they

are authorized by law to collect; authorizing county clerks to agree with other jurisdictions on procedures or processes necessary for electronic recording of documents; creating the Real Property Electronic Recording Standards Council to develop the standards necessary to electronically record real property documents; authorizing a legislative rule; providing for a report and recommendations to the Legislature; providing that members of the Real Property Electronic Recording Standards Council pay their own expenses; setting forth areas for consideration when adopting or changing standards; providing for uniformity of application and construction of the act; and providing that this act modifies, limits and supersedes certain parts of the federal Electronic Signatures in Global and National Commerce Act”; to the Committee on the Judiciary.

By Delegates Rowan, L. Phillips, Border, Campbell, Arvon, Kessinger, Miller and Longstreth:

H. B. 2520 - “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 Canterbury, Pethtel, Folk, Walters, Hamilton, Marcum and Hicks:

H. B. 2521 - “A Bill to amend and reenact §5-10-44 of the Code of West Virginia, 1931, as amended; to amend and reenact §7-14D-7a of said code; to amend and reenact §8-22A-8; to amend said code by adding thereto a new section, designated §8-22A-8a of said code; to amend said code by adding thereto a new section, designated §15-2-54; to amend said code by adding thereto a new section, designated §15-2A-23; to amend and reenact §16-5V-8a of said code; to amend and reenact §18-7A-14c of said code; to amend and reenact §18-7B-21

of said code; and to amend said code by adding thereto a new section, designated §51-9-18, all relating to the correction of errors under the West Virginia Public Employees Retirement System, the West Virginia Deputy Sheriff Retirement System, the West Virginia Municipal Police Officers and Firefighters Retirement System, the West Virginia Emergency Medical Services Retirement System, the State Teachers Retirement System, the Teachers' Defined Contribution Retirement System, the West Virginia State Police Death, Disability and Retirement System, the West Virginia State Police Retirement System and the Judges' Retirement System; and clarifying the scope, application and requirements for error correction by the Consolidated Public Retirement Board"; to the Committee on Pensions and Retirement then the Judiciary.

By Delegates Lynch, P. Smith, A. Evans, Romine, Hamilton, Householder, Boggs, Miley, H. White, Fluharty and Perry:

H. B. 2522 - "A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to exempting State Teachers Retirement System pension benefits from West Virginia personal income taxation"; to the Committee on Pensions and Retirement then Finance.

By Delegate Ashley:

H. B. 2523 - "A Bill to amend and reenact §15-2-3 of the Code of West Virginia, 1931, as amended, relating to creating a special revenue account to offset costs for the West Virginia State Police 100th Anniversary in 2019"; to the Committee on Finance.

By Delegates Overington, Householder, Faircloth, Blair and Folk:

H. B. 2524 - "A Bill to amend and reenact chapter 83, Acts of the Legislature, regular session, 1970, relating to changing the Martinsburg Public Library to the Martinsburg-Berkeley County Public Library; creating a library board with the power to operate the said public library; and providing a stable method of financing the operation of the

Martinsburg-Berkeley County Public Library”; to the Committee on Political Subdivisions then the Judiciary.

By Mr. Speaker, Mr. Armstead

[By Request of the Executive]:

H. B. 2525 - “A Bill to amend and reenact §5H-1-1 and §5H-1-2 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia Fire, EMS and Law-Enforcement Officer Survivor Benefit Act; clarifying process for payment of survivor benefit; defining terms; limiting eligibility for survivor benefit to beneficiaries designated in writing by applicable public safety officer; clarifying circumstances for eligibility of survivor benefit; transferring responsibility for determination of eligibility for survivor benefit from Governor’s Office to Department of Military Affairs and Public Safety, Office of the Secretary; providing for reduction of amount of survivor benefit payable when state pays portion of funeral expenses; setting forth required information for certified request for survivor benefit; requiring fire, emergency medical service, and law-enforcement programs to provide notice of survivor benefit and obtain written designations of beneficiaries from eligible public safety officers; requiring the Department of Military Affairs and Public Safety, Office of the Secretary, to prepare a form for written designation of beneficiary; providing exclusions for availability of survivor benefit; providing that payments for survivor benefit to be made from general revenue; and limiting right of action to recover survivor benefit”; to the Committee on the Judiciary then Finance.

DAILY CALENDAR

THIRD READING

Com. Sub. for H. B. 2053, Relating to the form of trust deeds; 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. 21**), and there were—yeas 96, nays 1, absent and not voting 3, with the nays and absent and not voting being as follows:

NAYS: Lynch.

ABSENT AND NOT VOTING: Longstreth, Manchin and H. White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2053) 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. 2227, Relating to the National Coal Heritage Area Authority; 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. 22**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Longstreth, Manchin and H. White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2227) 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

H. B. 2200, Revising, rearranging, consolidating and recodifying the laws of the State of West Virginia relating to child welfare; on first reading, coming up in regular order, was read a first time and ordered to second reading.

LEAVES OF ABSENCE

At the request of Delegate Cowles, and by unanimous consent, leaves of absence for the day were granted Delegates Longstreth, Manchin and H. White.

MISCELLANEOUS BUSINESS

Delegates Ambler, Kelly and Zatezalo asked and obtained unanimous consent that they be removed as cosponsors of H. B. 2107, Relating to required courses of school instruction generally.

Delegate Espinosa asked and obtained unanimous consent that he be added as a cosponsor of H. B. 2014, West Virginia Public Charter Schools Act of 2015.

At 11:47 A.M., the House of Delegates adjourned until 11:00 A.M., Monday, February 2, 2015.

MONDAY, FEBRUARY 2, 2015

TWENTIETH 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, January 30, 2015, being the first order of business, when the further reading thereof was dispensed with and the same approved.

COMMITTEE REPORTS

Delegate McCuskey, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 29th day of January, 2015, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

(Com. Sub. for H. B. 2001), Repealing portions of the Alternative and Renewable Energy Portfolio Act.

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. 2128, Permitting those individuals who have been issued concealed weapons permits to keep loaded firearms in their motor vehicles on the State Capitol Complex grounds,

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

Com. Sub. for H. B. 2128 - “A Bill to amend and reenact §61-6-19 of the Code of West Virginia, 1931, as amended, relating to permitting those individuals who have been issued concealed weapons permits to keep firearms in their motor vehicles on the state Capitol Complex grounds if the vehicles are locked and the weapons are out of normal view,”

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. 2234, Requiring a court to permit a party in a divorce proceeding to resume using the name he or she used prior to the marriage,

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

Com. Sub. for H. B. 2234 - “A Bill to amend and reenact §48-5-613 of the Code of West Virginia, 1931, as amended, relating to requiring a court to permit a party in a divorce proceeding to resume using the name he or she used prior to the marriage,”

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. 237 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-2H-1, §19-2H-2, §19-2H-3, §19-2H-4, §19-2H-5, §19-2H-6, §19-2H-7, §19-2H-8, §19-2H-9, §19-2H-10, §19-2H-11 and §19-2H-12; to amend and reenact §19-29-2 of said code; to amend and reenact §20-1-2 of said code; and to amend and reenact §20-2-11 and §20-2-12 of said code, all relating to the Captive Cervid Farming Act; regulating captive cervid farming as an agricultural business; stating legislative findings and definitions; permitting sale of venison; stating powers and duties of the Department of Agriculture and commissioner; creating application process and classes of licenses; issuing, renewing, modifying and transferring licenses; inspecting facilities; transitioning current facilities to new licensure procedures; creating penalties for noncompliance with article; amending other statutes to comport with the Captive Cervid Farming Act; permitting rulemaking; prohibiting certain conduct; and providing for certain criminal penalties”; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 341 - “A Bill to amend and reenact §19-1C-4 of the Code of West Virginia, 1931, as amended, relating to the Livestock Care Standards Board; and permitting the commissioner to approve and submit rules established by the board”; which was referred to the Committee on Agriculture and Natural Resources then the Judiciary.

RESOLUTIONS INTRODUCED

Mr. Speaker, Mr. Armstead, offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 32 - “Requesting the Division of Highways to name the bridge on Upper Pinch Creek Road that carries County Route 52/2 over

Pinch Creek in Kanawha County, bridge number 20-52/2-0.10 (20A331), latitude 38.41945, longitude -81.48488, as the ‘Lipscomb Brothers Veterans Bridge’.”

WHEREAS, Charles S. Lipscomb, Allen G. Lipscomb, Walter W. “Pete” Lipscomb, Cebert W. Lipscomb and Samuel C. Lipscomb, all brothers from Kanawha County and the sons of the late Mr. and Mrs. Talmon L. “Tad” Lipscomb, all served in the US Army, were honorably discharged and awarded medals for good conduct and marksmanship; and

WHEREAS, The late Charles S. Lipscomb was born on May 15, 1916, and, in 1943, became the first of the Lipscomb brothers to serve in the US Army. He saw front line combat in Germany and France during World War II and received several medals and awards; and

WHEREAS, Allen G. Lipscomb was born on May 22, 1927, and enlisted in the US Army in 1945 and served with a medical unit and saw combat in Germany during World War II; and

WHEREAS, The late Walter W. “Pete” Lipscomb was born on January 22, 1929, and enlisted in the US Army in 1945 and saw combat in Japan and Saipan during World War II; and

WHEREAS, Cebert W. Lipscomb was born on June 27, 1931, and enlisted in the US Army in 1949 and served during the Korean War; and

WHEREAS, The late Samuel C. Lipscomb was born on November 7, 1934, and enlisted in the US Army in 1957 and served during the Korean War; and

WHEREAS, Service to country is a family tradition for the Lipscomb brothers; and

WHEREAS, It is fitting and proper that Charles S. Lipscomb, Allen G. Lipscomb, Walter W. “Pete” Lipscomb, Cebert W. Lipscomb and

Samuel C. Lipscomb be remembered and acknowledged for their service to their community, their state and their country by naming the bridge on Upper Pinch Creek Road that carries County Route 52/2 over Pinch Creek in Kanawha County, bridge number 20-52/2-0.10 (20A331), latitude 38.41945, longitude -81.48488, as the “Lipscomb Brothers Veterans Bridge”; therefore, be it

Resolved by the West Virginia Legislature:

That the Legislature hereby requests the Division of Highways to name the bridge on Upper Pinch Creek Road that carries County Route 52/2 over Pinch Creek in Kanawha County, bridge number 20-52/2-0.10 (20A331), latitude 38.41945, longitude -81.48488, as the “Lipscomb Brothers Veterans Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “Lipscomb Brothers Veterans 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 to the family members of the Lipscomb brothers.

Delegates Marcum, H. White, R. Phillips, Moye, Longstreth, Ferro, Byrd, Faircloth, Rowe, Sponaule and Rodighiero offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 33 - “Requesting the Division of Highways to name the Burch High School Bridge, bridge number 30-52/35-0.04 (30A148), carrying County Route 52/35 over Pigeon Creek in Mingo County, the ‘Everett Ronnie Fields, Sr. Memorial Bridge’.”

WHEREAS, Everett Ronnie Fields, Sr. was born in Varney, West Virginia, on August 4, 1944; and

WHEREAS, Everett Ronnie Fields, Sr. married Janice Sue Fields on July 7, 1965; and

WHEREAS, Together, Everett Ronnie Fields, Sr. and Janice Sue Fields had six children; and

WHEREAS, Four of Everett Ronnie Fields, Sr.'s and Janice Sue Fields's children and two of their grandchildren graduated from Burch High School in Mingo County, and another grandchild graduated from Mingo Central High School; and

WHEREAS, Everett Ronnie Fields, Sr. contributed to the Mingo County community by cutting weeds around the Mingo County Vocational and Technical Center, dressing up as Santa Claus for children at Christmas and caring for the Adkins' Graveyard; along with spending numerous hours volunteering to help the citizens of West Virginia; and

WHEREAS, It is fitting to honor Everett Ronnie Fields, Sr. by naming the Burch High School Bridge after him; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Division of Highways to name the Burch High School Bridge, bridge number 30-52/35-0.04 (30A148), in Mingo County the "Everett Ronnie Fields, Sr. Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Everett Ronnie Fields, Sr. 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 Everett Ronnie Fields, Sr.'s surviving relatives.

Delegates R. Phillips, Marcum, Eldridge and Moffatt offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 34 - “Requesting that bridge number 23-10/7-0.01(23A048) (37.72942, -81.79447), locally known as the Gillman Bottom Bridge carrying CR 10/7 over Huff Creek in Logan County, West Virginia, be named the ‘John B. Short Memorial Bridge’.”

WHEREAS, John B. Short was born in 1923, the son of LeRoy and Linda Jackson Short of Davin, West Virginia. He died in 2008. He was a graduate of Man High School in 1942 and enlisted in the U. S. Army Air Corps in 1943, where he served until 1946. He went to electrician school in Michigan and upon his return he married Ruby K. Nunley Short. They had seven children. John retired as Chief Electrician with Pittston Coal Company in 1986. He was an avid outdoorsman, hunter and fisherman; and

WHEREAS, It is fitting that an enduring memorial be established to commemorate this individual who meant so much to his family and community; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 23-10/7-0.01 (23A048) (37.72942, -81.79447), locally known as the Gillman Bottom Bridge carrying CR 10/7 over Huff Creek in Logan County, West Virginia, be named the “John B. Short Memorial Bridge”; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge the “John B. Short Memorial Bridge”; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Commissioner of the

Division of Highways, the surviving children and family of John B. Short.

Delegates Ihle, Westfall, Cadle, Hanshaw, Ashley, Sponaugle, P. Smith, Hartman, A. Evans, Campbell and Boggs offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 35 - "Requesting the Division of Highways name a section of United States Route 33 from the Ritchie Bridge in Ravenswood, Jackson County to its intersection with Interstate 79 at Exit 99 in Lewis County, and from where United States Routes 219 and 33 diverge just north of Elkins in Randolph County to the Randolph/Pendleton County line 'The Historic Blue-Gray Highway'."

WHEREAS, The stretch of United States Route 33 from Ravenswood, Jackson County, east to Weston, Lewis County, has always been known as the Blue-Gray Highway in recognition of its proximity to many battles and skirmishes that took place during the Civil War; and

WHEREAS, That stretch of United States Route 33 traverses Jackson, Roane, Calhoun and Lewis Counties; and

WHEREAS, 2013 marked the sesquicentennial of West Virginia's birth as a state; one hundred fifty years ago, while the nation was torn apart by the Civil War, West Virginia became America's 35th state; and

WHEREAS, It is fitting and proper that the Legislature recognize this historic event by officially acknowledging the role played by the area traversed by United States Route 33, known by its residents and visitors as the Blue-Gray Highway; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways name a section of United States Route 33 from the Ritchie Bridge in Ravenswood, Jackson County to

its intersection with Interstate 79 at Exit 99 in Lewis County, and from where United States Routes 219 and 33 diverge just north of Elkins in Randolph County to the Randolph/Pendleton County line “The Historic Blue-Gray Highway”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the section of United States Route 33 from the Ritchie Bridge in Ravenswood, Jackson County to Weston, Lewis County, and from where United States Routes 219 and 33 diverge just north of Elkins in Randolph County to the Randolph/Pendleton County line, “The Historic Blue-Gray Highway”; 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.

Delegates Rodighiero, Eldridge, Moffatt and Hicks offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 36 - “Requesting the Division of Highways to name the bridge on Route 119 near Chapmanville in Logan County, bridge number 23-119-15.31 (23A173), latitude 37.974043, longitude -82.020324, as the ‘US Army SPC David H. Stamper Memorial Bridge’.”

WHEREAS, US Army Specialist David Stamper was born on March 28, 1951, in Wilkinson, West Virginia to Helen R. Stamper and Haskell K. Stamper; and

WHEREAS, US Army Specialist David H. Stamper received his draft call on the same day he was married to Delana R. Stamper in February 1971; and

WHEREAS, US Army Specialist David H. Stamper entered the service seven days after he was married and was sent to Vietnam in August 1971; and

WHEREAS, US Army Specialist David H. Stamper was crew chief of an Army helicopter when it was apparently shot down by a sniper on April 14, 1972, and he was killed; and

WHEREAS, US Army Specialist David H. Stamper was awarded the Silver Star for gallantry in action, the Bronze Star Medal, the Air Medal (Sixth through Eighth Award), the Purple Heart, the Good Conduct Medal, the Air Medal with Second through Fifth Award, the National Defense Service Medal, the Vietnam Service Medal, the Vietnam Campaign Medal, the Aircraft Crewman Badge, and the Marksman Badge with Automatic Rifle Bar; and

WHEREAS, It is fitting and proper that US Army Specialist David H. Stamper be honored by having this bridge named for a soldier who gave the ultimate sacrifice; therefore, be it

Resolved by the West Virginia Legislature:

That the Legislature hereby requests the Division of Highways to name the bridge on Route 119, near Chapmanville in Logan County, bridge number 23-119-15.31 (23A173), latitude 37.974043, longitude -82.020324, as the “US Army SPC David H. Stamper Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “US Army SPC David H. Stamper 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 to the family members of US Army Specialist David H. Stamper.

BILLS INTRODUCED

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

By Delegates Gearheart, Ambler, Cadle, Arvon, Ellington, Shott, Stansbury, L. Phillips, Kessinger, Moore and H. White:

H. B. 2526 - “A Bill to amend and reenact §15-2-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17-16A-4, §17-16A-10 and §17-16A-18 of said code, all relating to providing for the transfer of ownership, operation and maintenance of certain assets of the West Virginia Parkways Authority to the Division of Highways; requiring all debt obligations of the Parkways Authority to be satisfied by February 1, 2021; eliminating tolls on the West Virginia Turnpike after debt obligations are satisfied; directing the Governor to issue a proclamation that all obligations are satisfied and transfer of assets; providing that certain materials, equipment, assets and employees of the parkways authority be transferred to the Division of Highways; providing for employees of the Parkways Authority whose positions are eliminated as result of the transfer; requiring certain moneys be used for operation and maintenance of, and for the provision of police services by the West Virginia State Police on the West Virginia Turnpike; providing that all obligations and responsibilities of the parkways authority for the West Virginia Turnpike cease on January 1, 2036; prohibiting new bonds from being issued; providing an exception; requiring the Division of Highways to accept ownership of the West Virginia Turnpike when the bonds secured by toll revenues have been paid; creating two funds; and authorizing rule-making”; to the Committee on Roads and Transportation then Finance.

By Delegates Pasdon, Marcum, Kessinger, R. Phillips and Upson:

H. B. 2527 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-3A-7, relating to creating a Task Force on the Prevention of Sexual Abuse of Children within the Center for Professional Development; specifying composition of task force; including duty to make recommendations; and providing that members serve without expense reimbursement or compensation”; to the Committee on Education then Finance.

By Delegates Hornbuckle, Reynolds, Sponaugle, Marcum, R. Phillips, Trecost, Campbell, Rodighiero, Perry, H. White and Bates:

H. B. 2528 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18C-1-6, relating to providing scholarships for certain former coal miners; and granting rule-making authority”; to the Committee on Education then Finance.

By Delegates Reynolds, Pushkin, Byrd, Hornbuckle and Sponaugle:

H. B. 2529 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-1-4e, relating to requiring the Commissioner of Agriculture to develop a pilot program for the cultivation of marijuana to be sold in states where sales are legal”; to the Committee on the Judiciary then Finance.

By Delegates Morgan, Perdue, Boggs, Pethtel, Rohrbach and Hornbuckle:

H. B. 2530 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §10-1-23, relating to establishing a Library Facilities Improvement Fund that will serve to support library facilities construction, maintenance and improvement projects; setting forth the general structure of fund and distribution of funds; and providing for rulemaking”; to the Committee on Education then Finance.

By Delegate Morgan:

H. B. 2531 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2I-1, §5B-2I-2, §5B-2I-3, §5B-2I-4 and §5B-2I-5, all relating to creating the Good Jobs Internet Reporting Act; requiring government agencies to report job creation and retention information related to development assistance programs to the Department of Revenue; requiring tracking numbers for all development assistance projects and tax credits; requiring the Tax Department to report development assistance tax

credit information to the Department of Revenue; requiring tax levying bodies to report tax assessment valuation determination information to the Department of Revenue; requiring the Department of Revenue to compile and report all information required under this article to the Legislature; and requiring the Department of Revenue to publish reports on the internet”; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

By Delegates Sponaugle, Perdue, Hornbuckle, L. Phillips, Pethel, Boggs, Williams, Hartman, R. Phillips, Bates and Reynolds:

H. B. 2532 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12j, relating to providing certain members of volunteer fire departments and rescue squads a \$5,000 modification reducing federal adjusted gross income for personal income tax purposes”; to the Committee on Finance.

By Delegates Skinner, Faircloth, Householder, Espinosa, Folk, Duke, Upson, Blair and Cowles:

H. B. 2533 - “A Bill to amend and reenact §51-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing an additional circuit court judge for the twenty-third judicial circuit consisting of Berkeley, Jefferson and Morgan counties”; to the Committee on the Judiciary then Finance.

By Delegates Skinner, Fluharty, Fleischauer, Pushkin, Hornbuckle, Reynolds, Sponaugle, Manchin, Miley, Caputo and Guthrie:

H. B. 2534 - “A Bill to amend and reenact §5-11-2, §5-11-3, §5-11-4, §5-11-8, §5-11-9 and §5-11-13 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5-11A-3, §5-11A-5, §5-11A-6 and §5-11A-7 of said code, all relating to unlawful discriminatory practices; prohibiting discrimination based upon age or sexual orientation; and defining sexual orientation”; to the Committee on the Judiciary.

By Delegates Longstreth, Ferro, Caputo, Rowan, O’Neal, Ashley, Hamrick, L. Phillips, Fleischauer, Skinner and P. Smith:

H. B. 2535 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-40; to amend said code by adding thereto a new section, designated §18B-1B-7; to amend said code by adding thereto a new article, designated §27-6-1 and §27-6-2; and to amend and reenact §30-1-7a of said code, all relating generally to suicide prevention training; requiring middle and high schools to provide information and opportunities for discussion of suicide prevention to students; authorizing the State Board of Education to consult with the Bureau for Behavioral Health to assure the quality and accuracy of the information provided; providing that institutions of higher education will develop and implement a policy to advise students and staff on available depression and suicide prevention resources; requiring suicide prevention information to be provided to all incoming students; requiring suicide prevention information to be posted on the websites of institutions of higher education; requiring free prevention materials and programs to be posted on the websites of all institutions of higher education, the higher education policy commission and the Bureau for Behavioral Health and Health Facilities; requiring the Bureau for Behavioral Health and Health Facilities to review such posted materials annually; providing legislative findings; requiring the Bureau for Behavioral Health and Health Facilities to post certain suicide prevention and awareness information on its website; providing for the Bureau for Behavioral Health and Health Facilities to assist middle and high schools in providing suicide prevention information to students; requiring certain health care professionals to obtain continuing education courses on suicide prevention and related topics as part of their license renewal; providing that certain health care professionals may only be required to complete two hours of suicide prevention training; requiring certain health care licensing boards to establish continuing education requirements and criteria and approve continuing education courses on suicide prevention and related topics”; to the Committee on Health and Human Resources then Education.

By Delegates Westfall, Walters, B. White and Ashley:

H. B. 2536 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-12-32b, relating to travel insurance limited lines producers; defining terms; authorizing the Insurance Commissioner to issue a limited lines travel insurance producer license; authorizing a travel retailer to offer travel insurance under a limited lines travel insurance producer business entity license under certain conditions; requiring a limited lines travel insurance producer to maintain a register of travel retailers offering insurance on its behalf and to designate one of its employees as a designated responsible producer; requiring instruction or training of employees offering travel insurance on behalf of a limited lines travel insurance producer; providing exemptions from examination and continuing education requirements; requiring travel retailers offering travel insurance to make available written materials to prospective purchasers; prohibiting travel retailer employees who are not licensed as insurance producers from providing certain information; authorizing a travel retailer and its employees to offer travel insurance and to be compensated upon registration by the limited lines travel insurance producer; and providing for enforcement”; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Ihle, Kessinger, Faircloth, Moffatt, Westfall, Householder, Hill, Folk, Rowan, Frich and Canterbury:

H. B. 2537 - “A Bill to amend and reenact §24-1-3 of the Code of West Virginia, 1931, as amended, relating to requiring that the chairperson of the Public Service Commission be elected on a nonpartisan ballot, beginning in 2018”; to the Committee on Government Organization then the Judiciary.

By Delegates E. Nelson and Ashley:

H. B. 2538 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-10-27, relating to administrative fees for the Tax Division of the Department of Revenue, specifying imposition and retention of fees by the Tax Division of the Department of Revenue from specified taxes and fees,

and from any interest, additions to tax and penalties related thereto, specifying imposition and retention of fees in payment for Tax Division services in the collection, distribution and administration of taxes for state and local departments, divisions, subdivisions and agencies, authorizing reimbursements to the Tax Division for transaction fees imposed by the Enterprise Resource Planning System, authorizing fee increases by legislative rule, specifying limitations, and specifying an effective date”; to the Committee on Finance.

By Delegates Trecoast, Canterbury, Perry, E. Nelson, Howell, Manchin, Eldridge, Boggs, Morgan and Longstreth:

H. B. 2539 - “A Bill to amend and reenact §8-1-5a of the Code of West Virginia, 1931, as amended, relating to increasing by seven the number of participants in the Home Rule Pilot Program”; to the Committee on Government Organization then the Judiciary.

By Delegates Westfall, Walters, B. White, Ashley, Frich and E. Nelson:

H. B. 2540 - “A Bill to amend and reenact §33-6A-1 of the Code of West Virginia, 1931, as amended, relating to requiring automobile liability insurance providers must give a policyholder fourteen days notice of an intent to cancel the policy if the reason for cancellation is nonpayment of a premium”; to the Committee on Banking and Insurance then the Judiciary.

By Delegate Overington:

H. B. 2541 - “A Bill to amend and reenact §10-1-2 of the Code of West Virginia, 1931, as amended, relating to permitting counties to impose additional levy on property within the county for the sole purpose of funding public libraries; requiring election, etc.”; to the Committee on the Judiciary then Finance.

By Delegates Espinosa, Gearheart, Householder, Folk, Upson, McCuskey, Ellington, Westfall, Overington, Cowles and Howell:

H. B. 2542 - “A Bill to amend and reenact §4-10-3 and §4-10-8 of the Code of West Virginia, 1931, as amended, all relating to the

Legislative Auditor; requiring reviews of groups of agencies on a four-year cycle”; to the Committee on Government Organization then Finance.

By Mr. Speaker, Mr. Armstead, and Delegate Miley

[By Request of the Executive]:

H. B. 2543 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-46-1, §16-46-2, §16-46-3, §16-46-4, §16-46-5, §16-46-6 and §16-46-7, all relating generally to accessing and administering opioid antagonists in overdose situations; establishing a short title; defining terms; establishing objectives and purpose; allowing licensed health care providers to prescribe an opioid antagonist to initial responders and certain individuals; allowing initial responders to possess and administer opioid antagonists; providing for limited liability for initial responders who possess and administer an opioid antagonist; providing for limited liability for licensed health care providers who prescribe an opioid antagonist in accordance with this article; establishing responsibility of licensed health care providers to provide educational materials on overdose prevention and administration of an opioid antagonist; and providing for data collection and reporting”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Householder, Stansbury, Ashley, Rodighiero and Campbell:

H. B. 2544 - “A Bill to amend and reenact §30-8-9 of the Code of West Virginia, 1931, as amended, relating to clarifying that optometrists may continue to exercise the same prescriptive authority which they possessed prior to hydrocodone being reclassified as a Schedule II substance”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Pasdon, Duke, Perry and Moye

[By Request of the Department of Education]:

H. B. 2545 - “A Bill to amend and reenact §18A-4-2a of the Code of West Virginia, 1931, as amended, relating to reimbursement of

certification fee for National Board for Professional Teaching Standards certification; and requiring the submission of satisfactory evidence to the West Virginia Department of Education for reimbursement”; to the Committee on Education then Finance.

By Delegates Ashley, Pasdon, Storch, B. White and Westfall:

H. B. 2546 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §24A-9-1, §24A-9-2, §24A-9-3, §24A-9-4, §24A-9-5, §24A-9-6 and §24A-9-7, all relating to insurance requirements for transportation network companies and drivers operating in West Virginia”; to the Committee on Banking and Insurance then the Judiciary.

By Delegates E. Nelson and Ashley:

H. B. 2547 - “A Bill to repeal §11-1-5 of the Code of West Virginia, 1931, as amended, relating to removing certain officials from office for misconduct or neglect of official duties”; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Perdue, Hicks, Marcum, Rodighiero and Reynolds:

H. B. 2548 - “A Bill to amend and reenact §17C-6-7 of the Code of West Virginia, 1931, as amended, relating to authorizing incorporated Class IV municipalities to enforce speed limits by use of any device designed to measure and indicate or record speed by means of microwaves or reflected light”; to the Committee on Roads and Transportation then the Judiciary.

By Delegates Lane, E. Nelson, Walters, Stansbury, B. White, Rowe, McCuskey, Guthrie, Byrd and Pushkin:

H. B. 2549 - “A Bill to amend and reenact §7-5-16 of the Code of West Virginia, 1931, as amended, relating to the preparation and publication of county financial statements”; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Cowles, Miller, Householder, Moffatt, McGeehan, Sponaugle, H. White, Campbell, Skinner, Rowe and Perry:

H. B. 2550 - “A Bill to amend and reenact §18-8-4 of the Code of West Virginia, 1931, as amended, relating to increasing the number of unexcused absences of a student before action may be taken against the parent, guardian or custodian of the student”; to the Committee on Education then the Judiciary.

By Delegates R. Smith, J. Nelson, Border, Kessinger, Arvon, Howell, Moffatt, A. Evans, Wagner, Cadle and D. Evans:

H. B. 2551 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §46A-6M-101, relating to prohibiting internet service providers from advertising or offering to provide high speed internet service that is not at least ten megabytes per second; creating a cause of action for consumers and the Attorney General; requiring the Attorney General to investigate complaints; granting the Attorney General with injunctive powers; and establishing monetary penalties”; to the Committee on the Judiciary.

By Delegates R. Smith, J. Nelson, Border, Kessinger, Arvon, R. Phillips, Moffatt, A. Evans, Westfall, Wagner and Cadle:

H. B. 2552 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §46A-6-111, relating to permitting utility consumers to use the consumer protection laws when concerning billing issues are in question; providing the Attorney General with the power to inquire about a billing issue; providing that the remedy is in addition to other remedies available from the West Virginia Public Service Commission; and providing that the powers and responsibilities of the commission are not affected”; to the Committee on the Judiciary.

By Delegates Perdue, Sponaugle, Pushkin, Hornbuckle, Morgan, Hartman, R. Phillips and Bates:

H. B. 2553 - “A Bill to amend and reenact §61-2-17 of the Code of West Virginia, 1931, as amended, relating to crimes against the

person; human trafficking; definitions; forfeiture procedure; and criminal penalties”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Cowles, Cadle, Campbell, Hartman, Kelly, McCuskey, R. Phillips, R. Smith, Stansbury, Upson and H. White:

H. B. 2554 - “A Bill to amend and reenact §61-2-10b of the Code of West Virginia, 1931, as amended, relating to protection of utility workers from crimes against the person; defining ‘utility worker’, establishing penalties”; to the Committee on Industry and Labor then the Judiciary.

By Delegates Cowles, Overington, Folk, Faircloth and McGeehan:

H. B. 2555 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §12-5B-1; §12-5B-2; §12-5B-3; §12-5B-4; §12-5B-5; §12-5B-6; §12-5B-7 and §12-5B-8, all related to oversight of law-enforcement agencies which receive private property through forfeiture laws; and providing reporting requirements”; to the Committee on the Judiciary then Finance.

By Delegates Cowles, Lane, Sobonya, Householder, Pasdon, Kessinger, Fast, McGeehan and Storch:

H. B. 2556 - “A Bill to amend and reenact §16-3-4 and §16-3-5 of the Code of West Virginia, 1931, as amended, all relating generally to mandatory immunizations; setting forth immunization dosage levels; adding required immunizations; providing medical and religious exemptions from mandatory immunizations for school children; requiring parents and guardians to assert their beliefs in an affidavit; providing that the affidavit be provided before the exemption applies; allowing the removal of students who are not immunized from school in times of emergency or epidemic; granting legislative rulemaking authority to the Secretary for the Department of Health and Human Resources to add or delete diseases for which vaccines are required for school attendance, to develop necessary forms and to create a process

for review any verification of affidavits for completeness; nullifying an interpretive rule and any action taken pursuant to the interpretive rule; modifying the Immunization Advisory Committee and establishing a chair of the committee”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Walters, Westfall, Pasdon, Moffatt, Morgan, Perry, Hartman, McCuskey, Frich, Storch and H. White:

H. B. 2557 - “A Bill to amend and reenact §33-6-29 of the Code of West Virginia, 1931, as amended, relating generally to motor vehicle insurance policies and coverage provided for rented or leased motor vehicles; clarifying that an insured driver of a motor vehicle is covered by the driver’s auto insurance policy when renting or leasing a vehicle; and providing that if the renter of a vehicle does not have auto insurance coverage, the rental or leasing car company is the provider of security”; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Trecoast, Lynch, Pushkin, Ferro, Longstreth, Kurcaba and Statler:

H. B. 2558 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-10b, relating to providing a \$500 credit against state personal income tax for certain members of volunteer fire departments”; to the Committee on the Judiciary then Finance.

By Delegate Trecoast:

H. B. 2559 - “A Bill to amend and reenact §11-17-3 of the Code of West Virginia, 1931, as amended, relating to increasing the excise tax on cigarettes”; to the Committee on Health and Human Resources then Finance.

By Delegates Canterbury, Pethel, Folk, Walters, Hamilton, Marcum and Hicks

[By Request of the Consolidated Public Retirement Board]:

H. B. 2560 - “A Bill to amend and reenact §5-10A-2 and §5-10A-6 of the Code of West Virginia, 1931, as amended, all relating to

disqualification for public retirement plan benefits when a participant is determined to have rendered less than honorable service; adding the West Virginia Municipal Police Officers and Firefighters Retirement System to the definition of ‘retirement plan’; and specifying that former participants of the West Virginia Teachers’ Defined Contribution Retirement System who elected to transfer to the West Virginia Teachers’ Retirement System and whose benefits have been terminated for less than honorable service shall not be refunded any transferred vested employer contributions”; to the Committee on Pensions and Retirement then Finance.

By Delegates Statler, Kurcaba, Stansbury, Rohrbach, Frich, Pasdon, Summers, Espinosa, Waxman and Blair:

H. B. 2561 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-8d, relating to requiring the Commissioner of Highways to contract with private providers or contractors for necessary emergency maintenance operations”; to the Committee on Roads and Transportation then the Judiciary.

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

H. B. 2562 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-22-7a, relating to sales tax increment financing; authorizing recalculation of the base tax revenue amount, subject to specified limitations; specifying that, upon written request of the county commission, filed not later than April 30, 2015, with the Development Office, base tax revenue amounts greater than \$1 million for a given district may be recalculated; specifying limitations on changes to the base tax revenue amount; specifying that the recalculated base tax revenue amount shall be used to determine the net annual district tax revenue amount for the district beginning on July 1, 2015; specifying that decrease to base tax revenue amount upon recalculation is limited to \$1 million dollars; specifying that no adjustment, refund, payment or repayment of special district excise tax, or consumers sales and service tax and use tax, or

net annual district tax revenue amount, or accrual thereof, attributable to periods prior to July 1, 2015, is authorized; providing for the sharing of certain information respecting the district; defining terms; specifying that, if tax revenues in a sales tax increment financing district are deficient, such that the amount withheld in any month is insufficient to fully recover the base tax revenue amount attributable to that month, that such deficit shall be carried forward to subsequent months until the base tax revenue amount deficit is paid; and specifying that any unpaid deficit carried forward shall be discharged and set at zero on the first day of each fiscal year”; to the Committee on Finance.

By Delegates Ihle, Faircloth, Kessinger, Moffatt, McGeehan, Householder, Hill, Folk, Rowan, Frich and Canterbury:

H. B. 2563 - “A Bill to amend and reenact §18-3-1 of the Code of West Virginia, 1931, as amended, relating to requiring the State Superintendent of Schools to be elected on a nonpartisan basis for four year terms”; to the Committee on Education then the Judiciary.

By Delegates Marcum, Rodighiero, Eldridge, Hartman, Longstreth and R. Phillips:

H. B. 2564 - “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 and requiring the board of education to develop alternate academic standards”; to the Committee on Education.

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

H. B. 2565 - “A Bill to amend and reenact §15-9-1, §15-9-2, §15-9-3 and §15-9-5 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §15-9-6; to amend and reenact §15-9A-1, §15-9A-2 and §15-9A-3 of said code; to amend and reenact §15-9B-1 and §15-9B-2 of said code; to amend and reenact §30-29-2, §30-29-3, §30-29-4, §30-29-5, §30-29-6 and

§30-29-7 of said code; and to amend and reenact §62-11C-2, §62-11C-3, §62-11C-4, §62-11C-6 and §62-11C-8 of said code, all relating to the reorganization of the Governor's Committee on Crime, Delinquency and Correction and its subcommittees; continuing the Governor's Committee on Crime, Delinquency and Correction and providing for membership, terms, and authority of the chair; requiring facility inspection in accordance with the Prison Rape Elimination Act; granting authority to the Governor's Committee on Crime, Delinquency and Correction to establish bylaws, policies, and procedures; establishing responsibilities of the Governor's Committee on Crime, Delinquency and Correction; stating legislative findings; designating a staffing agency for the Governor's Committee on Crime, Delinquency and Correction and providing authority and responsibilities; establishing duties of the director of the Governor's Committee on Crime, Delinquency and Correction; establishing membership criteria and subcommittee status of the Sexual Assault Forensic Examination Commission; establishing powers and duties of the Sexual Assault Forensic Examination Commission; establishing membership criteria and subcommittee status of the Law-Enforcement Professional Standards Subcommittee; establishing powers and duties of the Law-Enforcement Professional Standards Subcommittee; providing for uses of fees collected for the Law-Enforcement Professional Standards Subcommittee and authorizing adjustments of such fees by legislative rule; establishing the Community Corrections Subcommittee, membership, and authority; and making technical edits"; to the Committee on Government Organization then Finance.

By Delegates R. Smith, Wagner, Summers, Zatezalo, Gearheart, Moffatt, Cadle, R. Phillips, J. Nelson, Kessinger and B. White:

H. B. 2566 - "A Bill to repeal §22A-2A-302, §22A-2A-303, §22A-2A-304, §22A-2A-305, §22A-2A-306 and §22A-2A-307 of the Code of West Virginia, 1931, as amended; to amend and reenact §22-3-13 and §22-3-19 of said code; to amend and reenact §22-11-6 and §22-11-8 of said code; to amend said code by adding thereto a new section,

designated §22-11-22a; to amend said code by adding thereto a new section, designated §22A-1-41; to amend and reenact §22A-1A-1 of said code; to amend and reenact §22A-2-6, §22A-2-28 and §22A-2-37 of said code; to amend and reenact §22A-2A-101 of said code; to amend said code by adding thereto a new section, designated §22A-2A-204a; to amend and reenact §22A-2A-301, §22A-2A-308, §22A-2A-309, §22A-2A-310, §22A-2A-402, §22A-2A-403, §22A-2A-404, §22A-2A-405, §22A-2A-501, §22A-2A-601, §22A-2A-602, §22A-2A-603 and §22A-2A-604 of said code, all relating to creating the 'Coal Jobs and Safety Act of 2015'; providing methods of assuring that discharges from waste piles do not exceed applicable water quality standards; conforming the rules regarding the procedures for requesting and obtaining inactive status and the rules relating to the requirements for contemporaneous reclamation under the West Virginia Surface Coal Mining and Reclamation Act to the corresponding federal requirements; abolishing the West Virginia Diesel Equipment Commission; transferring the duties and responsibilities of the commission to the Director of the Office of Miners' Health, Safety and Training; defining terms; providing rule-making authority; providing that rules previously approved by the commission continue in full force and effect; developing statewide hardness-based aluminum water quality criteria for the protection of aquatic life; prohibiting the wholesale incorporation of water quality standards into permits rather than specifically developing terms and conditions on a permit-by-permit basis that are designed to protect water quality standards, the scope of the permit shield as it relates to compliance with water quality standards; establishing an administrative and civil enforcement process for coal mining-related permits that conforms with corresponding federal requirements; making legislative findings; permitting the immediate temporary suspension, suspension or revocation of a certificate held by of a certified person who has tested positive for certain drugs or alcohol, refused to submit a sample for screening, possessed or submitted a substituted sample, or possessed or submitted an adulterated sample for testing; if a drug test is positive a certified employee may not rely on the fact that the drug was prescribed if the

prescription is more than one year old; setting forth the requirements for movement of off-track mining equipment in areas of active workings where energized trolley wires or trolley feeder wires are present; establishing premovement requirements; increasing the distance from five hundred feet to one thousand, five hundred feet of the nearest working face where transportation of certain personnel in certain instances is done exclusively by rail; increasing the distance of track to be maintained when a section is fully developed and being prepared for retreating; permitting the use of sideboards on shuttle cars if they are equipped with cameras; requiring shelter holes be provided along haulage entries and be placed not more than one hundred five feet apart; providing an exception; removing the requirement that locomotives, personnel carriers, barrier tractors and other related equipment be equipped with lifting jacks and handles; and prescribing that no one, other than the motorman and brakeman, should ride on a locomotive unless authorized by the mine foreman, and then only when safe riding facilities are provided"; to the Committee on Energy then the Judiciary.

By Delegates Ihle, Faircloth, Kessinger, Moffatt, McGeehan, Westfall, Householder, Hill, Folk, Rowan and Canterbury:

H. B. 2567 - "A Bill to repeal §3-5-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §3-6-13, relating to electing members of county school boards on a nonpartisan basis in general elections only; establishing eligibility of candidates; and providing that members currently serving shall continue on the boards until any new members take office"; to the Committee on Education then the Judiciary.

DAILY CALENDAR

SECOND READING

H. B. 2200, Revising, rearranging, consolidating and recodifying the laws of the State of West Virginia relating to child welfare; 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 two hundred fifty-three, section six hundred four, line ninety-one, after the word “where”, by inserting “the child has attained sixteen years of age and”.

On page two hundred sixty-nine, section six hundred eight, line ninety, by striking out the word “and”.

On page two hundred sixty-nine, section six hundred eight, line ninety-two, by changing the period to a semicolon and inserting the word “and”.

And,

On page two hundred sixty-nine, section six hundred eight, following line ninety-two, by inserting a new subdivision to read as follows:

“(6) In addition, in the case of any child for whom another planned permanent living arrangement is the permanency plan, the court shall (A) inquire of the child about the desired permanency outcome for the child; (B) make a judicial determination explaining why, as of the date of the hearing, another planned permanent living arrangement is the best permanency plan for the child; and, (C) provide in the court order compelling reasons why it continues to not be in the best interest of the child to (i) return home, (ii) be placed for adoption, (iii) be placed with a legal guardian, or (iv) be placed with a fit and willing relative.”

On motion of Delegates E. Nelson and Shott, the bill was amended on page two, section one hundred two, following line seven, by striking out section one hundred two in its entirety and inserting in lieu thereof a new section one hundred two to read as follows:

“§49-1-102. Legislative Intent; continuation of existing statutory provisions; no increase in funding obligations.

In recodifying the child welfare law of this state during the regular session of the Legislature in the year 2015, it is intended by the Legislature that each specific reenactment of a substantively similar prior statutory provision will be construed as continuing the intended meaning of the corresponding prior statutory provision and any existing judicial interpretation of the prior statutory provision. It is not the intent of the Legislature, by recodifying the child welfare law of this state during the regular session of the Legislature in the year 2015 to alter the substantive law of this state as it relates to child welfare or to increase or enlarge any funding obligation of any spending unit of the state.”

And,

On page three, section one hundred four, following line seven, by striking out section one hundred four in its entirety and inserting in lieu thereof a new section one hundred four to read as follows:

“§49-1-104. West Virginia Code replacement; no increase of funding obligations to be construed.

(a) The Department of Health and Human Resources and the Department of Military Affairs and Public Safety are not required to change any form or letter that contains a citation to this code that is changed or otherwise affected by the recodification of this chapter during the 2015 regular session of the Legislature unless specifically required by a provision of this code.

(b) No provision of the recodification of this chapter during the 2015 regular session of the Legislature may be construed to increase or enlarge any funding obligation of any spending unit of the state.”

The bill was then ordered to engrossment and third reading.

FIRST READING

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

Com. Sub. for S. B. 13, Reinstating open and obvious doctrine for premises liability,

Com. Sub. for H. B. 2010, Requiring the elections of justices of the West Virginia Supreme Court of Appeals, circuit court judges, family court judges and magistrates be nonpartisan and by division,

H. B. 2114, Updating the meaning of federal adjusted gross income and certain other terms used in the West Virginia Personal Income Tax Act,

H. B. 2115, Updating the meaning of the term “federal taxable income” and certain other terms used in the West Virginia Corporation Net Income Tax Act,

And,

Com. Sub. for H. B. 2217, Relating to qualifications of the Commissioner of Labor.

MISCELLANEOUS BUSINESS

Delegate H. White announced that he was absent when the votes were taken on Roll Nos. 20, 21 and 22, and that had he been present, he would have voted “YEA” thereon.

Delegate Kurcaba asked and obtained unanimous consent that he be removed as a cosponsor of H. B. 2420, Relating to unlawful methods of hunting and fishing.

Delegate Hornbuckle asked and obtained unanimous consent that he be added as a cosponsor of H. B. 2045, Overdose Prevention Act.

Delegate P. Smith asked and obtained unanimous consent that she be added as a cosponsor of H. B. 2041, Establishing requirements for prior review of all privatization proposals.

Delegate Hamrick asked and obtained unanimous consent that he be added as a cosponsor of H. B. 2040, Adding domestic violence and

fraud to the list of crimes for which conviction would bar a person from holding public office.

At 11:48 A.M., the House of Delegates adjourned until 11:00 A.M., Tuesday, February 3, 2015.

TUESDAY, FEBRUARY 3, 2015

TWENTY-FIRST 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 Monday, February 2, 2015, being the first order of business, when the further reading thereof was dispensed with and the same approved.

COMMITTEE REPORTS

Delegate McCuskey, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 2nd day of February, 2015, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

(Com. Sub. for S. B. 280), Allowing well work permit transfers.

Delegate Gearheart, Chair of the Committee on Roads and Transportation, submitted the following report, which was received:

Your Committee on Roads and Transportation has had under consideration:

H. B. 2148, Conforming the motor vehicle law of this state to the requirements of section 1405(a) of the federal Transportation Equity Act for the Twenty-first Century,

And reports the same back, with a title amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 2148) was referred to the Committee on the Judiciary.

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

Your Committee on Government Organization has had under consideration:

H. B. 2514, Creating a Bureau of Actuarial Services within the office of the Legislative Auditor,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 2514) was referred to the Committee on Finance.

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

Your Committee on Government Organization has had under consideration:

H. B. 2280, Board of Dental Examiners, formation and approval of professional limited liability companies,

H. B. 2281, Dental Examiners, formation and approval of dental corporations and dental practice ownership,

And,

H. B. 2303, Department of Administration, state owned vehicles,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2280, H. B. 2281 and H. B. 2303) were each referred to the Committee on the Judiciary.

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

Your Committee on Government Organization has had under consideration:

H. B. 2347, Office of Technology to promulgate a legislative rule relating to the procedures for sanitization, retirement and disposition of information technology equipment,

And,

H. B. 2318, Board of Dental Examiners to promulgate a legislative rule relating to the board,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2347 and H. B. 2318) were each referred to the Committee on the Judiciary.

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. 2004, Providing a procedure for the development of a state plan under section 111(d) of the Clean Air Act,

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

Com. Sub. H. B. 2004 - “A Bill to amend and reenact §22-5-20 of the Code of West Virginia, 1931, as amended, relating to the development of a state plan under Section 111(d) of the Clean Air Act; setting forth legislative findings; prohibiting submission of a state plan without authority; requiring the Department of Environmental Protection to study the feasibility of a state plan; requiring the Department of Environmental Protection to submit a report to the Legislature determining whether a state plan is feasible; allowing for the development of a proposed state plan; allowing for legislative review and consideration prior to submission of a state plan to the Environmental Protection Agency; and creating exceptions to the legal effect of the state plan,”

With the recommendation that the committee substitute do pass.

Delegate Gearheart, Chair of the Committee on Roads and Transportation, submitted the following report, which was received:

Your Committee on Roads and Transportation has had under consideration:

H. B. 2526, Providing for the transfer of ownership, operation and maintenance of certain assets of the West Virginia Parkways Authority to the Division of Highways,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 2526) was referred to the Committee on Finance.

Delegate Gearheart, Chair of the Committee on Roads and Transportation, submitted the following report, which was received:

Your Committee on Roads and Transportation has had under consideration:

H. B. 2495, Relating to the written examination of applicants for a license to operate a motor vehicle,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2495) was referred to the Committee on the Judiciary.

Delegate Gearheart, Chair of the Committee on Roads and Transportation, submitted the following report, which was received:

Your Committee on Roads and Transportation has had under consideration:

H. C. R. 4, The US Army PFC Clarence Allen Mooney Memorial Bridge,

H. C. R. 6, The Army Air Force SGT Everett Wayne “Bud” Sell Memorial Bridge,

H. C. R. 9, The U. S. Air Force Lt. Col. John Richard “Toots” Wilcox Memorial Bridge,

H. C. R. 19, The U. S. Army SGT Bobby Ray Adkins Memorial Highway,

H. C. R. 21, The PFC James Elwood Wickline Memorial Bridge,

And,

H. C. R. 27, The West Virginia Air National Guard 167th Fighter Squadron Memorial Bridge,

And reports the same back, with amendment, with the recommendation that they each be adopted, as amended, but that they first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolutions (H. C. R. 4, H. C. R. 6, H. C. R. 9, H. C. R. 19, H. C. R. 21 and H. C. R. 27) were each referred to the Committee on Rules.

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

Your Committee on Education has had under consideration:

H. B. 2151, Making the West Virginia State Teacher of the Year an ex officio, nonvoting member of the West Virginia Board of Education,

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

Com. Sub. for H. B. 2151 - "A Bill to amend and reenact §18-2-1 of the Code of West Virginia, 1931, as amended, relating to making the West Virginia State Teacher of the Year an ex officio, nonvoting member of the West Virginia Board of Education; and providing reasonable and necessary expenses therefor,"

With the recommendation that the committee substitute do pass.

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

Your Committee on Finance has had under consideration:

H. B. 2008, Auditing the Division of Highways,

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

Com. Sub. for H. B. 2008 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-6a, relating to an independent audit of the Division of Highways; establishing criteria for selection of the auditor; establishing terms of the audit; and providing for costs associated with the audit,”

With the recommendation that the committee substitute does 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. 6 - “A Bill to repeal §55-7B-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §55-7B-2, §55-7B-7, §55-7B-8, §55-7B-9, §55-7B-9a, §55-7B-9c and §55-7B-11 of said code; and to amend said code by adding thereto two new sections, designated §55-7B-7a and §55-7B-9d, all relating to medical professional liability; adding provisions to control increase in cost of liability insurance and to maintain access to affordable health care services for West Virginians; providing mechanism to increase limitation on civil damages in medical malpractice cases to account for inflation by linking increases to the Consumer Price Index; adding provisions limiting admissibility and use of certain information; and requiring adjustment of verdicts for past medical expenses”; 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, to take effect July 1, 2015, and requested the concurrence of the House of Delegates in the passage of

Com. Sub. for S. B. 7 - “A Bill to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating to required

instruction in cardiopulmonary resuscitation (CPR) and first aid in public school health education subjects; adding care for conscious choking first aid instruction; requiring minimum thirty minutes instruction prior to graduation in cardiopulmonary resuscitation and psychomotor skills necessary to perform after certain date; defining ‘psychomotor skills’; requiring CPR instruction be based on program established by American Heart Association or the American Red Cross or other recognized guidelines; authorizing various persons and community members by whom instruction may be given; encouraging such community members to provide training and instructional resources; authorizing school districts to exceed minimum requirements; and requiring authorized CPR/automated external defibrillator instructor for instruction that results in certification being earned”; which was referred to the Committee on Education then Finance.

A message from the Senate, by

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

S. B. 106 - “A Bill to amend and reenact §16-13-18 of the Code of West Virginia, 1931, as amended, relating to supervision of works by a sanitary board; and providing that if a professional engineer is under contract for a project, an engineer is not required to serve on the sanitary board”; which was referred to the Committee on Political Subdivisions then Government Organization.

A message from the Senate, by

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

Com. Sub. for S. B. 335 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-46-1, §16-46-2, §16-46-3, §16-46-4, §16-46-5 and §16-46-6; and to amend and reenact §30-1-7a of said code, all relating generally to

accessing and administering opioid antagonists in overdose situations; establishing short title; defining terms; establishing objectives and purpose; allowing licensed health care providers to prescribe opioid antagonist to initial responders and certain individuals; allowing initial responders to possess and administer opioid antagonists; providing for limited liability for initial responders; providing for limited liability for licensed health care providers who prescribe opioid antagonist in accordance with this article; providing for limited liability for anyone who possesses and administers an opioid antagonist; establishing responsibility of licensed health care providers to provide educational materials on overdose prevention and administration of opioid antagonist; providing for data collection and reporting; providing for training requirements; and providing for rule-making authority”; to the Committee on the Judiciary.

RESOLUTIONS INTRODUCED

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

H. C. R. 37 - “Requesting the Division of Highways to name bridge number 13-64-179.36 EB and WB (13A165, 13A166) locally known as Mountain Avenue Bridge, carrying Interstate 64 over Tuckahoe Run and CR50 in Greenbrier County, the ‘U.S. Army PV2 Eskridge A. Waggoner Memorial Bridge’.”

WHEREAS, Eskridge Allen Waggoner was born on June 2, 1910, in Alvon, Greenbrier County, the oldest son of the late Lloyd M. and Minnie Boggs Waggoner; and

WHEREAS, Eskridge A. Waggoner attended the Hull School until eighth grade and helped on the family farm; and

WHEREAS, Eskridge A. Waggoner was a self-taught mechanic and handyman; and

WHEREAS, Following the death of his wife, Edna Coulter Waggoner, Eskridge A. Waggoner enlisted in the U.S. Army on February 20, 1942, at Fort Thomas, Newport, Kentucky; and

WHEREAS, Private Eskridge A. Waggoner was a scout for his company when it assaulted the Salerno Beach Head in Italy on September 9, 1943. Against intense artillery and machine gun fire from the well-entrenched enemy positions, Private Waggoner moved inland from the shore advancing toward the assigned objective when he spotted several enemy machine gun nests. Knowing that his comrades must be warned of the exact location of the guns and aware that by doing so he would give his own location to the enemy and expose himself to their fire, Private Waggoner deliberately opened fire with tracer bullets, thereby marking the danger spots for his fellow soldiers; and

WHEREAS, During this action, Private Eskridge A. Waggoner was killed by an enemy sniper; and

WHEREAS, The valiant sacrifice of Private Eskridge A. Waggoner gave his company time to consolidate and move against the enemy with concerted action and helped save the lives of many American soldiers and contributed greatly to the success of the invasion; and

WHEREAS, Private Eskridge A. Waggoner was posthumously awarded the Silver Star on October 23, 1944, for his gallant action; and

WHEREAS, It is fitting and proper that U.S. Army Private Eskridge A. Waggoner be remembered and acknowledged for his courageous action and dedicated service to his country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 13-64-179.36 EB and WB (13A165, 13A166) locally known as Mountain Avenue Bridge, carrying Interstate 64 over Tuckahoe Run

and CR50 in Greenbrier County, the “U.S. Army PV2 Eskridge A. Waggoner Memorial Bridge”; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge the “U.S. Army PV2 Eskridge A. Waggoner Memorial Bridge”; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Commissioner of the Division of Highways and to the surviving family of Private Eskridge A. Waggoner.

BILLS INTRODUCED

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

By Delegates Sobonya, Arvon, Kessinger, Rowan, Summers, Border, Blair, Espinosa, Waxman, Moye and Eldridge:

H. B. 2568 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2M-1, §16-2M-2, §16-2M-3, §16-2M-4, §16-2M-5, §16-2M-6 and §16-2M-7, all relating to prohibiting certain abortions; stating legislative findings; defining terms; requiring a calculation of gestational age before an abortion is performed or attempted, except in certain cases; prohibiting abortions when the gestational age of the fetus reaches pain capable gestational age; creating certain exceptions to that prohibition; requiring a physician performing an abortion of a fetus that has reached pain capable gestational age to use the process most likely to allow the fetus to survive, with certain exceptions; requiring reporting of all completed abortions and that the reports contain certain information regarding the abortion; requiring an annual public report that provides statistics of the abortions while keeping the identities of the persons involved confidential; deeming violations by physicians and other licensed medical practitioners to be a breach of the standard of care and

outside the scope of practice that is permitted by law; allowing for loss of license to practice for violation; constituting violations for nonphysician and nonlicensed medical practitioners as unauthorized practice of medicine and subject to criminal penalties; preserving existing legal remedies for violations; and clarifying that no penalty may be assessed against a patient; and making provisions severable”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Gearheart and Hamrick:

H. B. 2569 - “A Bill to amend and reenact §17A-6-2a of the Code of West Virginia, 1931, as amended, relating to the Dealer Recovery Program; specifying that the Dealer Recovery Fund Control Board has discretionary jurisdiction to hear claims; and providing the types of claims for damages that may be awarded from the Dealer Recovery Fund”; to the Committee on Roads and Transportation then Finance.

By Delegate Walters:

H. B. 2570 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13C-17; and to amend said code by adding thereto a new section, designated §11-24-9d, all relating to a tax deduction allowed for capital expenditures from the corporate net income tax”; to the Committee on Finance.

By Delegates Walters and Foster:

H. B. 2571 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-8d, relating to roads and highways; the West Virginia Commissioner of Highways; and authorizing the creation of a fund for pothole repair contributed to by private businesses or entities; and providing for recognition of the contribution of the private businesses or entities at the site of repair”; to the Committee on Roads and Transportation then Finance.

By Delegate Walters:

H. B. 2572 - “A Bill to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended, relating to allowing county boards

of education with low density student populations to operate their schools on a four-day school week”; to the Committee on Education then Finance.

By Delegates Ireland, Longstreth, Overington, Espinosa, Sobonya, Butler, Perry, Zatezalo, Border and Hamilton:

H. B. 2573 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §2-2-13, relating to establishing the English language to be the official language of the state; requiring all state activities and records to be in English; defining a term and providing exceptions”; to the Committee on the Judiciary.

By Delegates Ashley, Hanshaw, Anderson, Storch, Westfall, Zatezalo, Ireland, Miley, Williams, Boggs and L. Phillips:

H. B. 2574 - “A Bill to repeal §22-31-2, §22-31-3, §22-31-4, §22-31-5, §22-31-6, §22-31-7, §22-31-8, §22-31-9, §22-31-10 and §22-31-11 of the Code of West Virginia, 1931, as amended; and to amend and reenact §22-30-2, §22-30-3, §22-30-4, §22-30-5, §22-30-6, §22-30-7, §22-30-8, §22-30-9, §22-30-10, §22-30-11, §22-30-12, §22-30-13, §22-30-14, §22-30-15, §22-30-16, §22-30-17, §22-30-18, §22-30-19, §22-30-21, §22-30-22, §22-30-24 and §22-30-25; to amend said code by adding thereto two new sections, designated §22-30-26 and §22-30-27; and to amend and reenact §22-31-12; all relating to the protection of water resources and public health generally; amending the Aboveground Storage Tank Act; defining terms, requiring the secretary to compile inventory of aboveground storage tanks in the state; requiring registration; authorizing certain fees; requiring secretary to develop regulatory program for the tanks; providing factors to be considered in a program; requiring inspection and certification of the tanks; requiring evidence of financial responsibility; requiring corrective action and plans; requiring spill prevention response plans; requiring notice of type and quantity of fluids stored in tanks to local water utilities and governments; requiring the posting of signs at or near the tanks; creating an administrative fund; creating the Protect Our Water Fund; authorizing public access to certain information; authorizing inspections, monitoring and testing by

secretary; authorizing secretary to issue administrative orders and seek injunctive relief; providing for civil and criminal penalties; allowing appeals to Environmental Quality Board; prohibiting duplicative enforcement; requiring secretary to report to legislative entities; requiring interagency coordination; establishing duties of secretary upon imminent and substantial danger; providing additional duties and powers of secretary generally; providing for waiver of certain requirements; authorizing the secretary to require individual NPDES permits; authorizing the secretary to inventory potential sources of significant contamination; renumbering §22-31-12 of the Public Water Supply Protection Act concerning the public water system supply study commission; membership of study commission; scope of study; establishing reporting requirements; requiring the establishment of advance warning, testing and monitoring at certain water utilities; requiring certain information be filed with the Public Water Commission; and requiring utility to report back to Legislature if technology is infeasible”; to the Committee on the Judiciary.

By Delegates McGeehan and Zatezalo:

H. B. 2575 - “A Bill to amend and reenact §19-23-12b and §19-23-13b of the Code of West Virginia, 1931, as amended, all relating to approvals of televised racing days and simulcast contracts by Horsemen’s Benevolent and Protective Association; reducing racing days; providing additional reason for reduction in live racing dates; relating to notification of mutual clerks and Horsemen’s Benevolent and Protective Association of request to reduce racing dates; revising commission procedures for determining reduction in live racing dates at special meeting; and eliminating certain restrictions on moneys placed in purse fund”; to the Committee on the Judiciary then Finance.

By Delegates Howell, Hartman, Ferro, Kessinger, Cadle, Arvon, Moffatt, McGeehan, Zatezalo, Faircloth and R. Smith:

H. B. 2576 - “A Bill to amend and reenact §5F-2-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto twelve new sections, designated §5F-2-1a, §5F-2-1b, §5F-2-1c, §5F-2-1d, §5F-2-1e, §5F-2-1f, §5F-2-1g, §5F-2-1h, §5F-2-1i, §5F-2-1j,

§5F-2-1k and §5F-2-1l, all relating to the reorganization of certain code provisions that organize the executive branch of state government”; to the Committee on Government Organization.

By Delegate Walters:

H. B. 2577 - “A Bill to amend and reenact §18-5-13 of the Code of West Virginia, 1931, as amended, relating to consolidating purchasing by county boards of education through the regional education service agency serving their areas”; to the Committee on Education then Finance.

By Delegate Walters:

H. B. 2578 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-42z, relating to creating a hunting license permitting crossbow hunting”; to the Committee on Agriculture and Natural Resources then Finance.

By Delegate Walters:

H. B. 2579 - “A Bill to amend and reenact §18-30-2 and §18-30-9 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia College Prepaid Tuition and Savings Program Act; and allowing a tax deduction for all prepaid tuition contracts or college savings plans regardless of whether they are administered by the board of the college prepaid tuition and savings program”; to the Committee on Education then Finance.

By Delegate Walters:

H. B. 2580 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-1-1b, relating to taxation; creating the Economic Fairness Act of 2015; and requiring the Tax Commissioner to refund to the five counties with the highest unemployment, twenty percent of the personal income tax collected”; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

DAILY CALENDAR**THIRD READING**

H. B. 2200, Revising, rearranging, consolidating and recodifying the laws of the State of West Virginia relating to child welfare; 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. 23**), 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: Cadle and Morgan.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2200) passed.

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

SECOND READING

Com. Sub. for S. B. 13, Reinstating open and obvious doctrine for premises liability; on second reading, coming up in regular order, was read a second time.

Delegate P. Smith requested to be excused from voting on questions related to Com. Sub. for S. B. 13 under the provisions of House Rule 49.

The Speaker replied that Delegate was a member of a class of persons possibly to be affected by the passage of the bill but exhibited no direct personal or pecuniary interest therein, and refused to excuse the Lady from voting.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted, amending the bill on page two, section twenty-seven, line seven, after the word “dangers”, by

changing the period to a comma and inserting “except when such dangerous condition constituted a violation of an applicable statute or ordinance intended for the protection of public safety and such violation was a direct and proximate cause of such injured person’s injuries.”

The bill was then ordered to third reading.

Com. Sub. for H. B. 2010, Requiring the elections of justices of the West Virginia Supreme Court of Appeals, circuit court judges, family court judges and magistrates be nonpartisan and by division; on second reading, coming up in regular order, was read a second time.

Delegate Manchin moved to amend the bill on page fifty-eight, line ninety, following the period, by inserting the following:

**“ARTICLE 12A. WEST VIRGINIA CIRCUIT JUDGES ELECTIONS PUBLIC
CAMPAIGN FINANCING PROGRAM.**

§3-12A-1. Short title.

This article is known as the ‘West Virginia Circuit Judges Elections Public Campaign Financing Program’.

§3-12A-2. Legislative findings and declarations.

The Legislature finds and declares the following:

(1) Current campaign finance laws permit candidates to spend unlimited amounts of money raised from private sources;

(2) Current campaign finance laws permit certain independent parties to raise and spend unlimited amounts of money to influence the outcome of elections;

(3) Over the last decade, fundraising and campaign expenditures in elections for judicial offices has dramatically increased in West Virginia;

(4) As spending by candidates and independent parties increases, so does the perception that contributors and interested third parties hold too much influence over the judicial process;

(5) The detrimental effects of spending large amounts by candidates and independent parties are especially problematic in judicial elections because impartiality is uniquely important to the integrity and credibility of courts.

§3-12A-3. Definitions.

As used in this article, the following terms and phrases have the following meanings:

(1) ‘Candidate’ means an individual who:

(A) Has filed a certificate of announcement under section seven, article five of this chapter to be elected as a circuit court judge;

(B) Has filed a declaration of candidacy under section twenty-three, article five of this chapter;

(C) Has been named to fill a vacancy on a ballot; or

(D) Has declared a write-in candidacy or otherwise publicly declared his or her intention to seek nomination or election for any state, district, county or municipal office or party office to be filled at any election.

(2) ‘Candidate’s committee’ means a political committee established with the approval of or in cooperation with a candidate or a prospective candidate to explore the possibilities of seeking a particular office or to support or aid his or her nomination or election to an office in an election cycle. If a candidate directs or influences the activities of more than one active committee in a current campaign, those committees shall be considered one committee for the purpose of contribution limits.

(3) ‘Certified candidate’ means an individual seeking election to circuit judge who has been certified in accordance with section ten of this article as having met all of the requirements for receiving public campaign financing from the fund.

(4) ‘Contribution’ means a gift subscription, assessment, payment for services, dues, advance, donation, pledge, contract, agreement, forbearance or promise of money or other tangible thing of value, whether conditional or legally enforceable, or a transfer of money or other tangible thing of value to a person, made for the purpose of influencing the nomination, election or defeat of a candidate. An offer or tender of a contribution is not a contribution if expressly and unconditionally rejected or returned. A contribution does not include volunteer personal services provided without compensation: *Provided*, That a nonmonetary contribution is to be considered at fair market value for reporting requirements and contribution limitations.

(5) ‘Exploratory contribution’ means a maximum contribution made by an individual adult, including a participating candidate and members of his or her immediate family, during the exploratory period but prior to filing the declaration of intent for the office of circuit court judge up to \$2,500.00.

(6) ‘Exploratory period’ means the period during which a participating candidate may raise and spend exploratory contributions to examine his or her chances of election and to qualify for public campaign financing under this article. The exploratory period begins on June 1 the year before the election in which the candidate may run for circuit court judge and ends on the last Saturday in June of the election year.

(7) ‘Financial agent’ means any individual acting for and by himself or herself, or any two or more individuals acting together or cooperating in a financial way to aid or take part in the nomination or election of any candidate for public office, or to aid or promote the success or defeat of any political party at any election.

(8) ‘Fund’ means the Circuit Court Judge Public Campaign Financing Fund created by section five of this article.

(9) ‘Immediate family’ or ‘immediate family members’ means the spouse, parents, step-parents, siblings and children of the participating candidate.

(10) ‘Nonparticipating candidate’ means a candidate who is:

(A) Seeking election to circuit court judge;

(B) Is neither certified nor attempting to be certified to receive public campaign financing from the fund; and

(C) Has an opponent who is a participating or certified candidate.

(11) ‘Participating candidate’ means a candidate who is seeking election to circuit court judge and is attempting to be certified in accordance with section ten of this article to receive public campaign financing from the fund.

(12) ‘Person’ means an individual, partnership, committee, association and any other organization or group of individuals.

(13) ‘Qualifying contribution’ means a contribution received from a West Virginia registered voter of not less than \$1 nor more than \$100 in the form of cash, check or money order, made payable to a participating candidate or the candidate’s committee, or in the form of an electronic payment or debit or credit card payment, received during the qualifying period.

(14) ‘Qualifying period’ means the period during which participating candidates may raise and spend qualifying contributions in order to qualify to receive public campaign financing. For candidates for circuit court judge seeking to be placed on the election ballot, the qualifying period begins on June 1 of the election year and ends on October 1 of the election year.

§3-12A-4. Alternative public campaign financing option.

This article establishes an alternative public campaign financing option available to candidates for election to circuit court judge offices in West Virginia. Candidates electing the alternative public campaign financing option shall comply with all other applicable election and campaign laws and rules.

§3-12A-5. Circuit Judges Campaign Financing Fund.

There is established within the State Treasury a special revenue fund to be known as the ‘Circuit Court Judge Public Campaign Financing Fund’ for the dual purpose of providing public financing for the election campaigns of certified candidates under the provisions of this article and of paying the administrative and enforcement costs of the Secretary of State and State Election Commission related to this article. All moneys collected under the provisions of this article shall be deposited in the fund, which shall be administered by the State Election Commission. Funds may also be accepted from any gift, grant, bequest, endowment fund or donation which may be received by the State Election Commission from any person, firm, foundation or corporation. Any balance, including accrued interest or other earnings in the fund at the end of any fiscal year do not revert to the General Revenue Fund, but shall remain in the fund. Expenditures may be made from the fund only for the purposes set forth in this article and in accordance with the provisions of article three, chapter twelve of this code and upon fulfillment of the provisions of article two, chapter eleven-b of this code.

§3-12A-6. Sources of revenue for the fund.

Revenue from the following sources shall be deposited in the fund:

(1) All exploratory and qualifying contributions in excess of the established maximums.

(2) Money returned by participating or certified candidates who fail to comply with the provisions of this article.

(3) Unspent or unobligated moneys allotted to certified candidates and remaining unspent or unobligated on the date of the election for which the money was distributed.

(4) If a certified candidate loses, all remaining unspent or unobligated moneys after the election.

(5) Civil penalties levied by the State Election Commission against candidates for violations of this article.

(6) Civil penalties levied by the Secretary of State pursuant to section seven, article eight of this chapter.

(7) Voluntary donations made directly to the fund.

(8) Interest income.

(9) Each West Virginia state personal income tax taxpayer may voluntarily contribute a portion of the taxpayer's state income tax refund, up to \$6,000, for deposit into the fund through a check-off designation on the state personal income tax return form. If a husband and wife file a joint return, each spouse may designate up to \$6,000 for deposit into the fund. All amounts so designated shall be deducted from the taxpayers' income tax refund and credited to the fund. The State Tax Commissioner shall determine by July 1 of each year the total amount designated pursuant to this subsection and shall report that amount to the State Treasurer, who shall credit that amount to the fund.

(10) On or before July 1, 2015, and for two successive years thereafter, the unclaimed property administrator of the State Treasurer's Office shall transfer the amount of \$1 million from the Unclaimed Property Trust Fund to the fund created by this article.

(11) Money appropriated to the fund.

(12) Beginning in fiscal year 2015-2016, the West Virginia State Bar shall assess every attorney licensed to practice law in West

Virginia a fee for the fair administration of justice to be deposited into the fund as follows:

(A) Attorneys licensed to practice law for three years or less, \$50;

(B) Attorneys licensed to practice law for more than three years, \$75; and

(C) Attorneys licensed to practice law on inactive status, \$65.

All fees obligated to the fund shall be collected by the West Virginia State Bar and transmitted to the State Treasurer to be deposited in the fund.

(13) There is assessed a fair administration of justice fee of \$100 on each appeal and petition filed in the Supreme Court of Appeals in a civil case, except domestic relations actions, instituted on and after the effective date of this article. No fee may be charged on any appeal or petition filed in forma pauperis.

The Clerk of the Supreme Court of Appeals shall collect the fee at the time any such appeal or petition is filed and shall remit the fees collected each month to the State Treasurer to be deposited in the fund.

(14) There is assessed a fair administration of justice fee of \$20 on each civil action filed in circuit court, except class actions and domestic relations actions, instituted under the rules of civil procedure, any statutory summary proceeding, any extraordinary remedy filed, and the docketing of civil appeals to circuit court or any other action, cause, suit or proceeding instituted in circuit court on and after the effective date of this article. No fee may be charged on any such action filed in forma pauperis. The clerk of the circuit court shall collect the fee at the time any such action is filed and shall remit the fees collected each month to the State Treasurer to be deposited in the fund.

(15) There is assessed a fair administration of justice fee of \$20 on each party in a class action lawsuit filed in circuit court at the time the

case is settled or judgment rendered. No fee may be charged on any such action filed in forma pauperis. The fee shall be paid to the clerk of the circuit court at the time of settlement or when judgment is rendered. Where judgement is rendered the fee shall be collected from the nonprevailing party, the clerk shall remit the fees collected each month to the State Treasurer to be deposited in the fund.

§3-12A-7. Declaration of intent.

A candidate desiring to receive campaign financing from the fund shall first file a declaration of intent before the end of the qualifying period and prior to collecting any qualifying contributions. The declaration shall be on a form prescribed by the State Election Commission and shall contain a statement that the candidate is qualified to be placed on the ballot, and, if elected, to hold the office sought and has complied with and will continue to comply with all requirements of this article, including contribution and expenditure restrictions. A candidate may not collect exploratory contributions after filing the declaration of intent. Contributions made prior to the filing of the declaration of intent are not qualifying contributions. Any contributions received by a candidate during any precandidacy period which preceded the exploratory period which remain unexpended at the time of the declaration of intent shall be considered exploratory funds and subject to the limits and provisions of section eight of this article.

§3-12A-8. Exploratory period; contributions; expenditures.

(a) A participating candidate or his or her committee may not accept, spend or obligate exploratory contributions exceeding the amount established for each office pursuant to section of this article, in the aggregate, during the exploratory period. At the time the participating candidate formally declares his or her intent to qualify for public campaign financing, in accordance with section five of this article, any unexpended or undedicated contributions received during any precandidacy period which preceded the exploratory period shall be deemed to be exploratory contributions for that candidate. The maximum individual exploratory contribution which may be accepted

from any person including immediate family members is \$1,000. A participating candidate may loan, contribute or obligate up to \$1,000 of his or her own money for exploratory purposes. Any exploratory contributions received by the participating candidate in excess of the amount as established by section three of this article in the aggregate shall be sent to the Election Commission for deposit in the fund.

(b) Each exploratory contribution shall be acknowledged by a written receipt. Receipts for exploratory contributions of \$250 or more during an election cycle shall include the contributor's name, residence and mailing address, business affiliation and occupation. Receipts for exploratory contributions of less than \$250 shall include the contributor's name and the amount of the contribution, and otherwise comport with the disclosure and reporting requirements of section five-a, article eight of this chapter.

(c) An exploratory contribution from one person may not be made in the name of another person.

(d) At the beginning of each month a participating or certified candidate or his or her financial agent shall report all exploratory contributions, expenditures and obligations along with all receipts for contributions received during the prior month to the Secretary of State. Such reports shall be filed electronically: *Provided*, That a committee may apply for an exemption in case of hardship pursuant to subsection (c) of section five-b, article eight of this chapter. If the candidate decides not to run for office all unspent or unobligated exploratory contributions shall be sent to the State Election Commission for deposit in the fund. If the candidate decides to run for office as a nonparticipating candidate the unspent or unobligated exploratory contributions shall be used in accordance with articles eight and twelve of this chapter.

§3-12A-9. Qualifying contributions.

(a) A participating candidate or his or her candidate's committee may not accept more than one qualifying contribution from a single

individual. A qualifying contribution may not be less than \$1 nor more than \$100. To be considered as a proper qualifying contribution, the qualifying contribution must be made by a registered West Virginia voter. A participating candidate shall collect qualifying contributions which meet the aggregate of, not less than \$2,500.00 nor more than \$7,500.00.

Qualifying contributions in excess of the established maximums shall be sent to the State Election Commission for deposit in the fund.

(b) Each qualifying contribution shall be acknowledged by a written receipt that includes:

(1) The printed name of the participating candidate on whose behalf the contribution is made and the signature of the person who collected the contribution for the candidate or his or her candidate's committee;

(2) For qualifying contributions of \$25 or more, the contributor's signature, printed name, street address, zip code, telephone number, occupation and name of employer; and for qualifying contributions of less than \$25, the contributor's signature, printed name, street address and zip code;

(3) A statement above the contributor's signature that:

(A) The contributor understands the purpose of the contribution is to assist the participating candidate in obtaining public campaign financing;

(B) The contribution was made without coercion;

(C) The contributor has not been reimbursed, received or promised anything of value for making the contribution; and

(4) One copy of the receipt shall be given to the contributor, one copy shall be retained by the candidate and one copy shall be sent by

the candidate to the Secretary of State. A contribution which is not acknowledged by a written receipt in the form required by this subsection is not a qualifying contribution.

(c) During the qualifying period, a participating candidate or his or her candidate's committee must obtain at least five hundred qualifying contributions from registered West Virginia voters. A minimum of ten percent of the total number of qualifying contributions received by the candidate must be from each of the state's congressional districts.

(d) A participating candidate and each member of the candidate's immediate family who is a registered voter in this state may each make one qualifying contribution. A participating candidate may not use any other personal funds to satisfy the qualifying contributions requirements.

(e) A participating candidate may not reimburse, give or promise anything of value in exchange for a qualifying contribution.

(f) At the beginning of each month, a participating or certified candidate or his or her financial agent or committee shall report all qualifying contributions, expenditures and obligations along with all receipts for contributions received during the prior month to the Secretary of State. Such reports shall be filed electronically: *Provided*, That a committee may apply for an exemption in case of hardship pursuant to subsection (c) of section five-b, article eight of this chapter. If the candidate decides not to run for office, all unspent or unobligated qualifying contributions shall be sent to the State Election Commission for deposit in the fund. If the candidate decides to run for office as a nonparticipating candidate, the unspent or unobligated qualifying contributions shall be used in accordance with articles eight and twelve of this chapter.

(g) All qualifying contributions collected and all expenditures by a participating candidate or his or her committee shall be reported to the Secretary of State no later than two business days after the close of the qualifying period.

(h) (1) Individuals are limited to not more than one \$100 contribution during the qualifying period.

(2) An individual may not contribute more than \$1,000 in the aggregate in exploratory and qualifying contributions.

(3) All contributions to candidates participating in the Circuit Judges Election Public Campaign Financing Program shall be collected by the candidates's designated financial agent.

§3-12A-10. Certification of candidates.

(a) To be certified, a participating candidate shall apply to the State Election Commission for public campaign financing from the fund and file a sworn statement that he or she has complied and will comply with all requirements of this article throughout the applicable campaign.

(b) Upon receipt of a notice from the Secretary of State that a participating candidate has received the required number and amount of qualifying contributions, the State Election Commission shall determine whether the candidate or candidate's committee:

(1) Has signed and filed a declaration of intent as required by section seven of this article;

(2) Has obtained the required number and amount of qualifying contributions as required by section nine of this article;

(3) Has complied with the contribution restrictions of this article;

(4) Is eligible, as provided in section nine, article five of this chapter, to appear on the election ballot; and

(5) Has met all other requirements of this article.

(c) The State Election Commission shall process applications in the order they are received and shall verify a participating candidate's

compliance with the requirements of subsection (b) of this section by using the verification and sampling techniques approved by the State Election Commission.

(d) The State Election Commission shall determine whether to certify a participating candidate as eligible to receive public campaign financing no later than three business days after the candidate or the candidate's committee makes his or her final report of qualifying contributions or, if a challenge is filed under subsection (g) of this section, no later than six business days after the candidate or the candidate's committee makes his or her final report of qualifying contributions. A certified candidate shall comply with this article through the election campaign period.

(e) No later than two business days after the State Election Commission certifies that a participating candidate is eligible to receive public campaign financing under this section, the State Election Commission, acting in concert with the State Auditor's office and the State Treasurer's office, shall cause a check to be issued to the candidate's campaign depository account an amount equal to the public campaign financing benefit for which the candidate qualifies under section eleven of this article, minus the candidate's qualifying contributions, and shall notify all other candidates for the same office of its determination.

(f) If the candidate desires to receive public financing benefits by electronic transfer, the candidate shall include in his or her application sufficient information and authorization for the State Treasurer to transfer payments to his or her campaign depository account.

(g) Any person may challenge the validity of any contribution listed by a participating candidate by filing a written challenge with the State Election Commission setting forth any reason why the contribution should not be accepted as a qualifying contribution. If a contribution is challenged under this subsection, the State Election Commission shall decide the validity of the challenge no later than the

end of the next business day after the day that the challenge is filed, unless the State Election Commission determines that the candidate whose contribution is challenged has both a sufficient qualifying number and amount of qualifying contributions to be certified as a candidate under this section without considering the challenge. Within five business days of a challenge, the candidate or candidate's committee who listed any contribution that is the subject of a challenge may file a report with the State Election Commission of an additional contribution collected pursuant to section nine of this article for consideration as a qualifying contribution.

(h) A candidate's certification and receipt of public campaign financing may be revoked by the State Election Commission, if the candidate violates this article. A certified candidate who violates this article shall repay all moneys received from the fund to the State Election Commission.

(i) The determination of any issue before the State Election Commission is the final administrative determination. Any meetings conducted by the State Elections Commission to certify a candidate's eligibility to receive funds under this article shall not be subject the public notice and open meeting requirements of article nine-a, chapter six of this code, but the commission shall concurrently provide public notice of any decision and determination it makes which impacts the candidate's eligibility to receive funds pursuant to this article. Any person adversely affected by a decision of the State Election Commission under this article may appeal that decision to the circuit court of Kanawha County.

(j) A candidate may withdraw from being a certified candidate and become a nonparticipating candidate at any time with the approval of the State Election Commission. Any candidate seeking to withdraw shall file a written request with the State Election Commission, which shall consider requests on a case-by-case basis. No certified candidate may withdraw until he or she has repaid all moneys received from the fund: *Provided*, That the State Election Commission may, in

exceptional circumstances, waive the repayment requirement. The State Election Commission may assess a penalty not to exceed \$10,000 against any candidate who withdraws without approval.

§3-12A-11. Schedule and amount of Circuit Court Judge Elections Public Campaign Financing Fund payments.

(a) The State Election Commission, acting in concert with the State Auditor's office and the State Treasurer's office, shall have a check issued within two business days after the date on which the candidate is certified, to make payments from the fund for the campaign period available to a certified candidate as follows:

(1) A certified candidate for the Office of the Office of Circuit Court Judge shall receive from the fund:

(A) In a contested election, an amount not to exceed \$50,000.

(B) In an uncontested election, an amount not to exceed \$5,000;

(b) The State Election Commission shall authorize the distribution of campaign financing moneys to certified candidates in equal amounts. The commission shall propose a legislative rule on distribution of funds.

(c) The State Election Commission may not authorize or direct the distribution of moneys to certified candidates in excess of the total amount of money deposited in the fund pursuant to section six of this article. If the commission determines that the money in the fund is insufficient to totally fund all certified candidates, the commission shall authorize the distribution of the remaining money proportionally, according to each candidate's eligibility for funding. Each candidate may raise additional money in the same manner as a nonparticipating candidate for the same office up to the unfunded amount of the candidate's eligible funding.

§3-12A-12. Restrictions on contributions and expenditures.

(a) A certified candidate or his or her committee may not accept loans or contributions from any private source, including the personal funds of the candidate and the candidate's immediate family, during the election campaign periods except as permitted by this article.

(b) After filing the declaration of intent and during the qualifying period, a participating candidate may not spend or obligate more than he or she has collected in exploratory and qualifying contributions. After the qualifying period and through the election campaign period, a certified candidate may spend or obligate any unspent exploratory or qualifying contributions and the moneys he or she receives from the fund under the provisions of section eleven of this article.

(c) A participating or certified candidate may expend exploratory and qualifying contributions and funds received from the fund only for lawful election expenses as provided in section nine, article eight of this chapter. Moneys distributed to a certified candidate from the fund may be expended only during the election campaign period for which funds were dispersed. Money from the fund may not be used:

(1) In violation of the law;

(2) To repay any personal, family or business loans, expenditures or debts; or

(3) To help any other candidate.

(d) A certified candidate or his or her committee shall return to the fund any unspent and unobligated exploratory contributions, qualifying contributions or moneys received from the fund within forty-eight hours after:

(1) The date on which the candidate ceases to be certified; or

(2) The date on which the individual loses the election or otherwise ceases to be a candidate.

(e) A certified candidate or his or her committee shall return to the fund any unspent or unobligated public campaign financing funds no later than five business days after the election.

(f) A contribution from one person may not be made in the name of another person.

(g) A participating or certified candidate or his or her committee receiving qualifying contributions or exploratory contributions from a person not listed on the receipt required by sections eight and nine of this article is liable to the State Election Commission for the entire amount of that contribution and any applicable penalties.

(h) A certified candidate accepting any benefits under the provisions of this article shall continue to comply with all of its provisions throughout the election campaign period.

(i) A participating or certified candidate or his or her financial agent shall provide the Secretary of State with all requested campaign records, including all records of exploratory and qualifying contributions received and campaign expenditures and obligations, and shall fully cooperate with any audit of campaign finances requested or authorized by the State Election Commission.

§3-12A-13. Reporting requirements.

(a) Participating candidates and certified candidates shall comply with this section in addition to any other reporting required by this chapter.

(b) During the exploratory and qualifying periods, a participating candidate or his or her financial agent shall submit, on the first of each month, a report of all exploratory and qualifying contributions along with their receipts and an accounting of all expenditures and obligations received during the immediately preceding month. The reports shall be on forms or in a format prescribed by the Secretary of State. Such reports shall be filed electronically: *Provided, That a*

committee may apply for an exemption, in case of hardship, pursuant to subsection (c) of section five-b, article eight of this chapter.

(c) No later than two business days after the close of the qualifying period, a participating candidate or his or her financial agent shall report to the Secretary of State on appropriate forms a summary of:

(1) All exploratory contributions received and funds expended or obligated during the exploratory period together with copies of any receipts not previously submitted for exploratory contributions; and

(2) All qualifying contributions received and funds expended or obligated during the qualifying period together with copies of any receipts not previously submitted for qualifying contributions.

(d) A certified candidate or his or her financial agent shall file periodic financial statements in accordance with section five, article eight of this chapter, detailing all funds received, expended or obligated during the specified periods. The reports shall be on forms approved by the Secretary of State.

§3-12A-14. Duties of the State Election Commission; Secretary of State.

(a) In addition to its other duties, the State Election Commission shall carry out the duties of this article and complete the following as applicable:

(1) Prescribe forms for reports, statements, notices and other documents required by this article;

(2) Make an annual report to the Legislature accounting for moneys in the fund, describing the State Election Commission's activities and listing any recommendations for changes of law, administration or funding amounts;

(3) Propose emergency and legislative rules for legislative approval, in accordance with article three, chapter twenty-nine-a of this code, as may be necessary for the proper administration of this article;

(4) Enforce this article to ensure that moneys from the fund are placed in candidate campaign accounts and spent as specified in this article;

(5) Monitor reports filed pursuant to this article and the financial records of candidates to ensure that qualified candidates receive funds promptly and to ensure that moneys required by this article to be paid to the fund are deposited in the fund;

(6) Cause an audit of the fund to be conducted by independent certified public accountants ninety days after an election. The State Election Commission shall cooperate with the audit, provide all necessary documentation and financial records to the auditor and maintain a record of all information supplied by the audit;

(7) In consultation with the State Treasurer and the State Auditor, develop a rapid, reliable method of conveying funds to certified candidates. In all cases, the commission shall distribute funds to certified candidates in a manner that is expeditious, ensures accountability and safeguards the integrity of the fund;

(8) Regularly monitor the receipts, disbursements, obligations and balance in the fund to determine whether the fund will have sufficient moneys to meet its obligations and sufficient moneys available for disbursement during the election campaign period; and

(9) Transfer a portion of moneys maintained in the fund to the West Virginia Investment Management Board for their supervised investment, after consultation with the State Treasurer, the State Auditor and the West Virginia Investment Management Board.

(b) In addition to his or her other duties, the Secretary of State shall carry out the duties of this article and complete the following as applicable:

(1) Prescribe forms for reports, statements, notices and other documents required by this article;

(2) Prepare and publish information about this article and provide it to potential candidates and citizens of this state;

(3) Prepare and publish instructions setting forth methods of bookkeeping and preservation of records to facilitate compliance with this article and to explain the duties of candidates and others participating in elections under this article;

(4) Propose emergency and legislative rules for legislative approval in accordance with article three, chapter twenty-nine-a of this code as may be necessary for the proper administration of this article;

(5) Enforce this article to ensure that moneys from the fund are placed in candidate campaign accounts and spent as specified in this article;

(6) Monitor reports filed pursuant to this article and the financial records of candidates to ensure that qualified candidates receive funds promptly and to ensure that moneys required by this article to be paid to the fund are deposited in the fund;

(7) Ensure public access to the campaign finance reports required pursuant to this article, and whenever possible, use electronic means for the reporting, storing and display of the information; and

(8) Prepare a voters' guide for the public listing the names of each candidate seeking election as a circuit court judge. Both certified and nonparticipating candidates shall be invited by the State Election Commission to submit a statement, not to exceed five hundred words in length, for inclusion in the guide. The guide shall identify the candidates that are certified candidates and the candidates that are nonparticipating candidates. Copies of the guide shall be posted on the website of the Secretary of State, as soon as may be practical.

(c) To fulfill their responsibilities under this article, the State Election Commission and the Secretary of State may subpoena witnesses, compel their attendance and testimony, administer oaths and

affirmations, take evidence and require, by subpoena, the production of any books, papers, records or other items material to the performance of their duties or the exercise of their powers.

(d) The State Election Commission may also propose and adopt procedural rules to carry out the purposes and provisions of this article and to govern procedures of the State Election Commission as it relates to the requirements of this article.

§3-12A-14. Duties of the State Election Commission; Secretary of State.

(a) In addition to its other duties, the State Election Commission shall carry out the duties of this article and complete the following as applicable:

(1) Prescribe forms for reports, statements, notices and other documents required by this article;

(2) Make an annual report to the Legislature accounting for moneys in the fund, describing the State Election Commission's activities and listing any recommendations for changes of law, administration or funding amounts;

(3) Propose emergency and legislative rules for legislative approval, in accordance with article three, chapter twenty-nine-a of this code, as may be necessary for the proper administration of this article;

(4) Enforce this article to ensure that moneys from the fund are placed in candidate campaign accounts and spent as specified in this article;

(5) Monitor reports filed pursuant to this article and the financial records of candidates to ensure that qualified candidates receive funds promptly and to ensure that moneys required by this article to be paid to the fund are deposited in the fund;

(6) Cause an audit of the fund to be conducted by independent certified public accountants ninety days after an election. The State Election Commission shall cooperate with the audit, provide all necessary documentation and financial records to the auditor and maintain a record of all information supplied by the audit;

(7) In consultation with the State Treasurer and the State Auditor, develop a rapid, reliable method of conveying funds to certified candidates. In all cases, the commission shall distribute funds to certified candidates in a manner that is expeditious, ensures accountability and safeguards the integrity of the fund;

(8) Regularly monitor the receipts, disbursements, obligations and balance in the fund to determine whether the fund will have sufficient moneys to meet its obligations and sufficient moneys available for disbursement during the election campaign period; and

(9) Transfer a portion of moneys maintained in the fund to the West Virginia Investment Management Board for their supervised investment, after consultation with the State Treasurer, the State Auditor and the West Virginia Investment Management Board.

(b) In addition to his or her other duties, the Secretary of State shall carry out the duties of this article and complete the following as applicable:

(1) Prescribe forms for reports, statements, notices and other documents required by this article;

(2) Prepare and publish information about this article and provide it to potential candidates and citizens of this state;

(3) Prepare and publish instructions setting forth methods of bookkeeping and preservation of records to facilitate compliance with this article and to explain the duties of candidates and others participating in elections under this article;

(4) Propose emergency and legislative rules for legislative approval in accordance with article three, chapter twenty-nine-a of this code as may be necessary for the proper administration of this article;

(5) Enforce this article to ensure that moneys from the fund are placed in candidate campaign accounts and spent as specified in this article;

(6) Monitor reports filed pursuant to this article and the financial records of candidates to ensure that qualified candidates receive funds promptly and to ensure that moneys required by this article to be paid to the fund are deposited in the fund;

(7) Ensure public access to the campaign finance reports required pursuant to this article, and whenever possible, use electronic means for the reporting, storing and display of the information; and

(8) Prepare a voters' guide for the public listing the names of each candidate seeking election to Circuit Court Judge. Both certified and nonparticipating candidates shall be invited by the State Election Commission to submit a statement, not to exceed five hundred words in length, for inclusion in the guide. The guide shall identify the candidates that are certified candidates and the candidates that are nonparticipating candidates. Copies of the guide shall be posted on the website of the Secretary of State, as soon as may be practical.

(c) To fulfill their responsibilities under this article, the State Election Commission and the Secretary of State may subpoena witnesses, compel their attendance and testimony, administer oaths and affirmations, take evidence and require, by subpoena, the production of any books, papers, records or other items material to the performance of their duties or the exercise of their powers.

(d) The State Election Commission may also propose and adopt procedural rules to carry out the purposes and provisions of this article and to govern procedures of the State Election Commission as it relates to the requirements of this article.

§3-12A-15. Criminal penalties.

(a) A participating or certified candidate who, either personally or through his or her committee, knowingly accepts contributions or benefits in excess of those allowed under this article, spends or obligates funds in excess of the public campaign financing funding to which he or she is entitled or uses the benefits or funding for a purpose other than those permitted under this article is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$50 nor more than \$500, or confined in jail for up to thirty days or both.

(b) A participating or certified candidate who, either personally or through his or her committee or financial agent, provides false information to, or conceals or withholds information from, the State Election Commission or the Secretary of State is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$1,000 nor more than \$10,000, or confined in jail for up to one year or both.

§3-12A-16. Civil penalties.

(a) If a participating or certified candidate or his or her committee or financial agent unintentionally accepts contributions from a private source in violation of this article or spends or obligates to spend more than the amount of public financing money he or she is eligible to receive from the fund pursuant to section eleven of this article, the State Election Commission may order the candidate to pay to the State Election Commission an amount equal to the amount of the contribution, expenditure or obligation.

(b) If a participating or certified candidate or his or her committee or financial agent intentionally accepts contributions from a private source in violation of this article or spends or obligates more than the amount of public campaign financing he or she is eligible to receive from the fund, the State Election Commission shall order the candidate to pay to the State Election Commission an amount equal to ten times

the amount of the contribution, expenditure or obligation. The candidate shall pay the civil penalty authorized under this subsection within seven days of receipt of written notice from the State Election Commission of the imposition of the penalty.

(c) If a participating or certified candidate fails to pay any moneys required to be paid to the State Election Commission or returned to the fund under this article, the State Election Commission may order the candidate to pay an amount equal to three times the amount that should have been paid to the State Election Commission or returned to the fund.

(d) In addition to any other penalties imposed by law, the State Election Commission may impose a civil penalty for a violation by or on behalf of any candidate of any reporting requirement imposed by this article in the amount of \$100 a day.

(e) All penalties collected by the State Election Commission pursuant to this section shall be deposited into the fund. The candidate and the candidate's campaign account are jointly and severally responsible for the payment of any penalty imposed pursuant to this section."

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

The yeas and nays having been ordered, they were taken (**Roll No. 24**), and there were—yeas 31, nays 67, absent and not voting 2, with the yeas and absent and not voting being as follows:

YEAS: Boggs, Byrd, Campbell, Caputo, Eldridge, Ferro, Fleischauer, Fluharty, Guthrie, Hartman, Hicks, Hornbuckle, Longstreth, Lynch, Manchin, Miley, Moore, Perdue, Perry, Pethtel, L. Phillips, Pushkin, Reynolds, Rodighiero, Rohrbach, Rowe, Skinner, Sponaugle, Trecost, H. White and Williams.

ABSENT AND NOT VOTING: Cadle and Morgan.

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

Delegate Moffatt then moved to amend the bill on page twelve, line three, by striking out the word “primary” and inserting in lieu thereof the word “general”.

On page thirteen, line two, by striking out the word “primary” and inserting in lieu thereof the word “general”.

On page fourteen, line two, by striking out the word “primary” and inserting in lieu thereof the word “general”.

And,

On page fourteen, line three, by striking out the word “primary” and inserting in lieu thereof the word “general”.

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

The yeas and nays having been ordered, they were taken (**Roll No. 25**), and there were—yeas 11, nays 87, absent and not voting 2, with the yeas and absent and not voting being as follows:

YEAS: Faircloth, Folk, Hill, Ihle, McGeehan, Moffatt, J. Nelson, Reynolds, Rowe, Skinner and B. White.

ABSENT AND NOT VOTING: Cadle and Morgan.

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

The bill was then ordered to engrossment and third reading.

H. B. 2114, Updating the meaning of federal adjusted gross income and certain other terms used in the West Virginia Personal

Income Tax Act; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2115, Updating the meaning of the term “federal taxable income” and certain other terms used in the West Virginia Corporation Net Income Tax Act; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2217, Relating to qualifications of the Commissioner of Labor; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

FIRST READING

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

Com. Sub. for H. B. 2128, Permitting those individuals who have been issued concealed weapons permits to keep loaded firearms in their motor vehicles on the State Capitol Complex grounds,

And,

Com. Sub. for H. B. 2234, Requiring a court to permit a party in a divorce proceeding to resume using the name he or she used prior to the marriage.

LEAVES OF ABSENCE

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

REMARKS BY MEMBERS

Delegate J. Nelson asked and obtained unanimous consent that the remarks of Delegate Perdue regarding the Washington Post article

about heroin overdoses in West Virginia be printed in the Appendix to the Journal.

At 12:30 P.M., the House of Delegates adjourned until 11:00 A.M., Wednesday, February 4, 2015.

WEDNESDAY, FEBRUARY 4, 2015

TWENTY-SECOND DAY

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

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

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

The Clerk proceeded to read the Journal of Tuesday, February 3, 2015, 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. 2011, Relating to disbursements from the Workers' Compensation Fund where an injury is self inflicted or intentionally caused by the employer,

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

Com. Sub. for H. B. 2011 - "A Bill to amend and reenact §23-4-2 of the Code of West Virginia, 1931, as amended, generally relating to a workplace employee injury caused by the deliberate intention of the employer required for the employer to lose immunity from a lawsuit;

defining actual knowledge; providing that actual knowledge must be specifically proven by direct evidence and cannot be established by inference, constructive knowledge or proof of what should have been known; establishing that proof of actual knowledge of prior accidents, near misses, safety complaints or citations must be proven by direct evidence and cannot be established by inference or circumstantial evidence; providing that proof of failure to inspect for safety violations must be specifically related the cause of the worker's injury or death; defining a commonly accepted and well-known safety standard within the industry or business of the employer; requiring that if the unsafe working condition relates to a violation of a state or federal safety provision that safety provision must address the specific work, working conditions and hazards involved; defining serious compensable injury; and, providing for consideration of bifurcation of discovery in certain circumstances,"

With the recommendation that the committee substitute do pass.

Delegate Overington, Chair of the Committee on Industry and Labor, submitted the following report, which was received:

Your Committee on Industry and Labor has had under consideration:

H. B. 2282, Department of Environmental Protection, permits for construction and major modifications of major stationary sources for the prevention of significant deterioration of air quality,

H. B. 2283, Department of Environmental Protection, standards of performance for new stationary sources,

H. B. 2284, Department of Environmental Protection, control of air pollution from hazardous waste treatment, storage and disposal facilities,

H. B. 2286, Department of Environmental Protection, emission standards for hazardous air pollutants,

And,

H. B. 2288, Department of Environmental Protection, hazardous waste management system,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2282, H. B. 2283, H. B. 2284, H. B. 2286 and H. B. 2288) were each referred to the Committee on the Judiciary.

Delegate Evans, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

H. B. 2312, Commissioner of Agriculture, livestock care standards,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 2312) was referred to the Committee on the Judiciary.

Delegate Hamilton, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

H. B. 2296, Division of Natural Resources, defining the terms used in all hunting and trapping rules,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2296) was referred to the Committee on the Judiciary.

Delegate Evans, Chair of the Committee on Agriculture and Nature Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

H. B. 2276, Legislative rule relating to the inspection of meat and poultry,

H. B. 2306, Commissioner of Agriculture, animal disease control,

H. B. 2307, Commissioner of Agriculture, relating to auctioneers,

H. B. 2309, Commissioner of Agriculture, West Virginia Plant Pest Act,

H. B. 2310, Commissioner of Agriculture, West Virginia Spay Neuter Assistance Program,

H. B. 2311, Commissioner of Agriculture, industrial hemp,

H. B. 2313, Commissioner of Agriculture, equine rescue facilities,

H. B. 2314, Commissioner of Agriculture, aquaculture importation,

H. B. 2358, Conservation Committee, financial assistance programs,

And,

H. B. 2362, Commissioner of Agriculture, Rural Rehabilitation Loan Program,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2276, H. B. 2306, H. B. 2307, H. B. 2309, H. B. 2310, H. B. 2311, H. B. 2313, H. B. 2314, H. B. 2358 and H. B. 2362) were each referred to the Committee on the Judiciary.

Delegate Storch, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

H. B. 2099, Extending the time of meetings of local levying bodies when meetings are delayed,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 2099) was referred to the Committee on the Judiciary.

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

Your Committee Energy has had under consideration:

H. B. 2290, Department of Environmental Protection to promulgate a legislative rule relating to the WV/NPDES rule for coal mining facilities,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2290) was referred to the Committee on the Judiciary.

Delegate Ellington, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2329, Department of Health and Human Resources, medication administration and performance of health maintenance tasks by approved medication assistive personnel,

H. B. 2332, Department of Health and Human Resources, Fatality and Mortality Review Team,

H. B. 2333, Department of Health and Human Resources to promulgate a legislative rule relating to public water systems,

And,

H. B. 2341, Board of Medicine, relating to licensure, disciplinary and complaint procedures; continuing education; and physician assistants,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2329, H. B. 2332, H. B. 2333 and H. B. 2341) were each referred to the Committee on the Judiciary.

MESSAGES FROM THE EXECUTIVE

The Speaker presented annual reports from various state agencies as required by the provisions of law, as follows:

Accountancy, Board of
Cabell County Community Services Organization, Inc.
Children with Autism Trust Board
Juror Qualification Report (2013)
Studies Being Considered and Conducted by WVDEP Office
of Explosives and Blasting

Aging, Commission on

Alcohol Beverage Control Administration

Attorney General
Activities of the Consumer Protection and Anti-trust Division

Auditor
Consolidated Budget Report

Children's Health Insurance Program

Chiropractic, Board of

Commission on Special Investigations

Comprehensive Procurement Program for Recycled Products in
West Virginia

Conservation Agency

Corrections, Division of (2013 and 2014)

Court of Claims

Court System (2013)

Dentistry, Board of

Dentists and Dental Hygienists, Board of

Development Office

Education, Department of

Association between School Discipline and Math

Compulsory Attendance and Dropouts

Earn a Degree Graduate Early Incentive 2014

Innovation Zone Annual Report

Energy, Division of

Environmental Protection, Department of

Hazardous Waste

LCAP Fund

Film Office Report

Fire Commission

Forestry, Division of

Health Care Authority

Birth Defects Surveillance

Children and Families Youth Service

Infant and Maternal Mortality Review Panel

Sudden Unexplained Infant Death

Womens Right to Know

Housing Development Authority

Consumer Advocate

Insurance Commissioner

Medical Malpractice Report on Insurance

Investment Management Board

Joint Committee on

Logging Sediment Control Act

Managed Timberland

Safety Issues in the Workers' Compensation Market

Justice and Community Service

Juvenile Justice and Delinquency Prevention

Legislative Auditor Report

Library Commission

Lottery Commission

Medicine, Board of

Medical Imaging and Radiation Therapy Technology, Board of
Examiners

Motor Vehicles

Municipal Bond Commission

Natural Resources

Natural Resources, Division of

Nursing Home Administrators Licensing Board

Occupational Therapy, Board of

Optometry, Board of

Personnel, Division of

Physical Therapy, Board of

Professional Engineers, State Board of Registration of

Professional Surveyors, Board of

Prosecuting Attorneys Institute Report

Protective Services, Division of

Psychologists, Board of

Public Service Commission

Alternative and Renewable Energy Resource Planning
Assessment

Comparative Residential Rate Study (2013)

Consumer Advocate Division (2013)

Purchasing Division

Sole Source Report

Stringing Report

Surplus Property Sales

Real Estate Commission

Regional Education Service Agency (RESA)

Regional Jail Authority

Registered Professional Nurses, Board of Examiners

Sanitarians, Board of

Social Work Examiners, Board of

Special Investigations, Commission on

Speech Language Pathology and Audiology, Board of Examiners

State Police

Recruitment of Females/Minorities

Supreme Court of Appeals

Juror Qualifications Report

Tax Department, State of
Children with Autism
Commercial Patients Incentives Tax Credit

Tourism, Division of

Transportation, Department of

Veterinary Medicine, Board of

Volunteer West Virginia

Water Development Authority

And,

Workforce Investment Act.

The above-referenced reports are on file in the Legislative Library.

Mr. Speaker, Mr. Armstead, presented a communication from His Excellency, the Governor, advising that on February 3, 2015, he approved **Com. Sub. for H. B. 2001**.

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. 175 - "A Bill to amend and reenact article 5, chapter 64 of the Code of West Virginia, 1931, as amended, relating generally to the promulgation of administrative rules by the Department of Health and Human Resources; legislative mandate or authorization for the promulgation of certain legislative rules by various executive or administrative agencies of the state; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register; authorizing certain

of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to public water systems; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to chronic pain management clinic licensure; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to the Fatality and Mortality Review Team; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medication administration and performance of health maintenance tasks by approved medication assistive personnel; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to the nurse aid abuse and neglect registry; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to nursing home licensure; and authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to the statewide trauma/emergency care system”; which was referred to the Committee on Health and Human Resources then Government Organization.

A message from the Senate, by

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

Com. Sub. for S. B. 249 - “A Bill to amend and reenact §3-4A-9, §3-4A-11a and §3-4A-27 of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-6-2, §3-6-3, §3-6-5 and §3-6-6 of said code, all relating to disallowing voting a straight party ticket by one mark or punch in a general election”; which was referred to the Committee on the Judiciary.

RESOLUTIONS INTRODUCED

Delegates A. Evans, Sponaugle, Hartman and Romine offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 38 - “Requesting the Division of Highways to name the bridge number 1296 on Route 220, Franklin Pike, five miles South of Petersburg, Grant County, the ‘Captain John Bond and the West Virginia State Troops Memorial Bridge’.”

WHEREAS, The Home Guard in Petersburg, Grant County, was officially called the West Virginia State Troops during the Civil War. One of the local Captains of the State Troops was Captain John Bond who was Captain of Company A. All of the members of this company were from the Franklin Pike area. Many of these men gave their lives for their state and country during one of the darkest periods in the history of the United States and West Virginia; and

WHEREAS, Naming the bridge number 1296 on Route 220, Franklin Pike, five miles south of Petersburg, Grant County, the “Captain John Bond and the West Virginia State Troops Memorial Bridge” is an appropriate recognition of his contributions and those of the brave men who comprised the members of Company A of the West Virginia State Troops to their country, state, community and Grant County; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 1296 on Route 220, Franklin Pike, five miles south of Petersburg, Grant County, the “Captain John Bond and the West Virginia State Troops 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 “Captain John Bond and the West Virginia State Troops 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 the surviving relatives of Captain

John Bond, the surviving relatives of the West Virginia State Troops and to the 7th West Virginia Infantry Camp #7, Sons of the Civil War.

Delegates Moore, Gearheart, L. Phillips and H. White offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 39 - "Requesting the Division of Highways to name the bridge on Route 52 over Tug Fork in McDowell County, bridge number 24-52-20.04 (24A129), latitude 37.41709, longitude -81.58999, locally known as the Coney Island Bridge, as the 'USMC LCpl Julius C. "Corky" Foster Memorial Bridge'."

WHEREAS, US Marine Corps Lance Corporal Foster grew up in McDowell County and graduated from Welch High School in 1956; and

WHEREAS, US Marine Corps Lance Corporal Foster joined the Marine Corps Reserve in 1961 under the six-month reserve program, and during his six-year tour, he attended West Virginia University where he ultimately earned a bachelor's degree in history in 1967. While in Morgantown, he was active in the All-Campus Party and Phi Sigma Kappa fraternity; and

WHEREAS, On August 27, 1967, US Marine Corps Lance Corporal Foster began his 31 day and 406 mile hike to Camp Lejeune, North Carolina to reenlist. Even though his feet became blistered during the first 30 miles of his trek, Lance Corporal Foster persevered. Although he didn't carry a flag or anything else announcing his intentions, Lance Corporal Foster said that people along the way "took me into their hearts and homes"; and

WHEREAS, Although he had completed his tour in the Reserves, US Marine Corps Lance Corporal Foster said in an interview with Bluefield Daily Telegraph staff reporter Rob Dalton that during his last year in college he decided to reenlist after he earned his degree, and as that time grew closer, he decided to make a statement with his

reenlistment that would demonstrate his personal commitment to the war in Vietnam and what he believed was the sentiment of most Americans. Mr. Dalton quoted Lance Corporal Foster as saying that the Vietnam War is “a struggle that is clouded but just. I feel that we are historically and morally justified in aiding the common people of South Vietnam”; and

WHEREAS, After reenlisting, US Marine Corps Lance Corporal Foster asked to be assigned to Vietnam. Soon thereafter he got a 14-day leave, and he visited his parents in Winston-Salem, North Carolina, where they had moved when Lance Corporal Foster went to college. He returned to the Marines as a Lance Corporal and was assigned to Camp Pendleton, California, before being sent to and arriving in Vietnam on December 6, 1967; and

WHEREAS, On February 16, 1968, US Marine Corps Lance Corporal Foster spoke with his mother, Maxine Cartwright Foster, via ham radio network setup that connected him from Vietnam to Denver, Colorado, and on to Winston-Salem. During that call, Lance Corporal Foster told her he had just been released from a combat area hospital where he had been treated for foot ailments; and

WHEREAS, Less than one week later, on February 22, 1968, US Marine Corps Lance Corporal Foster led a patrol from his headquarters at Quang Tri to Hill 861 near Khe Sanh when they were hit with mortar fire, killing Lance Corporal Foster and 21 other Marines. Lance Corporal Foster was 19 years old. A political rally for student offices at West Virginia University was halted and participants bowed their heads and observed a moment of silence in his memory when student leaders learned of his death; and

WHEREAS, US Marine Corps Lance Corporal Foster’s remains were returned to Welch in early March 1968 where funeral services were conducted at the Welch First Baptist Church. A Marine Corps Honor Guard from Charleston conducted military graveside rites at the Woodlawn Mausoleum in Bluewell; and

WHEREAS, US Marine Corps Lance Corporal Foster's story about his journey and his eventual death in Vietnam was nationally covered; and

WHEREAS, There is a road named and a monument placed in Camp Lejuene in US Marine Corps Lance Corporal Foster's honor; and

WHEREAS, It is fitting that an enduring memorial be established to commemorate US Marine Corps Lance Corporal Foster, a native son who gave the ultimate sacrifice for his state and his country, by naming the bridge on Route 52 over Tug Fork in McDowell County, bridge number 24-52-20.04 (24A129), latitude 37.41709, longitude -81.58999, locally known as the Coney Island Bridge, as the "USMC LCpl Julius C. 'Corky' Foster Memorial Bridge"; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Division of Highways to name the bridge on Route 52 over Tug Fork in McDowell County, bridge number 24-52-20.04 (24A129), latitude 37.41709, longitude -81.58999, locally known as the Coney Island Bridge, as the "USMC LCpl Julius C. 'Corky' Foster Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "USMC LCpl Julius C. 'Corky' Foster 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, Charles "Bud" Gearhart, Roy M. Ellison, Jr., Bill Archer of the Bluefield Daily Telegraph, Danny Barie and Marine Corps Veteran, Bud Facello.

Delegates Marcum, R. Phillips, H. White, Faircloth, Reynolds, Rodighiero, J. Nelson, Moore, Eldridge, R. Smith and Ireland offered

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

H. C. R. 40 - “Requesting the Division of Highways to name the Bridge No. 30A081 crossing County Route 52/26 and a creek on Musick Bottom Road in Mingo County, the ‘Ronald “Duke” Varney Memorial Bridge’.”

WHEREAS, Ronald J. Varney “Duke” was born on April 15, 1950. He spent his childhood in Varney, West Virginia where he attended Red Jacket High School. At the age of seventeen he voluntarily enlisted in the United States Marine Corps where he defended his country as a corporal in the Vietnam War. In May of 1972, he married Penny White, of Lenore, West Virginia, and they had three children, Kimberly, Kelly and Michael Varney. He also had seven grandchildren, Amber Rasnake, Ronnisue Justice, McKenzie Goff, Tori Varney, Kylee Varney, Waylon Parker Varney, Kelsey Stogsdill, and one great-grandson, Noah Michael Rasnake. He passed away in February, 2004, from cancer as a result of Agent Orange. He was a very loving and dedicated father who worked hard for his family. He was a retired coal miner who lived in Mingo County for fifty-four years. Duke was a friend to so many people and never failed to help anyone in need. He is sadly missed and sweetly remembered by all who had the pleasure of knowing him; and

WHEREAS, Naming the Bridge No. 30A081 crossing County Route 52/26 and a creek on Musick Bottom Road in Mingo County, the “Ronald ‘Duke’ Varney Memorial Bridge” is an appropriate recognition of his contributions to his country, state, community and Mingo County; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the Bridge No. 30A081 crossing County Route 52/26 and a creek on Musick Bottom Road in Mingo County, the “Ronald ‘Duke’ Varney Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is requested to have made and be placed signs identifying the Bridge No. 30A081 crossing County Route 52/26 and a creek on Musick Bottom Road in Mingo County, the “Ronald ‘Duke’ Varney 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 the surviving wife and children of Ronald ‘Duke’ Varney and their families.

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

By Delegates Kurcaba, Faircloth, Wagner and Ihle:

H. J. R. 16 - “Proposing an amendment to the Constitution of the State of West Virginia, amending article VI thereof, by adding thereto a new section, designated section three-a, relating to term limitations for legislators; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on the Judiciary.

By Delegates Kurcaba, Householder, McGeehan, Folk, Waxman, Fast and Ihle:

H. J. R. 17 - “Proposing an amendment to the Constitution of the State of West Virginia, amending section 51, article VI thereof, relating to limiting use of Revenue Shortfall Reserve Fund to balance budget; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of the proposed amendment”; to the Committee on the Finance then Judiciary.

And,

By Delegates Reynolds, Pushkin, Perry, H. White, Hornbuckle, L. Phillips, Campbell, Byrd, Rohrbach, Pasdon and Bates:

H. J. R. 18 - “Proposing an amendment to the Constitution of the State of West Virginia, amending section fifty-one, article VI thereof, relating to removing the Governor’s ability to veto items or parts of

items from budget or supplementary appropriations bills that are for educational purposes; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Finance then the Judiciary.

Mr. Speaker, Mr. Armstead, and Delegate Miley offered the following resolution, which was read by the Clerk as follows:

H. R. 8 - “Amending the rules of the House of Delegates, relating to allowing a Delegate to remove from or add his or her name to any bill or resolution introduced by request to the Clerk in writing.”

Resolved by the House of Delegates:

That the rules of the House of Delegates be amended by adding thereto a new rule as follows:

Removal or Addition of Name as Sponsor of a Bill or Resolution

94b. Any Delegate whose name appears as a cosponsor of a bill or resolution may have his or her name removed as a sponsor of the bill or resolution by submitting a written request to the House Clerk not later than the day the bill or resolution is reported from its final committee: *Provided*, That the removal shall only be permitted if the member is not the last remaining sponsor of the bill or resolution.

Any Delegate wishing to be added as a cosponsor of a bill or resolution shall be added by the Clerk if written request is made to the Clerk not later than the day the bill or resolution is reported from its final committee if the lead sponsor of the bill or resolution agrees in writing to the addition and if the bill has less than the maximum number of sponsors allowed by these rules.

Nothing herein requires reprinting by the Clerk of paper copies of the bill to reflect the addition or removal of sponsors. Any such changes shall appear in electronic form only until reprinting of the bill is required by these rules.

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the resolution (H. R. 8) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

BILLS INTRODUCED

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

By Delegates Howell, Blair, Faircloth, R. Smith, Sponaugle, Overington, A. Evans, Householder, Duke, Rowan and Espinosa:

H. B. 2581 - “A Bill to amend and reenact §22-11A-30 of the Code of West Virginia, 1931, as amended; and to amend code by adding thereto a new article, designated §22-11B-1, §22-11B-2, §22-11B-3, §22-11B-4, §22-11B-5, §22-11B-6, §22-11B-7, §22-11B-8, §22-11B-9, §22-11B-10, §22-11B-11, §22-11B-12 and §22-11B-13, all relating to the Chesapeake Bay watershed; requiring the West Virginia Department of Environmental Protection to establish a comprehensive nutrient reduction credit trading program”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates Guthrie, Pushkin, Rowe, Sponaugle, Byrd and L. Phillips:

H. B. 2582 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-15-43a, relating to requiring the State Board of Education to cause school buses to be equipped with safety belts, phased in over a period of five years”; to the Committee on Education then Finance.

By Delegates Ihle, Kessinger, McGeehan, Faircloth, Moffatt, Householder, Hill, Canterbury, Kurcaba, Blair and Cadle:

H. B. 2583 - “A Bill to amend and reenact §8-13-23 of the Code of West Virginia, 1931, as amended, relating to removing the publication requirements of financial statements for municipalities, requiring municipalities to advertise availability of financial

statements, and requiring municipalities to make financial statements available to the public on their websites and at their primary offices on request at no cost”; to the Committee on Political Subdivisions then Finance.

By Delegates Rohrbach, Sobonya, Shott, Miller, Hicks, Reynolds and Rowe:

H. B. 2584 - “A Bill to amend and reenact §52-1-11 of the Code of West Virginia, 1931, as amended, relating to jury service; allowing a judge to excuse a potential juror from jury duty until a later date based on seasonal employment”; to the Committee on the Judiciary.

By Delegates Border, Anderson, Ireland, Miller, Kessinger, Zatezalo, Kelly, Cadle, R. Smith, L. Phillips and Caputo:

H. B. 2585 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §36-4-9b, relating to requiring leaseholders of mineral interests to notify the owners of the minerals when there is an assignment of the lease to another party”; to the Committee on the Judiciary.

**By Delegates Shott, Lane, Miller, Frich, Rowan, Fleischauer, Sobonya, Border, Pasdon, Waxman and Summers
[By Request of the Supreme Court of Appeals]:**

H. B. 2586 - “A Bill to amend and reenact §48-27-311 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new section, designated §56-3-33a, all relating to service of process; actions against nonresident persons by petitioners seeking domestic violence or personal safety relief; and authorizing the Secretary of State to receive process against nonresidents”; to the Committee on the Judiciary.

By Delegates Hicks, Eldridge, Rodighiero, Marcum, Reynolds and Perdue:

H. B. 2587 - “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 small businesses created in this

state and operating entirely within West Virginia”; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

By Delegates E. Nelson, Lane, Howell, Kurcaba, O’Neal, Westfall, McCuskey, Byrd, Gearheart, Storch and Espinosa:

H. B. 2588 - “A Bill to amend and reenact §3-8-5b of the Code of West Virginia, 1931, as amended, relating to the filing of financial statements with the Secretary of State; providing that these must be an electronic format; and providing for exceptions in the case of hardship”; to the Committee on the Judiciary.

By Delegates Ellington, Householder and Pasdon:

H. B. 2589 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-2-13, relating to judicial review of decisions of the West Virginia Department of Health and Human Resources Board of Review and the Bureau of Medical Services affecting applicants, recipients or providers of state or federal assistance programs”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Howell, Zatezalo, Ihle, Foster, Cadle, Kelly, Azinger, Hill, Faircloth, Stansbury and Summers:

H. B. 2590 - “A Bill to amend and reenact §20-2-27 and §20-2-28 of the Code of West Virginia, 1931, as amended, all relating to wildlife resources and providing that residents sixty-five years of age or older are not required to have a license to hunt, trap or fish during the legal seasons in West Virginia”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Weld:

H. B. 2591 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29A-3-19, relating to implementing a quality control procedure for agency rules”; to the Committee on Government Organization then the Judiciary.

By Delegates Howell, Faircloth, Ihle, Cadle, Hill, Hamrick, Moffatt, R. Smith, Stansbury, Hartman and Morgan:

H. B. 2592 - “A Bill to amend and reenact §5A-3-4, §5A-3-10a and §5A-3-60 the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §5A-3-14 and §5A-3-14a, all relating to improving accountability in the state purchasing system; requiring the director to develop forms to officially document activities to monitor spending unit compliance; requiring vendors to provide the director with a statement of good standing for state taxes; requiring the director to conduct an ongoing review of spending unit activity; and requiring that all change orders on existing contracts be approved by the director and the Attorney General before the effective date of the change order”; to the Committee on Government Organization then the Judiciary.

By Delegates Faircloth, McGeehan, Moffatt, Kessinger, J. Nelson, Ihle and Foster:

H. B. 2593 - “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 and §22-32-3, all relating to creating the Private Property Protection Act; stating legislative authority; declaring that the proposed federal regulation defining the ‘waters of the United States’ is not enforceable in the State of West Virginia; providing criminal penalties for certain violations; dedicating the Attorney General to defend citizens charged with violations of this rule”; to the Committee on the Judiciary.

By Delegates McGeehan, Canterbury, Faircloth, Hill, Kessinger and Ihle:

H. B. 2594 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-14-2, relating to transfer of course credit among higher education institutions; requiring that all higher education institutions in the state award credit to transfer students for similar courses completed at a different institution”; to the Committee on Education.

By Delegates McGeehan and Canterbury:

H. B. 2595 - “A Bill to amend and reenact §16-2D-2 and §16-2D-6 of the Code of West Virginia, 1931, as amended, relating to certificates of need for the development of health facilities in this state; eliminating out-of-state health care facilities or providers from the definition of ‘affected persons’ and from consideration in the state agency’s evaluation process”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Hill, Kessinger, Householder and Kurcaba:

H. B. 2596 - “A Bill to amend and reenact §20-2-35 of the Code of West Virginia, 1931, as amended, relating to wildlife resources; and providing that all hunting and fishing licenses are valid for one year from the date issued”; to the Committee on Agriculture and Natural Resources then Finance.

By Delegates McGeehan and J. Nelson:

H. B. 2597 - “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to exempting all monetary benefits derived from military retirement from personal income tax obligations”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

By Delegates Campbell, Perry, Cowles, Ambler, Cooper, Reynolds, Rowan, Moye, Pasdon and Marcum:

H. B. 2598 - “A Bill to amend and reenact §18-20-2 of the Code of West Virginia, 1931, as amended, relating to school accommodations for exceptional children; and requiring that teachers receive instruction relating to the school’s plan of accommodations for students with disabilities”; to the Committee on Education.

By Delegates McGeehan and Wagner:

H. B. 2599 - “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to personal income tax; exempting personal income earned by individuals working as teachers at primary and secondary schools from personal income tax”; to the Committee on Education then Finance.

By Delegates McGeehan, Canterbury, Ihle and J. Nelson:

H. B. 2600 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §62-3-9, relating to the jury’s power to judge the just application of the law and to deliver a verdict according to conscience in a criminal proceeding; requiring a judge to instruct a jury regarding the availability of jury nullification and protecting the right of a criminal defendant to present evidence and testimony in support of jury nullification”; to the Committee on the Judiciary.

By Delegates Skinner, Faircloth, Householder, Overington and Blair:

H. B. 2601 - “A Bill to amend and reenact §47-11A-8 of the Code of West Virginia, 1931, as amended, relating to unfair trade practices; and adding motor fuel to the list of products exempted from unfair trade practices”; to the Committee on Roads and Transportation then the Judiciary.

By Delegates Kurcaba, Householder, Fast, Faircloth, D. Evans, Cadle, Wagner, Zatezalo and Ihle:

H. B. 2602 - “A Bill to amend and reenact §3-1-34 of the Code of West Virginia, 1931, as amended, relating to voting procedures; requiring a voter to present an identifying document issued by the State of West Virginia or a United States military identification card that contains the name, address and a photograph of the person desiring to vote; and criminal penalties for violations”; to the Committee on the Judiciary.

By Delegates Pushkin, Walters, Rowe, Canterbury, Folk, Stansbury, Byrd, Marcum, B. White and McCuskey:

H. B. 2603 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22C-4-23a; and to amend and reenact §24A-2-5 of said code; all relating to allowing certain county or regional solid waste authorities in growth areas to designate common carriers of solid waste exempt from the requirement for a certificate of convenience and necessity; establishing criteria for

the exemption; and establishing requirements for notice and public hearing”; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Pushkin, Sponaugle, Fluharty, Hornbuckle, McGeehan, Perdue, Skinner, McCuskey, Guthrie, Moore and Fleischauer:

H. B. 2604 - “A Bill to amend and reenact §61-11-26 of the Code of West Virginia, 1931, as amended, relating to creating the Second Chance for Employment Act; allowing the expungement of certain felony convictions; setting forth the conditions; establishing a procedure; creating exceptions; and establishing its effect”; to the Committee on the Judiciary.

By Delegates Moore, L. Phillips, Hornbuckle and Shott:

H. B. 2605 - “A Bill to amend and reenact §55-2-15 of the Code of West Virginia, 1931, as amended, relating generally to limitations on civil actions accruing to persons under legal disability; and removing the limitation on actions against the perpetrator of sexual assault or sexual abuse upon a minor”; to the Committee on the Judiciary.

By Delegates Sponaugle and Shott:

H. B. 2606 - “A Bill to amend and reenact §61-6-1b of the Code of West Virginia, 1931, as amended, relating to clarifying the potential sentence for disorderly conduct”; to the Committee on the Judiciary.

By Delegates Sponaugle and Shott:

H. B. 2607 - “A Bill to amend and reenact §61-5-17 of the Code of West Virginia, 1931, relating to the violation of interfering with emergency services communications and clarifying penalties under subdivision (n) of this section for the violation”; to the Committee on the Judiciary.

By Delegates Sponaugle and Shott:

H. B. 2608 - “A Bill to amend and reenact §48-27-903 of the Code of West Virginia, 1931, as amended, relating to misdemeanor offenses

for violation of protective order; and cleaning up redundant language”; to the Committee on the Judiciary.

By Delegates Faircloth, Blair, Folk and Householder:

H. B. 2609 - “A Bill to amend and reenact §31-2A-2 of the Code of West Virginia, 1931, as amended, relating to prohibiting railroads from blocking crossings on privately owned streets”; to the Committee on Roads and Transportation then the Judiciary.

DAILY CALENDAR

THIRD READING

Com. Sub. for S. B. 13, Reinstating open and obvious doctrine for premises liability; 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. 26**), and there were—yeas 81, nays 18, absent and not voting 1, with the nays and absent and not voting being as follows:

NAYS: Byrd, Caputo, Eldridge, Ferro, Fleischauer, Fluharty, Guthrie, Hicks, Hornbuckle, Manchin, Marcum, Miley, Moore, Pethtel, Pushkin, Rodighiero, Skinner and H. White.

ABSENT AND NOT VOTING: Boggs.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 13) passed.

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

Com. Sub. for S. B. 13 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,

designated §55-7-27, relating to the liability of a possessor of real property for injuries caused by open and obvious hazards; reinstating and codifying open and obvious doctrine of common law as it existed prior to judicial abolition; providing that the open and obvious doctrine of common law does not apply when a dangerous condition is a violation of a public safety statute or ordinance which violation is the proximate cause of injury; clarifying that this section does not create, recognize or ratify a claim or cause of action; and stating legislative intent.”

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. 2010, Requiring the elections of justices of the West Virginia Supreme Court of Appeals, circuit court judges, family court judges and magistrates be nonpartisan and by division; 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. 27**), and there were—yeas 90, nays 9, absent and not voting 1, with the nays and absent and not voting being as follows:

NAYS: Azinger, Caputo, Fleischauer, Hornbuckle, Lynch, Manchin, Moore, Perry and Pushkin.

ABSENT AND NOT VOTING: Boggs.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2010) passed.

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

H. B. 2114, Updating the meaning of federal adjusted gross income and certain other terms used in the West Virginia Personal Income Tax 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. 28**), 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: Boggs and Trecost.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2114) passed.

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

On this question, the yeas and nays were taken (**Roll No. 29**), 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: Boggs and Trecost.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2114) takes effect from its passage.

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

H. B. 2115, Updating the meaning of the term “federal taxable income” and certain other terms used in the West Virginia Corporation Net Income Tax 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. 30**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Boggs.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2115) passed.

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

On this question, the yeas and nays were taken (**Roll No. 31**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Boggs.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2115) takes effect from its passage.

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

Com. Sub. for H. B. 2217, Relating to qualifications of the Commissioner of Labor; 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. 32**), and there were—yeas 64, nays 35, absent and not voting 1, with the nays and absent and not voting being as follows:

NAYS: Bates, Byrd, Campbell, Canterbury, Caputo, Eldridge, Ferro, Fleischauer, Fluharty, Guthrie, Hamilton, Hicks, Hornbuckle, Longstreth, Lynch, Manchin, Marcum, Miley, Moore, Morgan, Moye, Perdue, Perry, Pethtel, L. Phillips, Pushkin, Reynolds, Rodighiero, Rowe, Skinner, P. Smith, Sponaugle, Trecost, H. White and Williams.

ABSENT AND NOT VOTING: Boggs.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2217) passed.

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

SECOND READING

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

Com. Sub. for H. B. 2128, Permitting those individuals who have been issued concealed weapons permits to keep loaded firearms in their motor vehicles on the State Capitol Complex grounds,

And,

Com. Sub. for H. B. 2234, Requiring a court to permit a party in a divorce proceeding to resume using the name he or she used prior to the marriage.

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. 2004, Providing a procedure for the development of a state plan under section 111 of the Clean Air Act,

Com. Sub. for H. B. 2008, Auditing the Division of Highways,

And,

Com. Sub. for H. B. 2151, Making the West Virginia State Teacher of the Year an ex officio, nonvoting member of the West Virginia Board of Education.

LEAVES OF ABSENCE

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

REMARKS BY MEMBERS

Delegate Fleischauer asked and obtained unanimous consent that she be added as a cosponsor of H. B. 2496, Adopting the Interstate Medical Licensure Compact.

Delegate Frich filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2536.

Numerous members addressed the House regarding Com. Sub. for S. B. 13, Reinstating open and obvious doctrine for premises liability, and the at the conclusion thereof, Delegate Howell asked and obtained unanimous consent that said remarks be printed in the Appendix to the Journal.

Delegate Trecost announced that he was absent when the votes were taken on Roll Nos. 28 and 29, and that had he been present, he would have voted "YEA" thereon.

At 1:18 P.M., the House of Delegates adjourned until 11:00 A.M., Thursday, February 5, 2015.

THURSDAY, FEBRUARY 5, 2015

TWENTY-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 Wednesday, February 4, 2015, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Delegate Fast asked and obtained unanimous consent that he be removed as a cosponsor of Com. Sub. for H. B. 2011, Relating to disbursements from the Workers' Compensation Fund where an injury is self inflicted or intentionally caused by the employer.

COMMITTEE REPORTS

Delegate McCuskey, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 4th day of February, 2015, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

(S. B. 3), Relating to real property possessor's liability for trespasser harm.

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

Your Committee on Government Organization has had under consideration:

H. B. 2317, Alcohol Beverage Control Commission, nonintoxicating beer licensing and operations procedures,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2317) was referred to the Committee on the Judiciary.

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

Your Committee on Government Organization has had under consideration:

H. B. 2316, Alcohol Beverage Control Commission, private club licensing,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 2316) was referred to the Committee on the Judiciary.

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

Your Committee on Government Organization has had under consideration:

H. B. 2576, Creating new code sections which separate the executive departments,

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

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

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

H. B. 2098, Authorizing those health care professionals to provide services to patients or residents of state-run veterans' facilities without obtaining an authorization to practice,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Health and Human Resources.

In accordance with the former direction of the Speaker, the bill (H. B. 2098) was referred to the Committee on Health and Human Resources.

Delegate Hamilton, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

H. B. 2326, Division of Forestry, relating to ginseng,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 2326) was referred to the Committee on the Judiciary.

Delegate Hamilton, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

H. B. 2344, Division of Natural Resources, commercial white-water outfitters,

H. B. 2345, Division of Natural Resources, wildlife damage control agents,

H. B. 2346, Division of Natural Resources, general hunting,

And,

H. B. 2295, Division of Natural Resources, relating to special boating,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2344, H. B. 2345, H. B. 2346 and H. B. 2295) were each referred to the Committee on the Judiciary.

Delegate Hamilton, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

H. B. 2297, Division of Natural Resources, lifetime hunting, trapping and fishing licenses,

And,

H. B. 2298, Division of Natural Resources, hunting, trapping and fishing license and stamp fees,

And reports the same back without recommendation as to their passage, but that they first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 2297 and H. B. 2298) was referred to the Committee on the Judiciary.

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. 2224, Providing that historical reenactors are not violating the provision prohibiting unlawful military organizations,

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

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

Your Committee on Government Organization has had under consideration:

H. B. 2359, State Police, regulations and procedures pertaining to the West Virginia DNA databank,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 2359) was referred to the Committee on the Judiciary.

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

Your Committee on Finance has had under consideration:

H. B. 2005, Relating to alternative programs for the education of teachers,

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

Com. Sub. for H. B. 2005 - “A Bill to amend and reenact §18A-3-1, §18A-3-1a, §18A-3-1b and §18A-3-2a of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto seven new sections, designated §18A-3-1c, §18A-3-1d, §18A-3-1e, §18A-3-1f, §18A-3-1g, §18A-3-1h and §18A-3-1i, all relating to revising, reorganizing and clarifying provisions regarding teacher certifications, including standard certifications, alternative certifications and certifications for out-of-state teachers; expanding criteria upon which a teacher’s certificate may be awarded to a teacher from another state; defining terms relating to alternative programs for the education of teachers; authorizing certain partnerships or sole providers to provide alternative certification programs; modifying entities eligible to deliver alternative programs; specifying permissible partners; requiring partnership agreements or single provider plans and specifying necessary contents; requiring or authorizing approval by state board of education under certain circumstances; modifying and specifying criteria and components required for alternative certification program delivery; specifying certain required components of alternative certification program; specifying eligibility criteria for alternative certification program teacher candidate; providing for professional support team to participate in alternative program delivery and specifying responsibilities; modifying the charges which may be imposed for alternative program participation or delivery; specifying required and prohibited acts by certain entities; requiring continued contract renewal of participating program teacher and continued delivery of alternative certification program under certain circumstances and providing exception; providing for evaluation of and recommendation regarding award of professional teaching certificate for alternative program teacher; authorizing appeal of recommendation

under certain circumstances; expanding program fields and conditions in which an alternative program teacher may be employed; removing preference among certain applicants when considering applicants for alternative teacher programs; modifying provisions for alternative program teacher to attain professional teaching certificate; expanding institutions from which professional teaching certificate candidates may have graduated; providing guidelines for alternative programs for certain highly qualified special education teachers; providing for certification under certain circumstances of teachers educated or certified in other states; expanding criteria upon which a teacher's certificate may be awarded to teachers; removing references to internship programs; and requiring legislative rule promulgation by state board,"

And,

H. B. 2223, Including consumer credit sales that are secured by a mortgage, deed of trust or other equivalent consensual security interest on a dwelling or residential real estate in the definitions of "primary mortgage loan" and "subordinate mortgage loan",

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

Com. Sub. for H. B. 2223 - "A Bill to amend and reenact §31-17-1 and §31-17-8 of the Code of West Virginia, 1931, as amended, all relating to mortgage loans subject to the West Virginia Residential Mortgage Lender, Broker and Servicer Act; including certain consumer credit sales in the definitions of 'primary mortgage loan' and 'subordinate mortgage loan'; defining 'consumer credit sale'; and providing an exception to certain provisions of the Act for certain loan modifications or refinancing loans,"

With the recommendation that the committee substitutes each do pass.

MESSAGES FROM THE EXECUTIVE

Mr. Speaker, Mr. Armstead, presented a communication from His Excellency, the Governor, advising that on February 4, 2015, he approved **Com. Sub. for S. B. 280**.

MESSAGES FROM THE SENATE

A message from the Senate, by

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

Com. Sub. for S. B. 284 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-7-16, relating to dangerous weapons generally; requiring certification of responsible persons seeking federal authorization to possess certain firearms by a chief law enforcement officer when person is not legally proscribed therefrom; clarifying what criteria may be considered when certification is sought from law enforcement that applicant is not prohibited from securing or possessing firearms covered by the National Firearms Act; defining terms; and allowing circuit court appeals or adverse decisions”; 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. 312 - “A Bill to amend and reenact §3-8-7 of the Code of West Virginia, 1931, as amended, relating to disqualification of nominees for general election due to failure to file campaign finance statements”; 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. 322 - “A Bill to amend and reenact §3-4A-28 of the Code of West Virginia, 1931, as amended, relating to removing unnecessary requirement of mandatory electronic recount of ballots in recounts”; 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. 323 - “A Bill to amend and reenact §8-1-5a of the Code of West Virginia, 1931, as amended, relating to extending home rule to all Class I, II and III municipalities; providing that the Municipal Home Rule Board will terminate five years after enactment of statute unless extended; making an increasing number of Class IV municipalities eligible to participate in the Home Rule Pilot Program; amending powers and duties of the Municipal Home Rule Board; amending requirements for enactment of ordinances, acts, resolutions, rules or regulations by municipalities participating in the Home Rule Pilot Program; and eliminating requirement for the performance review of the Home Rule Pilot Project”; which was referred to the Committee on Government Organization then Finance.

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. 326 - “A Bill to amend and reenact §3-8-2 of the Code of West Virginia, 1931, as amended, relating to campaign finance reports for candidates for delegate to a national party convention”; which was referred to the Committee on the Judiciary.

RESOLUTIONS INTRODUCED

Delegates R. Phillips, Marcum and Eldridge offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 41 - “Requesting the Division of Highways to name the bridge from State Route 10 at State Route 10/12 to Mallory Hill Road bridge number 23-10/12-0.01 (23A316) (37.73065, -81.83793), carrying CR 10/12 over Huff Creek in Logan County, the ‘PFC Donald Ray Cochran Memorial Bridge’.”

WHEREAS, Donald Ray Cochran was born December 27, 1926, at Mallory, West Virginia, the son of Millard Cochran and Garnett Walls Cochran. He graduated from Man High School, Class of 1944, and worked for Powellton Coal Company at Rock House on the engineering crew until he was drafted into the United States Army in 1950. He was killed in action in North Korea May 25, 1951. His remains were shipped home for burial in December 1951, to Forrest Lawn Cemetery at Pecks Mill, West Virginia; and

WHEREAS, Naming the bridge from State Route 10 at State Route 10/12 to Mallory Hill Road bridge number 23-10/12-0.01 (23A316) (37.73065, -81.83793), carrying CR 10/12 over Huff Creek in Logan County, the “PFC Donald Ray Cochran Memorial Bridge” is an appropriate recognition of his contributions and his supreme sacrifice to his country, state, community and Logan County; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the bridge from State Route 10 at State Route 10/12 to Mallory Hill Road bridge number 23-10/12-0.01 (23A316) (37.73065, -81.83793), carrying CR 10/12 over Huff Creek in Logan County, the “PFC Donald Ray Cochran 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 “PFC Donald Ray Cochran 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 the surviving relatives of Donald Ray Cochran.

Delegates Rowe, Mr. Speaker, Mr. Armstead, Guthrie, Pushkin, Byrd, McCuskey, Moore, Hornbuckle, B. White, Upson and Shott offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 42 - "Requesting the Division of Highways to identify bridge number 20-77-95.81 (20A643), locally known as the interstate bridge over Campbells Creek, carrying Interstate 77 northbound and southbound lanes over US Route 60 west bound lane and the Norfolk and Southern Railroad, in Kanawha County, as being located at the 'Boyhood Home of Booker T. Washington'."

WHEREAS, Booker T. Washington was born a slave on a farm in Franklin County, Virginia in the year 1856; and

WHEREAS, Booker T. Washington is recognized as one of America's great educators, statesmen, authors and orators for his leadership for ten million African Americans who continued to struggle after the Civil War into the twentieth century; and

WHEREAS, Booker T. Washington's formative years were in Malden, Kanawha County, West Virginia from age nine until he was twenty-five years old, at which time he started Tuskegee Institute in Alabama, building the Institute into America's most prominent educational institution for African Americans; and

WHEREAS, Booker T. Washington attended Hampton Institute in Virginia and returned to teach school in Malden where he observed freed slave families, including his own family, succeeding in an integrated community with valuable education and equal compensation for work unlike in many areas in the Old South; and

WHEREAS, Booker T. Washington published his autobiographical classic, *Up From Slavery* in 1900. The book has been recognized as

the third best nonfiction book written in America in the twentieth century and details his great public career where he was one of the nation's first celebrities regularly touring to speak to thousands of Americans, black and white, about his success as a freed slave positing the best of the American Dream, for a degraded people to have their families succeed, when they have equal opportunity for education and fairly compensated work, just as he experienced in Malden, West Virginia; and

WHEREAS, Booker T. Washington's first family home was on property owned by Lewis Ruffner at the mouth of Campbells Creek, now known as Port Amherst on the Great Kanawha River near Malden, West Virginia; and

WHEREAS, Booker T. Washington died one hundred years ago on November 14, 1915, at fifty-nine years of age; and

WHEREAS, Booker T. Washington is one of West Virginia's most enduring national celebrities; and

WHEREAS, It is proper that the historical significance of the area as the site of Booker T. Washington's first family home be recognized; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to identify bridge number 20-77-95.81 (20A643), locally known as the interstate bridge over Campbells Creek carrying Interstate 77 northbound and southbound lanes over US Route 60 west bound lane, and the Norfolk and Southern Railroad, in Kanawha County, as being located at the "Boyhood Home of Booker T. Washington"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge as being located at the "Boyhood Home of Booker T. Washington"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Commissioner of the Division of Highways, the Booker T. Washington Family Association, the Ruffner Family Association, and the Kanawha Valley Historical and Preservation Society.

Delegates J. Nelson, McGeehan, Folk, Faircloth, Moffatt, Hill, Kessinger, Shott, Gearheart, R. Smith and Sobonya offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 43 - “Urging Congress to require an audit of the Federal Reserve System.”

Be it

Resolved by the Legislature of West Virginia:

That the United States Congress is hereby urged to pass legislation to require an audit of the United States Federal Reserve System; and

Further Resolved, That all members of West Virginia’s congressional delegation are requested to support this legislation and to vote for its passage.

Delegates Rowan, Cowles, Butler, Eldridge, Ferro, Fluharty, Hamrick, Hartman, Kelly, Longstreth, Manchin, J. Nelson, Rohrbach, Romine, Skinner, Sponaule, Trecost, B. White, H. White and Zatezalo offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 44 - “Requesting the Division of Highways to name the section of County Route 45/20, known as Coldstream Road, beginning at a point, latitude 39.336997, longitude -78.494499 and ending a point, latitude 39.349509, longitude -78.511901, along the North River, Hiatt Run and Maple Run, in Hampshire County, the ‘North River Mills Historic Trace’.”

WHEREAS, The North River Mills Historic Trace memorializes the rich history of one of Hampshire County's oldest communities which is associated with several noteworthy individuals. These include:

George Washington who surveyed land for Thomas Parker beside the proposed Trace and who later traveled along part of the Trace while commanding the forts of the Virginia frontier during the French and Indian War;

Dr. James Craik, George Washington's friend and personal physician and surgeon of the Virginia Regiment during the French and Indian War, who was granted the spring tract on both sides of the Great Wagon Road part of which was along the Trace;

Ensign Rees Pritchard, descendant of Welsh ancestors who came to America to make a home for themselves and their extended family. Rees Pritchard at one time owned most of the land along the Trace;

Gustavus Croston was a soldier in the American Revolution who served at Valley Forge and after his first enlistment expired signed up "for and during the War". In other words he committed to serve until the war was won. He is buried very near the trace which runs through land he owned; and

WHEREAS, These are but four of the many colonial era men and women who came to this area, settled on land, some of which was surveyed by George Washington, suffered the deprecations of the French and Indian War while Colonel Washington's Virginia Regiment tried desperately to protect the settlers, rebuilt their lives after the war and, in some cases, served in the war that won our independence; and

WHEREAS, Dr. James Craik was born at Orbigland County Kirkcudbright, Scotland, in 1730 and died at "Vaucluse", Fairfax County, Virginia, on February 6, 1814. He graduated in medicine from the University of Edinburgh and then emigrated to the West Indies about 1750 and subsequently moved to Virginia; and

WHEREAS, Dr. James Craik entered the Virginia Regiment (formed to fight during the French and Indian War) as surgeon on March 7, 1754, and was made Ensign May 23, 1754. He held the rank of Lieutenant by July 1754, which rank he held until the regiment disbanded in 1762. Dr. Craik was at the Battle of Fort Necessity and accompanied the Braddock campaign. After the war he accompanied George Washington on his trip west in 1770 that brought him back to Hampshire County; and

WHEREAS, In 1760, Dr. Craik married Marianne Ewell, the daughter of Colonel Charles Ewell and his wife, Sarah Conway. George Washington's mother was Sarah Conway's half sister; and

WHEREAS, Dr. Craik served with General Washington in the Revolutionary War. He was given the position of Chief Physician and Surgeon of the Continental Army. After the Revolution, he settled near Mount Vernon and continued his personal and professional relationship with General Washington. He was one of the attending physicians during Washington's last illness; and

WHEREAS, Because of his relationship with George Washington, who surveyed many tracts in Hampshire County, and his experience on the frontier during the French and Indian War, Dr. Craik, like Washington, was well aware of the value of western lands. Beginning in 1760 Dr. Craik acquired several parcels of land around North River Mills in Hampshire County. He had secured two plots along the Great Wagon Road from Winchester to Romney not far from the crossing of the North River. One of the parcels lying along Parker's Run (now Hiatt Run) was noted for a good spring that to this day is named for him as first grantee although the name was locally misspelled as "Craig" Spring. A third tract was across the river not far from the Great Wagon Road. This road had been the major western artery in the central colonies during Virginia's battle to stop French encroachments onto British claimed territory and would later serve to take many settlers west as the frontier made its relentless move westward; and

WHEREAS, Dr. Craik exemplifies the colonial settler who arrived in America with an important skill and great determination to make a life for himself in this new land. He served in the two wars that determined the fate of North America and established the United States of America. His extensive personal and professional relationships and his broad travels placed him in a position to make a lasting contribution to the building of our great country. It is appropriate that he be remembered along the road that traverses some of the property he once owned; and

WHEREAS, Ensign Rees Pritchard was a descendant of a Welsh family, several of whom had come to Hampshire County from Chester County, Pennsylvania. Reese was born in 1744 the son of Samuel Pritchard who lived on North River. George Washington spent a night with Samuel Pritchard on North River during his journey to inspect western lands in the fall of 1770. The Pritchards were apparently individuals of some means as they became large landowners in Hampshire County; and

WHEREAS, The family apparently stayed in Hampshire County during the French and Indian War as Samuel entered a claim for damages done during the war. The claim was filed on February 20, 1759; and

WHEREAS, Rees Pritchard entered the Continental Army in February 1776 and on March 12, 1776, was commissioned as Ensign in Captain Abel Westfall's Company of the 8th Virginia Regiment commanded by Co. Peter Mulenburg. He marched from Romney in Hampshire County to Charleston, South Carolina, where he was engaged in the Battle of Sullivans Island, June 21-29, 1776; and

WHEREAS, Upon his return to Hampshire County, Rees Pritchard married and had one son. He continued to amass land around the North River at two different locations, and between 1786 and 1790 he was authorized by the Virginia Assembly to operate a ferry across the North River. Some of the land had originally been surveyed by George Washington and granted by Lord Fairfax to Thomas Parker; and

WHEREAS, It is not known exactly what the financial depressions and panics experienced every few years during the formative years of our nation had upon Rees Pritchard's situation, but by 1800 he had sold most of his land. It also seems that his wife died sometime in the early 1800s. In any case, Mr. Pritchard, like many Revolutionary War veterans, filed for a pension on the twenty-first day of July, 1819, and received a certificate of Pension Number 12545. He was dropped under Act May 1, 1820, and then was reinstated April 25, 1822. The application states "that in consequence of old age and the rheumatism he is unable to pursue any profession or occupation in order to produce a support". He died in relative obscurity on September 25, 1830, in Morgan County; and

WHEREAS, Rees Pritchard was one of the many early settlers who came to America in community groups and continued to move westward with family members. He served in the Continental Army helping to win America's independence. After his service he became a large landowner, and he engaged in the ferry business allowing his land to be used as a transportation artery helping move people and goods around the growing frontier. Like so many individuals who had given so much to their country, he suffered from the financial problems of the growing, new country, and eventually he had to sell most all of his land to pay debts. The establishment of the North River Mills Historic Trace through property once owned by Rees Pritchard will help future generations remember what our forebears went through to build the county we now know; and

WHEREAS, Gustavus Travis Croston enlisted at Newport, Maryland, to fight for America's independence. On the first of March, 1777, he was recruited into the First Virginia State Regiment. That July the Regiment was transferred to the Continental line and sent north as part of the Philadelphia campaign under General George Washington. Mr. Croston spent the winter of 1777-1778 at Valley Forge in Captain Thomas Hamilton's Company of Colonel George Gibson's Regiment of Mullenburg's Brigade; and

WHEREAS, Before Gustavus Travis Croston's three-year term expired, the First Virginia Regiment was called back to Virginia. When his first enlistment ended, he reenlisted at Alexandria, Virginia, "for and during the war". This meant that he volunteered to serve until the war ended; and

WHEREAS, Gustavus Travis Croston's company was marched south as part of the campaign against General Cornwallis. He served in the Battle of Hobkirk Hill near Camden, South Carolina, on April 25, 1781, and at the siege of Ninety-Six from May 22, 1781, to June 19, 1781. He was taken prisoner at Ninety-Six and remained interred until the defeat of General Cornwallis at Yorktown on October 19, 1781. Because he was a prisoner of war for the conflict's last months, it appears that he never received pay for that period nor did he receive a proper discharge; and

WHEREAS, By 1787 Gustavus Travis Croston appears in Hampshire County, being listed on that year's census tax lists. On October 17, 1796, he received a grant from the Commonwealth for fifty acres of land adjoining Rees Pritchard (another Revolutionary War veteran) near North River Mills. He acquired other land, but there were title difficulties involving one of the area's most prominent landowners; and

WHEREAS, By 1818 Gustavus Travis Croston applied for a pension. He was granted a pension due to his failing health and inability to work and his financial need; and

WHEREAS, Gustavus Travis Croston died June 3, 1839. His grave is in the quiet woods on his land near the place where Maple Run empties into the North River just west of North River Mills; and

WHEREAS, Gustavus Travis Croston should be remembered as a symbol of those individuals without wealth or property who stepped forward to fight for America's independence and who later built a life for themselves and their families in the newly formed United States of

America. It is appropriate that he be memorialized at the location where he settled and built that new life; and

WHEREAS, The community that developed where the Great Wagon Road crosses the North River did not come to be known as North River Mills until the nineteenth century where mills were constructed at this convenient location. By this time the Northwestern Turnpike had been constructed as part of Virginia's plan to establish a major highway from the tidewater to the Ohio River. The route chosen for this new road did not come through North River Mills, and so the area began to decline in importance; and

WHEREAS, The history of the area has been kept alive by local residents who appreciate the part this little village on the major road west from northern Virginia played in the development of Hampshire County and the entire area. It survived the deprecations of the French and Indian War that opened the way for British/American expansion westward, and it continued through Pontiac's War and our Revolutionary War. Eighty years later it suffered the ravages of the Civil War when families were split and life savings lost; and

WHEREAS, It is fitting and proper that North River Mills Historic Trace should be recognized to help memorialize this important part of West Virginia's rich history so that later generations may remember the foundations upon which our freedom and lifestyle are built; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the section of County Route 45/20, known as Coldstream Road, beginning at a point, latitude 39.336997, longitude -78.494499 and ending a point, latitude 39.349509, longitude -78.511901, along the North River, Hiatt Run and Maple Run, in Hampshire County, the "North River Mills Historic Trace"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the designated highway containing bold and prominent letters proclaiming that portion of the road be named the “North River Mills Historic Trace”; and, be it

Further Resolved, That the Clerk of the House is hereby directed to forward a certified copy of this resolution to the Secretary of Transportation, the Commissioner of Highways, and Charles C. Hall of Historic Hampshire County, West Virginia.

BILLS INTRODUCED

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

By Delegates Upson, Espinosa, Blair, Hamrick, Zatezalo, Rowan, Cooper, Ambler, R. Phillips, Marcum and H. White:

H. B. 2610 - “A Bill to amend and reenact §61-7-4 of the Code of West Virginia, 1931, as amended, relating to making applications, permits, and renewal applications for carrying a concealed weapon not subject to public disclosure”; to the Committee on the Judiciary.

By Delegates Perdue, Hamilton, Morgan, Rowe, Rohrbach, Pushkin, Guthrie, Miley, Anderson, Boggs and Border:

H. B. 2611 - “A Bill to repeal §60A-10-5, §60A-10-6, §60A-10-8 and §60A-10-11 of the Code of West Virginia, 1931, as amended; to amend and reenact §60A-2-210 and §60A-2-212 of said code; and to amend and reenact §60A-10-2, §60A-10-3, §60A-10-4 and §60A-10-7; all relating to controlling methamphetamine; requiring certain drug products be obtained by prescription only; moving certain drug products from schedule V to schedule IV; providing an exception for drug products that cannot be feasibly converted into methamphetamine; defining terms; prohibiting pharmacies from selling certain drugs that can be used in the production of methamphetamine

without a prescription; creating a criminal offense for possession of certain substances without a prescription with intent to transfer to another to make methamphetamine; permitting the sale of certain drugs without a prescription; removing the requirements of the Multi-State Real-Time Tracking System; removing outdated language; providing criminal penalties; and providing rule-making authority”; to the Committee on Health and Human Resources then the Judiciary.

By Mr. Speaker, Mr. Armstead

[By Request of the Executive]:

H. B. 2612 - “A Bill to repeal §31-18D-1, §31-18D-2, §31-18D-3, §31-18D-4, §31-18D-5, §31-18D-6, §31-18D-7, §31-18D-8, §31-18D-9, §31-18D-10, §31-18D-11, §31-18D-12, §31-18D-13 and §31-18D-14 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-15-4c of said code; to amend and reenact §11-22-2 of said code; to amend and reenact §31-18-3, §31-18-6, and §31-18-22 of said code; and to amend said code by adding thereto a new section, designated §31-18-20d, all relating to the transfer of certain powers and programs of the West Virginia Affordable Housing Trust Fund to the West Virginia Housing Development Fund; eliminating the West Virginia Affordable Housing Trust Fund and the West Virginia Affordable Housing Trust Fund Board of Directors; creating Affordable Housing Fund of the West Virginia Housing Development Fund and providing for uses therefor; providing for assessment of fee on all sales by licensed dealers of factory-built homes to be deposited in Affordable Housing Fund of the West Virginia Housing Development Fund; providing for assessment of fee upon the privilege of transferring real estate for consideration to be deposited in the Affordable Housing Fund of the West Virginia Housing Development Fund; defining Affordable Housing Fund; authorizing West Virginia Housing Development Fund to provide funding to increase the capacity of nonprofit community housing organizations; providing for uses of funds in Affordable Housing Fund; and providing for disposition of Affordable Housing Fund in the event of termination or dissolution of

West Virginia Housing Development Fund”; to the Committee on Finance.

By Delegates Ellington, Householder, Bates, Howell, Pasdon and Rowan:

H. B. 2613 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-46-1, §16-46-2, §16-46-3, §16-46-4, §16-46-5, §16-46-6, §16-46-7, §16-46-8 and §16-46-9, all relating to requiring background checks for individuals who have direct access to residents, members or beneficiaries of covered providers or covered contractors participating in the West Virginia Clearance for Access: Registry and Employment Screening program; providing a short title; defining terms; requiring the Secretary of the Department of Health and Human Resources to develop a plan and a program for conducting background checks; requiring a centralized database to maintain criminal history record information and results; establishing a prescreening process conducted by covered providers and covered contractors; requiring applicants to provide fingerprints and undergo a criminal background check; establishing procedures and criteria for obtaining and reviewing criminal history record information; establishing criteria for approving applicants for employment; authorizing contractors and fees; creating a special revenue account for administrative fees; providing for protests of the secretary’s decisions and permitting variances; creating exceptions; authorizing legislative rules; providing monetary penalties; and providing for civil and criminal immunity”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Ellington, Householder, Storch, Ashley, Perdue, Boggs, Morgan, Espinosa and Campbell:

H. B. 2614 - “A Bill to amend and reenact §11-27-38 of the Code of West Virginia, 1931, as amended, relating generally to health care provider taxes; modifying the expiration date for tax rate on eligible acute care hospitals; changing the tax rate on eligible acute care hospitals; and providing for disbursement of any funds remaining in

the Eligible Acute Care Provider Enhancement Account”; to the Committee on Health and Human Resources then Finance.

By Delegate Lane:

H. B. 2615 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §32-5-501, §32-5-502, §32-5-503 and §32-5-504, all relating to creating the West Virginia Small Business Capital Act; and exempting the offer and sale of certain securities from the Uniform Securities Act”; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

By Delegate Hamrick

[By Request of the Division of Motor Vehicles]:

H. B. 2616 - “A Bill to amend and reenact §17A-6E-4 of the Code of West Virginia, 1931, as amended, relating to motor vehicle salesperson licenses; and changing the criteria for which the Division of Motor Vehicles must deny issuance of the license”; to the Committee on Roads and Transportation then the Judiciary.

By Delegates Kurcaba, Statler, McGeehan, Folk, Moffatt, Pasdon, Zatezalo, Ashley, Wagner and E. Nelson:

H. B. 2617 - “A Bill to amend and reenact §18C-7-6 of the Code of West Virginia, 1931, as amended, relating to lengthening the residency requirement necessary to be eligible for the PROMISE Scholarship”; to the Committee on Education then Finance.

By Delegates Guthrie, L. Phillips, Eldridge, Romine and Ambler:

H. B. 2618 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-14-1, §15-14-2, §15-14-3, §15-14-4, §15-14-5, §15-14-6, §15-14-7, §15-14-8, §15-14-9, §15-14-10 and §15-14-11, all relating to creating a State Animal Abuse Registry; defining terms; creating a registry of all persons convicted of animal abuse; requiring all persons convicted of

animal abuse to register; setting forth the information to be provided when registering; requiring a registrant to pay a fee; creating the Central Abuse Registry Fund; determining how the money in the fund will be used; requiring the registry information to be public; providing an exception from being required to register; setting forth duties of animal breeders, animal shelters and pet stores; and providing criminal penalties”; to the Committee on the Judiciary.

By Delegates McGeehan, Azinger, Kurcaba, Weld, Ihle, Kessinger, J. Nelson, Canterbury, Hamrick and Moffatt:

H. B. 2619 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-7-16, relating to dangerous weapons; when a chief law-enforcement officer is required to certify the transfer or making of certain firearms; providing definitions; and right of appeal if request for certification is denied”; to the Committee on the Judiciary.

By Delegates E. Nelson, Howell, Miller, Border, Shott, Kurcaba, Moffatt, Westfall, McCuskey, Gearheart and Espinosa:

H. B. 2620 - “A Bill to amend and reenact §5-10-2 of the Code of West Virginia, 1931, as amended, relating to definitions used in the Public Employees Retirement System; redefining the term final average salary for new enrollees to the average salary received in the highest ten years of service, rather than the current three”; to the Committee on Pensions and Retirement then Finance.

By Delegates Espinosa and Walters:

H. B. 2621 - “A Bill to amend and reenact §17A-4A-15 of the Code of West Virginia, 1931, as amended, relating to liens on vehicles; expanding the period of time during which a recorded lien on a vehicle is valid; expanding the period of time during which a refiled lien on a vehicle is valid; and clarifying that the lienholder may refile a lien on encumbrance without obtaining the owner’s consent”; to the Committee on Roads and Transportation then the Judiciary.

By Delegates Kurcaba, Hill, Householder, R. Smith, Espinosa, Moffatt, Pasdon, Ashley, Wagner, E. Nelson and Cadle:

H. B. 2622 - “A Bill to amend and reenact §11-21-12a of the Code of West Virginia, 1931, as amended, and to amend and reenact §18-30-9 of said code, all relating to deductions from personal income tax for contributions to state-administered prepaid college tuition contracts or college savings plans; and limiting the deductions to contributions made for beneficiaries who are eighteen years of age or younger”; to the Committee on Finance.

By Delegates Caputo, Williams, Eldridge, H. White, Pushkin, Guthrie, Longstreth, Ferro, Manchin, Walters and Miley:

H. B. 2623 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-25b, relating to establishing guidelines and materials to inform and educate students, parents and coaches about the nature and warning signs of sudden cardiac arrest; and requiring training for coaches and penalties for coaches who fail to complete training”; to the Committee on Education then Health and Human Resources.

By Delegates Howell, Moffatt, Canterbury, A. Evans, Blair, Statler, Kurcaba, Cadle, Cooper, Ihle and Walters:

H. B. 2624 - “A Bill to amend and reenact §3-2-4, §3-2-11, §3-2-16 and §3-2-17 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §3-1-51, all relating to voter registration photo cards; requiring that voter registration cards contain a photograph of the person registered to vote and establishing procedures for creating and distributing voter registration photo cards”; to the Committee on the Judiciary.

By Delegates Ashley and Ireland

[By Request of the Department of Environmental Protection]:

H. B. 2625 - “A Bill to amend and reenact §22-18-22 of the Code of West Virginia, 1931, as amended, relating to the Hazardous Waste Management Fee Fund, by extending its sunset provision from June 30,

2015 to June 30, 2020”; to the Committee on Government Organization then the Judiciary.

By Delegates Ashley and Ireland

[By Request of the Department of Environmental Protection]:

H. B. 2626 - “A Bill to amend and reenact §22-2-4 of the Code of West Virginia, 1931, as amended, relating to use of the Abandoned Land Reclamation Fund”; to the Committee on Finance.

By Delegates McCuskey, R. Phillips, R. Smith, J. Nelson, Stansbury, McGeehan, Eldridge, Arvon, H. White, Marcum and Butler:

H. B. 2627 - “A Bill to amend and reenact §61-3-29 of the Code of West Virginia, 1931, as amended, relating to prohibiting damage to property of railroads, public utilities and certain production storage and distribution facilities; adding waste management facilities, storage facilities and timber operations to the protected parties; prohibiting destruction, damage or removal of property resulting in impairment to the normal, safe operation of those facilities; and providing criminal penalties”; to the Committee on Energy then the Judiciary.

By Delegates Rowe, Shott, Lane, Guthrie, Pushkin, Byrd, Manchin, Skinner, Deem, Lynch and B. White:

H. B. 2628 - “A Bill to amend and reenact §3-5-7 of the Code of West Virginia, 1931, as amended, relating to filing announcements of candidacies; and changing the date of announcement to the first Monday after January 1”; to the Committee on the Judiciary.

By Delegate Faircloth:

H. B. 2629 - “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 small business economic impact”; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

By Delegates Sponaugle, Perdue, Reynolds, Marcum, H. White, Campbell, Bates, R. Phillips, Hartman, Morgan and Pushkin:

H. B. 2630 - “A Bill to repeal §11-21-22a of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-21-22 and §11-21-22b of said code, all relating to personal income tax; creating the West Virginia Earned Income Tax Credit; and authorizing a refundable tax credit based upon the federal earned income tax credit”; to the Committee on Finance.

By Mr. Speaker, Mr. Armstead, and Delegate Miley

[By Request of the Executive]:

H. B. 2631 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-47-1, §16-47-2, §16-47-3, §16-47-4, §16-47-5 and §16-47-6, all relating to obtaining emergency medical assistance for persons who may be experiencing an alcohol or drug overdose; establishing short title; stating legislative findings; defining terms; providing immunity from prosecution in limited circumstances for persons who call for emergency medical assistance for a person who reasonably appears to be experiencing a drug or alcohol overdose; specifying actions that must be taken to be eligible for immunity from prosecution for certain misdemeanor offenses; providing that seeking emergency medical assistance may be raised as a mitigating factor at sentencing in certain criminal proceedings; clarifying that limited immunity does not preclude civil claims based on violation of misdemeanor criminal statutes at issue; providing option of limited immunity from prosecution, and deferred prosecution, pretrial diversion, adjudication in drug court, and other clemency options for prosecution to consider for persons who experienced a drug or alcohol overdose for whom emergency medical assistance was sought; allowing persons to plead guilty to certain exempted criminal offenses if desired; and providing limited civil immunity to law-enforcement officers except in cases of willful, wanton, and reckless misconduct in arresting or issuing citations”; to the Committee on Health and Human Resources then the Judiciary.

DAILY CALENDAR**THIRD READING**

Com. Sub. for H. B. 2128, Permitting those individuals who have been issued concealed weapons permits to keep loaded firearms in their motor vehicles on the State Capitol Complex grounds; 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. 36**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Marcum, Moore and O’Neal.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2128) 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. 2234, Requiring a court to permit a party in a divorce proceeding to resume using the name he or she used prior to the marriage; 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. 37**), 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: Marcum and Moore.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2234) passed.

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

SECOND READING

Com. Sub. for H. B. 2004, Providing a procedure for the development of a state plan under section 111 of the Clean Air Act; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2008, Auditing the Division of Highways; on second reading, coming up in regular order, was read a second time.

At the request of Delegate Cowles, and by unanimous consent, the bill was advanced to third reading with restricted right to amend by Delegate E. Nelson, and the rule was suspended to permit the consideration of the amendment on that reading.

Com. Sub. for H. B. 2151, Making the West Virginia state teacher of the year an ex officio, nonvoting member of the West Virginia Board of Education; on second reading, coming up in regular order, was read a second time.

An amendment to the bill, offered by Delegate Reynolds, was reported by the Clerk on page three, section one, line twenty-five, following the period, by inserting the following:

“For new appointments following the effective date of this provision, at least two members shall be a custodial parent of a child, that at the time of the members appointment, attends a public school under the jurisdiction of the state board.”

Delegate Kelly arose to a point of order as to the germaneness of the amendment.

To the point of order the Speaker replied, stating that the fundamental purpose of the bill relates to the makeup of the state’s school board. He further stated that while the bill did in fact relate to the addition of the nonvoting ex-officio members, there were changes

throughout the bill relating to voting and nonvoting members, therefore, the Speaker ruled the amendment was germane to the fundamental purpose of the bill.

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

The yeas and nays having been ordered, they were taken (**Roll No. 38**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

NAYS: Statler.

ABSENT AND NOT VOTING: Marcum and Moore.

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

The bill was then ordered to engrossment and third reading.

FIRST READING

Com. Sub. for H. B. 2011, Relating to disbursements from the Workers' Compensation Fund where an injury is self inflicted or intentionally caused by the employer; on first reading coming up in regular order, was read a first time and ordered to second reading.

LEAVES OF ABSENCE

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

MISCELLANEOUS BUSINESS

The following Delegates have filed forms with the Clerk's Office per House Rule 94b to be added as cosponsors of bills:

Delegate Frich	H. B. 2496
Delegate Fast	H. B. 2447
Delegate Longstreth	H. B. 2582
Delegate Lynch	H. B. 2582
Delegate Moffatt	H. B. 2573
Delegate Summers	H. B. 2242 and H. B. 2450

REMARKS BY MEMBERS

Delegate Morgan asked and obtained unanimous consent that the remarks of Delegate Reynolds regarding his amendment to Com. Sub. for H. B. 2151, Making the West Virginia State Teacher of the Year an ex officio, nonvoting member of the West Virginia Board of Education be printed in the Appendix to the Journal.

Delegate Longstreth asked and obtained unanimous consent that the remarks of Delegate Caputo regarding labor issues be printed in the Appendix to the Journal.

Delegate Reynolds asked and obtained unanimous consent that the remarks of Delegates Folk and Sponaugle regarding the amendment to Com. Sub. for H. B. 2151, Making the West Virginia State Teacher of the Year an ex officio, nonvoting member of the West Virginia Board of Education be printed in the Appendix to the Journal.

Delegate R. Smith asked and obtained unanimous consent that the remarks of Delegate L. Phillips regarding jobs in Wyoming County be printed in the Appendix to the Journal.

At 12:17 P.M., the House of Delegates adjourned until 11:00 A.M., Friday, February 6, 2015.

FRIDAY, FEBRUARY 6, 2015

TWENTY-FOURTH 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 5, 2015, being the first order of business, when the further reading thereof was dispensed with and the same approved.

COMMITTEE REPORTS

Delegate Miller, Chair of the Committee on Small Business, Entrepreneurship and Economic Development, submitted the following report, which was received:

Your Committee on Small Business, Entrepreneurship and Economic Development has had under consideration:

H. B. 2444, Providing for the assignment of economic development office representatives to serve as Small Business Allies as facilitators to assist small business entities and individuals,

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

Delegate McCuskey, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

H. B. 2536, Relating to travel insurance limited lines producers,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 2536) was referred to the Committee on the Judiciary.

Delegate McCuskey, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

H. B. 2461, Relating to delinquency proceedings of insurers,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2461) was referred to the Committee on the Judiciary.

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. 335, Creating Access to Opioid Antagonists Act,

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

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

Your Committee on the Judiciary has had under consideration:

H. B. 2266, Relating to the publication requirements of the administration of estates,

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

Com. Sub. for H. B. 2266 - “A Bill to repeal §44-2-2 and §44-2-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §44-1-14a of said code, relating to the publication requirements of the administration of estates,”

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

In the absence of objection, reference of the bill (Com. Sub. for H. B. 2266) to the Committee on Finance was abrogated.

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

Your Committee on Education has had under consideration:

Com. Sub. for S. B. 7, Requiring CPR and care for conscious choking instruction in public schools,

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

In the absence of objection, reference of the bill (Com. Sub. for S. B. 7) to the Committee on Finance was abrogated.

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

Your Committee on Education has had under consideration:

H. B. 2377, Authorizing State Board of Education to approve certain alternatives with respect to instructional time,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 2377) was referred to the Committee on the Judiciary.

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

Your Committee on Education has had under consideration:

H. B. 2370, Increasing the powers of regional councils for governance of regional education service agencies,

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

Delegate Canterbury, Chair of the Committee on Pensions and Retirement, submitted the following report, which was received:

Your Committee on Pensions and Retirement has had under consideration:

H. B. 2504, Relating to the Public Employees Retirement System Fund,

H. B. 2505, Relating to retirement system participation and concurrent employment,

H. B. 2506, Relating to duty-related disability retirement in the West Virginia State Police Retirement System,

H. B. 2507, Relating to membership provisions in the West Virginia Municipal Police and Firefighters Retirement System,

And,

H. B. 2560, Relating to disqualification for public retirement plan benefits when a participant is determined to have rendered less than honorable service,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2504, H. B. 2505, H. B. 2506, H. B. 2507 and H. B. 2560) were each referred to the Committee on Finance.

Delegate Ellington, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2348, Board of Osteopathic Medicine to promulgate a legislative rule relating to osteopathic physician assistants,

H. B. 2496, Adopting the Interstate Medical Licensure Compact,

H. B. 2497, Rewriting the licensing requirements for the practice of medicine and surgery or podiatry,

And,

H. B. 2568, The Pain-Capable Unborn Child Protection Act,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2348, H. B. 2496, H. B. 2497 and H. B. 2568) were each referred to the Committee on the Judiciary.

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

Your Committee Energy has had under consideration:

H. B. 2566, Coal Jobs and Safety Act of 2015,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 2566) was referred to the Committee on the Judiciary.

MESSAGES FROM THE SENATE

A message from the Senate, by

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

S. B. 318 - "A Bill to amend and reenact §21-5-3 of the Code of West Virginia, 1931, as amended, relating to payment of wages by employers; and authorizing payment of employees twice a month"; 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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 389 - "A Bill to amend and reenact §30-13-18 of the Code of West Virginia, 1931, as amended, relating to the Board of Registration for Professional Engineers; changing time period for renewal from

fiscal year to calendar year; authorizing renewal notification by mail or electronically; requiring reinstatement of non renewed licenses; authorizing annual or biennial renewal periods; and authorizing legislative rules and emergency rules related to renewal and reinstatement”; which was referred to the Committee on Government Organization.

RESOLUTIONS INTRODUCED

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

H. C. R. 45 - “Requesting the Division of Highways to name the bridge on Route 20 over Fishing Creek, South Fork in Wetzel County, locally known as the Pine Grove Bridge, bridge number 52-20-16.04, as the ‘US Army COL William L. Glover Memorial Bridge’.”

WHEREAS, Colonel Glover was born in Pine Grove, West Virginia, on May 27, 1939, the son of Herdman and Merle Glover and graduated from Pine Grove High School in 1957; and

WHEREAS, Colonel Glover attended West Virginia University and was a member of the ROTC program, graduated in 1961 with a degree in business and entered the United States Army as a Second Lieutenant and graduated in 1961 with a degree in business; and

WHEREAS, During his distinguished military career, Colonel Glover was stationed in France and Korea, before serving a tour of duty in Vietnam, where he was awarded the Bronze Star for his service; and

WHEREAS, Colonel Glover was commissioned a Colonel in 1982 with the United States Army, retired in 1991 with thirty years of honorable military service to his country and afterwards he resided in Massachusetts where he worked as a computer consultant; and

WHEREAS, After a brief stint in Arizona, Colonel Glover moved back to West Virginia and in 1997 married his beloved wife Nelda E. Kocher, a fellow graduate of Pine Grove High School; and

WHEREAS, Colonel Glover loved to sing, which lead him to record as a teenager and later in life he was a prominent voice in his church choir and performed in musicals; and

WHEREAS, Sadly, Colonel Glover passed away on July 20, 2012, leaving behind his wife, Nelda, sister, Beulah, a daughter, two sons, a stepdaughter, six grandchildren, three step-grandchildren and three step-great grandsons, and a legacy of dedicated public and military service to his country and to his family and friends; and

WHEREAS, As it was his wish, Colonel Glover was buried on January 25, 2013 in final resting place, Arlington National Cemetery; and

WHEREAS, It is fitting that an enduring memorial be established to commemorate a native son who so ably served his state and his country, by naming the bridge on Route 20 over Fishing Creek, South Fork in Wetzel County, locally known as the Pine Grove Bridge, bridge number 52-20-16.04, as the “US Army Colonel William L. Glover Memorial Bridge”; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Division of Highways to name the bridge on Route 20 over Fishing Creek, South Fork in Wetzel County, locally known as the Pine Grove Bridge, bridge number 52-20-16.04, as the “US Army COL William L. Glover Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “US Army COL William L. Glover 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 to Colonel Glover's widow, Nelda E. Glover.

Delegates J. Nelson, Moffatt, McGeehan, Storch, Westfall, Espinosa, Folk, Butler, Ihle, Stansbury and Gearheart offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 46 - "Requesting the Division of Highways to name the bridge on County Route 85, bridge number 03-85/24-0.01 (03A167) (37.88458, -81.65320), locally known as Clinton Camp Road Bridge, carrying CR 85/24 over Pond Fork in Boone County, the 'U. S. Army SSG James C. Vickers and U. S. Marine Corps PFC Randall Carl Phelps Memorial Bridge'."

WHEREAS, James C. Vickers was born on February 3, 1932 in Lorado, West Virginia, the son of Watt and Desta Vickers. He moved from Lorado, to Barrett, West Virginia in August, 1948. In April, 1950, he enlisted in the United States Army and took his basic training at Fort Knox, Kentucky. He completed basic training there the same month the Korean War started, June 1950. He was sent to Japan immediately for amphibious assault training with the 7th Infantry Division. SSG James C. Vickers was assigned to B Company, 31st Infantry Regiment, 7th Infantry Division, and saw his first combat action in the amphibious assault at Inchon, South Korea on September 14, 1950. This landing enabled the United Nations forces to liberate the South Korean capital city of Seoul, and drive the North Koreans out of South Korea. SSG James C. Vickers made a second amphibious assault at Iwon, North Korea on October 29, 1950, as part of a push for an early end to the war. His unit was part of Taskforce Drysdale, an action to clear a number of enemy roadblocks between Koto-ri and Hagaru-ri, North Korea. His whole unit was pinned down by a .50 caliber heavy machine gun 800 to 1,000 yards away. He took out the enemy gun, protecting his unit from taking losses. SSG James C.

Vickers was wounded in action a day later in the battle for the Chosin Reservoir, in weather as cold as minus thirty-two degrees. He was one of very few in his unit that was not killed or captured in the battle, as he ignored his commander's order to surrender and fought his way back to American troops. A little over fifty years later, his actions on that day were recognized when SSG Vickers was awarded the prestigious Silver Star March 11, 2001 in a ceremony in Charleston, West Virginia, presented by the State of West Virginia Adjunct General Allen Tackett. SSG James C. Vickers distinguished himself on many occasions and is the recipient of many awards including: The Purple Heart, Combat Infantry Badge, Republic of South Korea Presidential Unit Citation, Army Presidential Unit Citation W/Oak Leaf Cluster, Navy Presidential Unit Citation W/Oak Leaf Cluster, Korean Service Medal W/four Combat Stars and two Arrowheads, National Defense Service Medal, United Nations Service Medal, Army of Occupation Medal (Japan), and Army Good Conduct Medal. Upon his return from Korea in 1951, he met Janet Alice Price. They were married on March 23, 1954, and have two sons, Mark and Russell, six grandchildren, and two great-grandchildren. James C. Vickers is a proud American and veteran who enjoys speaking to service clubs, VFWs, American Legions and schools about patriotism, military history and personal experiences. He is a member of the honor fraternity, the Chosin Few, which is for veterans who fought in the Battle of the Chosin Reservoir, in North Korea 1950; and

WHEREAS, Randall Carl Phelps was born June 4, 1948, in Dorothy, West Virginia to Carl William and Bernice Dale Lee Phelps. He grew up in Boone County where he graduated from Van High School in 1967. He loved baseball and played in the Pony League each summer. He was a voracious reader who teased and tormented his brother Steve and sisters, Joy, Jane and Diane without mercy. He enlisted in the United States Marine Corps and prior to his departure to Vietnam he became engaged to the love of his life, Grace Workman. Becoming a Marine was a choice for PFC Phelps, who believed in honor, duty and country. His letters home documented his belief that the people he was

defending were deserving of his sacrifice. He was killed in action in Quang Tri Province, The Republic of South Vietnam, on April 8, 1968. He was a member of the United States Marine Corps, A Company, 3rd Engineering Battalion, 3rd Marine Division, serving as a Combat Engineer. He died assisting wounded soldiers onto a Medevac chopper in the midst of a North Vietnam mortar barrage. He was awarded the Bronze Star, the Purple Heart, the National Defense Service Military Ribbon, the Vietnam Service Military Ribbon, the Defense Distinguished Service Military Ribbon and The Republic of Vietnam Gallantry Cross. On May 23, 1986, the Academic 1 Facility at Marine Corps Base Camp Lejeune in Jacksonville, North Carolina, was dedicated to PFC Phelps and seven other marines who also gave their lives for their country; and

WHEREAS, Naming the bridge on County Route 85, bridge number: 03-85/24-0.01 (03A167) (37.88458, -81.65320), locally known as Clinton Camp Road Bridge, carrying CR 85/24 over Pond Fork in Boone County, the “U. S. Army SSG James C. Vickers and U. S. Marine Corps PFC Randall Carl Phelps Memorial Bridge” is an appropriate recognition of their contributions to their country, state, community and Boone County; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the bridge on County Route 85, bridge number 03-85/24-0.01 (03A167) (37.88458, -81.65320), locally known as Clinton Camp Road Bridge, carrying CR 85/24 over Pond Fork in Boone County, the “U. S. Army SSG James C. Vickers and U. S. Marine Corps PFC Randall Carl Phelps 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. Army SSG James C. Vickers and U. S. Marine Corps PFC Randall Carl Phelps 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, James C. Vickers and the family of Randall Carl Phelps.

Delegates Overington, Ambler, Anderson, Arvon, Azinger, Blair, Border, Butler, Cadle, Canterbury, Cooper, Deem, Ellington, Espinosa, A. Evans, D. Evans, Faircloth, Fast, Folk, Foster, Frich, Gearheart, Hamilton, Hamrick, Hill, Householder, Howell, Ihle, Ireland, Kessinger, Kurcaba, Lane, McCuskey, McGeehan, Miller, Moffatt, E. Nelson, Overington, Pasdon, Rohrbach, Romine, Rowan, Shott, R. Smith, Sobonya, Statler, Storch, Summers, Wagner, Walters, Waxman, Westfall, B. White, Zatezalo, Lynch, Moye, Perry, R. Phillips, H. White and Williams offered the following resolution, which was read by its title and referred to the Committee on the Judiciary then Rules:

H. C. R. 47 - “Calling on and applying to the United States Congress to call a convention of the states, under the authority reserved to the States in Article V of the United States Constitution, limited to proposing amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress.”

WHEREAS, Article IV, Section 4 of the Constitution of the United States guarantees to every state a Republican form of government which gives each state equal standing when calling for an Amendments Convention. Article V of the Constitution of the United States reserves to the several states the right to call for a Convention for the purpose of amending the United States Constitution when Congress or the courts or both Congress and the courts refuse to address an egregious wrong suffered by the people; and

WHEREAS, The states alone have the authority to “limit” the agenda and authority of a Convention. The states alone can call for a “Single Issue” convention by agreeing among themselves the purpose,

terms, conditions, duration, and agenda for the Convention. Congress does not have the authority to define a “Single Issue” Convention. The authority of Congress, under Article V of the United States Constitution, empowers it to convene a convention as called for and defined by the several states; and

WHEREAS, The Founders of our Constitution empowered state Legislators to be guardians of liberty against future abuses of power by the federal government which has created a crushing national debt through improper and imprudent spending; and

WHEREAS, The federal government has invaded the legitimate roles of the states through the manipulative process of federal mandates, most of which are unfunded to a great extent, and the federal government has ceased to live under a proper interpretation of the Constitution of the United States; and

WHEREAS, It is the solemn duty of the states to protect the liberty of our people—particularly for the generations to come—by proposing Amendments to the Constitution of the United States through a Convention of the States under Article V for the purpose of restraining these and related abuses of power; therefore, be it

Resolved by the Legislature of West Virginia:

That the State of West Virginia hereby applies to Congress, under the provisions of Article V of the Constitution of the United States, for the calling of a Convention of the states limited to proposing amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress. Absolutely no other business will be authorized at this convention; and, be it

Further Resolved, That the Clerk forward a copy of this resolution, Legislative Call and application to the President and Secretary of the

United States Senate and to the Speaker and Clerk of the United States House of Representatives, and copies to the members of the said Senate and House of Representatives from this state; also to transmit copies hereof to the presiding officers of each of the legislative houses in the several states, requesting their cooperation; and, be it

Further Resolved, That this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two thirds of the several states have made applications on the same subject.

Delegates McGeehan, Folk, J. Nelson and Ihle offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 48 - "Requesting the Congress of the United States to repeal the Federal Reserve Act, abolish the Federal Reserve System and abolish the Board of Governors of the Federal Reserve System."

WHEREAS, Article I, Section 8, Clause 5 of the United States Constitution grants to Congress the exclusive authority to coin money and regulate the value of the currency; and

WHEREAS, The Constitution does not give Congress the authority to delegate control over monetary policy to a central bank; and

WHEREAS, The Federal Reserve System erodes the American standard of living, harms the average American, and manipulates the credit of the United States through inflationary monetary policy; therefore, be it

Resolved by the Legislature of West Virginia:

That the State of West Virginia hereby respectfully urges the Congress of the United States to repeal the Federal Reserve Act, abolish the Federal Reserve System and abolish the Board of Governors of the Federal Reserve System; and, be it

Further Resolved, That the State of West Virginia forward official copies of the resolution to the President of the United States, to the President of the Senate and Speaker of the House of Representatives of the United States Congress with the request that this resolution be officially entered into the Congressional Record as a memorial to the Congress of the United States of America.

BILLS INTRODUCED

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

By Delegates Westfall, Pasdon, Hamrick, Ambler, Cooper, Upson, Statler, Kurcaba, Duke, Rohrbach and Espinosa:

H. B. 2632 - “A Bill to amend and reenact §5A-3-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-2E-7 of said code; and to amend and reenact §18-9A-10 of said code, all relating to procurement of instructional materials, digital content resources, instructional technology, hardware, software, telecommunications and technical services for use in and in support of public schools; exempting procurement of these items from division of purchasing requirements; removing outdated language and updating name of state technology plan; requiring the State Board of Education to define ‘equitable distribution’; requiring certain technology tools to adhere to state contract prices; adding personalized learning as potential student use for technology; providing for technology system specialists; and removing expired transitional funding language and references to the twenty-first century”; to the Committee on Education then Finance.

By Delegates Perdue, Morgan, Hamilton and Guthrie:

H. B. 2633 - “A Bill to amend and reenact §11-16-13 of the Code of West Virginia, 1931, as amended; to amend said code by adding a new article, designated §16-46-1 and §16-46-2 of said code; to amend and reenact §60-3A-17 of said code; and to amend and reenact §60-8-4

of said code, all relating to funding for substance abuse services through increased taxes on beer, wine and liquor; increasing the barrel tax on nonintoxicating beer; increasing the tax on purchases of liquor; increasing the liter tax; creating a Prevention, Intervention, Treatment and Recovery Fund to fund substance abuse programs”; to the Committee on Health and Human Resources then Finance.

By Delegates Perdue, Perry, Guthrie and Morgan:

H. B. 2634 - “A Bill to amend and reenact §11-17-3 of the Code of West Virginia, 1931, as amended, relating to increasing the excise tax on cigarettes and all other tobacco products; establishing a special revenue account; and designating where the additional revenues are to be transferred”; to the Committee on Health and Human Resources then Finance.

By Delegates Rohrbach and Morgan:

H. B. 2635 - “A Bill to amend the Code of West Virginia, 1931, as amended by adding there to a new article, designated §5-30-1, §5-30-2, §5-30-3, §5-30-4, and §5-30-5, all relating to state recognition of Native American tribes; defining terms; designating certain tribes as recognized by the state; establishing criteria for state recognition of additional tribes; authorizing unique trademarks for certain arts and crafts; prohibiting gambling; and providing penalty for unauthorized use of trademark”; to the Committee on Government Organization then the Judiciary.

By Delegates Folk, R. Phillips, Faircloth, McGeehan, J. Nelson, Householder, Butler, Marcum, Frich, H. White and Shott:

H. B. 2636 - “A Bill to amend and reenact §29B-1-4 of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-7-4 of said code, all relating to concealed weapons permits; exempting information contained in a concealed weapon permit application from the Freedom of Information Act; protecting the confidentiality of information collected in an application for a concealed weapon permit; and providing criminal penalties”; to the Committee on the Judiciary.

By Delegates Westfall, Pasdon, B. White, Frich, O’Neal, Ashley and J. Nelson:

H. B. 2637 - “A Bill to amend and reenact §33-11-2 and §33-11-3 of the Code of West Virginia, 1931, as amended, all relating to clarifying that insurance adjusters are not considered insurers for the purposes of the unfair trade practices act”; to the Committee on Banking and Insurance then the Judiciary.

By Delegates McGeehan, Folk, J. Nelson and Ihle:

H. B. 2638 - “A Bill to amend and reenact §11-3-9 of the Code of West Virginia, 1931, as amended, relating to personal property tax; exempting motor vehicles from personal property tax”; to the Committee on Roads and Transportation then Finance.

By Delegates McGeehan, Folk and Ihle:

H. B. 2639 - “A Bill to amend and reenact §11-21-3 of the Code of West Virginia, 1931, as amended, relating to abolishing the Personal Income Tax”; to the Committee on Finance.

By Delegates McGeehan, Azinger, Folk and Ihle:

H. B. 2640 - “A Bill to amend and reenact §20-1-7 of the Code of West Virginia, 1931, as amended; and to amend and reenact §20-2-5 of said code, all relating to increasing buck firearms season by one week; permitting a season bag limit of four deer; requiring county commissions be consulted in determining and scheduling buck firearms season; permitting Sunday hunting in all fifty-five counties; and requiring rule-making”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Mr. Speaker, Mr. Armstead, and Delegate Miley

[By Request of the Executive]:

H. B. 2641 - “A Bill to amend and reenact §49-1-4 of the Code of West Virginia, 1931, as amended; to amend and reenact §49-5-2a, §49-5-3, §49-5-11, §49-5-11a, §49-5-13, §49-5-13a, §49-5-14, §49-5-15, §49-5-17, and §49-5-20 of said code; to amend said code by adding thereto four new sections, designated §49-5-13h, §49-5-13i,

§49-5-22 and §49-5-23; to amend and reenact §49-5B-4 and §49-5B-5 of said code; to amend and reenact §49-5D-3 and §49-5D-3c of said code; to amend and reenact §49-5E-2 of said code; and to amend said code by adding thereto two new sections, designated §49-5E-9 and §49-5E-10, all relating generally to juvenile justice reform; defining terms; providing mandatory prepetition diversion process for juveniles who commit status offenses and misdemeanor offenses effective July 1, 2016; establishing a prepetition review team; providing that a juvenile may be referred to a truancy diversion specialist prior to the filing of a petition; permitting the court to order completion of community services; requiring the court to consider the results of the risk and needs assessment of the juvenile prior to dispositional proceedings; requiring inclusion of accepted treatment and rehabilitation goals for juveniles in certain findings of fact; providing that a juvenile adjudicated as a status offender may not be placed in out-of-home placement in certain circumstances; providing that a juvenile adjudicated delinquent for a misdemeanor offense may not be placed in out-of-home placement in certain circumstances; requiring the court to issue certain findings of fact if a juvenile is to be placed in a residential facility; providing for a standardized screener to conduct a psychological evaluation of the juvenile in certain circumstances; providing that a court shall make all reasonable efforts to keep the juvenile in his or her home; permitting the court to include reasonable and relevant orders to parents in its disposition order for a juvenile; providing that juveniles may only be transferred to juvenile diagnostic centers under certain circumstances; authorizing the creation of restorative justice programs; establishing individualized case planning; establishing review and modification procedures for probation dispositional orders; authorizing the Supreme Court of Appeals to develop community-based juvenile probation sanctions and incentives; requiring an aftercare plan for all juvenile out-of-home placements; providing for disclosure of juvenile records to Department of Health and Human Resources social workers for case planning and to the juvenile's family; providing for adoption of a risk and needs assessment and validation thereof; providing for aggregate data

collection related to outcomes and disproportional minority contact; requiring dedication of a percentage of funding for community services to evidence-based practices; establishing criteria for transition to the juvenile's home setting following an out-of-home placement; providing for cooperative agreements solely between the Department of Health and Human Resources and private agencies to house status offenders; providing for multidisciplinary team meetings; establishing the members of the multidisciplinary team; providing that the multidisciplinary team shall advise the court on treatment and rehabilitation goals for the juvenile; providing that the multidisciplinary team shall monitor the juvenile's progress; providing that the Director of the Division of Juvenile Services may transfer custody of a juvenile to the Department of Health and Human Resources; establishing community-based youth reporting centers; establishing the Juvenile Justice Reform Oversight Committee; and making technical revisions"; to the Committee on the Judiciary then Finance.

By Delegates Gearheart, Ambler, Cooper, Householder, Hamrick, R. Smith, Faircloth and Storch:

H. B. 2642 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-3-9c, relating to reduction of personnel employed by the West Virginia Department of Education; legislative findings; establishing a maximum ratio of the number of employees of the department to the number of students enrolled in the state after June 30, 2017; and requiring the state superintendent to establish a policy to attain the ratio"; to the Committee on Education then Finance.

By Delegates Overington, Walters, Householder, Faircloth, Espinosa, Upson, Cadle, Foster, Fast, Westfall and Blair:

H. B. 2643 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5G-1, §21-5G-2, §21-5G-3, §21-5G-4, §21-5G-5, §21-5G-6, §21-5G-7 and §21-5G-8, all relating to establishing the West Virginia Right to Work

Law; prohibiting any requirement that a person become or remain a member of a labor organization as a condition of employment; prohibiting any requirement that a person must pay dues or other fees to a labor organization; prohibiting any requirement that a person contribute to a charity in lieu of paying dues or other fees to a labor organization; providing that certain agreements or practices between labor organizations and employers are null and void; providing for monetary penalties; providing for injunctive relief; providing for a private cause of action for damages and attorney's fees; providing exceptions; requiring prosecuting attorneys and the Attorney General to investigate complaints; and defining a term"; to the Committee on the Judiciary.

By Delegates McGeehan and Ihle:

H. B. 2644 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-20a, relating to trapping coyote; and checking traps once every seventy-two hours"; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Mr. Speaker, Mr. Armstead, and Delegate Miley

[By Request of the Executive]:

H. B. 2645 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-3-1d; and to amend and reenact §18A-3-2a of said code; and to amend and reenact §18C-4A-1, §18C-4A-2 and §18C-4A-3 of said code, all relating to education; providing for critical need alternative teaching certificates to teach in subject areas, public schools or geographic areas of the state in which a critical teacher shortage exists, as determined by the State Board of Education; setting forth certificate eligibility requirements; providing for orientation program for critical need alternative teaching certificate holder; providing for training, support and evaluation of critical need alternative teaching certificate holder; setting forth requirements for renewing critical need alternative teaching certificate; requiring State Board of Education to promulgate

legislative rule or rules related to implementation of critical need alternative learning certificates; expanding class of teachers that are eligible to receive assistance from Underwood-Smith Teacher Loan Assistance Program; and increasing annual amount of assistance available from Underwood-Smith Teacher Loan Assistance Program”; to the Committee on Education then Finance.

**By Delegates R. Phillips, J. Nelson, Butler, Marcum, Eldridge, Ashley, Walters, Hanshaw, Hartman, McCuskey and H. White
[By Request of the Division of Veterans’ Affairs]:**

H. B. 2646 - “A Bill to repeal §11-12-86 of the Code of West Virginia, 1931, as amended; to repeal §29-3-23, §29-3-24, §29-3-25 and §29-3-26 of said code; to amend said code by adding thereto a new section, designated §9A-1-11b; to amend said code by adding thereto a new article, designated §29-3E-1, §29-3E-2, §29-3E-3, §29-3E-4, §29-3E-5, §29-3E-6, §29-3E-7, §29-3E-8, §29-3E-9, §29-3E-10, §29-3E-11, §29-3E-12 and §29-3E-13; and to amend and reenact §61-3E-1 and §61-3E-11 of said code, all relating to legalizing and regulating the sale and use of fireworks; eliminating the prohibition on the sale, possession and explosion of fireworks; eliminating the requirement that the State Fire Marshal seize and destroy fireworks and combustibles illegally held; eliminating the prohibition on nonresidents without in-state legal counsel to obtain a permit for conducting of a pyrotechnic display; eliminating the sparkler and novelty registration fee; eliminating certain defined terms; eliminating exemptions; defining terms; creating standards for the production and transport of fireworks; establishing registration requirements for sales of sparklers, novelties and toy caps; creating a certification requirement for the sale of consumer fireworks; establishing permit requirements for public fireworks displays; creating the West Virginia Veterans Program Fund to be administered by the Department of Veterans’ Assistance; imposing a twenty percent fee on each dollar of a sale for the sale of fireworks and providing for the allocation of the fee collections between the West Virginia Veterans Program Fund for veterans programs, the Fire Protection Fund for volunteer fire departments, and

the Fire Marshal Fees Fund; providing for public fireworks displays; providing for rules; authorizing seizures by the State Fire Marshal; providing exemptions; and providing for criminal penalties”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

By Delegates Howell, Hill, B. White, Arvon, Fast, A. Evans, Romine, McGeehan, Storch, Hanshaw and R. Phillips:

H. B. 2647 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §11-21-45 and §11-24-11c; and to amend said code by adding thereto a new section, designated §23-2-18, all relating to workers’ compensation insurance; allowing an employer to extend workers’ compensation coverage to an employee engaged in volunteer fire fighting and allowing employers a tax credit for the cost of providing workers’ compensation insurance coverage to employees engaged in volunteer fire fighting”; to the Committee on the Judiciary then Finance.

By Delegates Pasdon, Stansbury, Ellington, Statler, Kurcaba, Householder, Fleischauer and Rohrbach:

H. B. 2648 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-46-1, §16-46-2, §16-46-3, §16-46-4 and §16-46-5, all relating to allowing authorized entities to maintain a stock of epinephrine auto-injectors to be used for emergency treatment during anaphylactic reactions”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates McGeehan, Ihle, Hill, Howell, J. Nelson, Shott, Azinger, Lane, Faircloth, Moffatt and Frich:

H. B. 2649 - “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 Eldridge:

H. B. 2650 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-24A-1, §19-

24A-2, §19-24A-3, §19-24A-4, §19-24A-5, §19-24A-6, §19-24A-7 and §19-24A-8, all relating to creating the West Virginia Greyhound Racing Cessation Program; legislative findings and definitions; creating West Virginia Greyhound Racing Cessation Fund; and providing formulas for pay outs to greyhound racing entities and termination of the program and fund following verification that all pay outs have been made”; to the Committee on the Judiciary then Finance.

By Delegates Frich, Hamilton, J. Nelson, R. Phillips, Faircloth, Marcum, R. Smith, McGeehan, Moffatt, Ireland and Fast:

H. B. 2651 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-7-16, relating to creating the ‘Firearm Protection Act’; providing that any federal law which attempts to ban semiautomatic firearm or to limit the size of a magazine of a firearm or other limitation on firearms in this state is unenforceable in West Virginia; and providing for an effective date”; to the Committee on the Judiciary.

By Delegates Ellington, Householder, Ashley, Boggs, Folk, Hamilton, Howell, McGeehan, Storch, Weld and Zatezalo:

H. B. 2652 - “A Bill to amend and reenact §16-29B-3 of the Code of West Virginia, 1931, as amended, relating to Health Care Authority; adding definitions”; to the Committee on Health and Human Resources then Finance.

By Delegates Frich, Butler, J. Nelson, Hamilton, Cadle, Cooper, Ambler, R. Smith, McGeehan, Hill and Overington:

H. B. 2653 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §1-7-1, §1-7-2, §1-7-3, §1-7-4, §1-7-5, §1-7-6 and §1-7-7, all relating to prohibiting the use of unmanned aircraft; providing exceptions; requiring documentation when an unmanned aircraft is used; providing remedies; prohibiting the use of certain evidence and preservation of collected data; establishing exceptions; and defining terms”; to the Committee on the Judiciary.

By Delegates Frich, Cadle, Skinner and Butler:

H. B. 2654 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §62-1H-1 and §62-1H-2, all relating to location information of an electronic device; prohibiting a government entity from obtaining the location information of an electronic device without a search warrant issued; exceptions; admissibility of evidence obtained in violation of the prohibition; definitions; civil liability for obtaining location information in violation of the prohibition; and defenses to civil or criminal actions”; to the Committee on the Judiciary.

By Delegates Walters, Hartman and Westfall:

H. B. 2655 - “A Bill to amend and reenact §38-1-7 of the Code of West Virginia, 1931, as amended, relating to providing that a defendant in a civil action to recover a deficiency after a sale under a deed of trust may not assert as a defense that fair market value was not obtained for the property sold at the foreclosure sale”; to the Committee on the Judiciary then Finance.

By Delegates Eldridge, Marcum, Campbell and Hicks:

H. B. 2656 - “A Bill to amend the Code of West Virginia, 1931, as amended, adding thereto a new section, designated §29-22-30, relating to the establishment of the Retired Teachers Benefit Game; and the establishment of the State Teachers Retirement Lottery Fund”; to the Committee on Pensions and Retirement then Finance.

**By Delegates A. Evans, Eldridge, Hamilton, L. Phillips, Guthrie, Romine, Rowan, Canterbury, Lynch and Sponaugle
[By Request of the Department of Agriculture]:**

H. B. 2657 - “A Bill to amend and reenact §19-1C-5 of the Code of West Virginia, 1931, as amended, relating to reimbursement of expenses of Compensation of Livestock Care Standards board members”; to the Committee on Agriculture and Natural Resources then Finance.

By Delegates A. Evans, Hamilton, Romine, L. Phillips, Ambler, Eldridge, Guthrie, Rowan, Canterbury and Lynch

[By Request of the Department of Agriculture]:

H. B. 2658 - “A Bill to amend and reenact §19-29-4 of the Code of West Virginia, 1931, as amended, relating to the inspection and slaughter of nontraditional agriculture; and removing the requirement that all nontraditional agriculture needing to be slaughtered be slaughtered in an inspected slaughterhouse”; to the Committee on Agriculture and Natural Resources then Health and Human Resources.

DAILY CALENDAR

THIRD READING

Com. Sub. for H. B. 2004, Providing a procedure for the development of a state plan under Section 111 of the Clean Air 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. 39**), and there were—yeas 93, nays 3, absent and not voting 4, with the nays and absent and not voting being as follows:

NAYS: Fleischauer, Pushkin and Skinner.

ABSENT AND NOT VOTING: Kurcaba, Storch, 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 H. B. 2004) passed.

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

On this question, the yeas and nays were taken (**Roll No. 40**), and there were—yeas 94, nays 2, absent and not voting 4, with the nays and absent and not voting being as follows:

NAYS: Pushkin and Skinner.

ABSENT AND NOT VOTING: Kurcaba, Storch, Wagner and Williams.

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 H. B. 2004) takes effect from its passage.

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

Com. Sub. for H. B. 2008, Auditing the Division of Highways; on third reading, coming up in regular order, with restricted right to amend by Delegate E. Nelson, was reported by the Clerk.

On motion of Delegate E. Nelson, the bill was amended on page two, section six-a, line one, by striking out subsection (a) in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

“(a) Beginning May 1, 2015, the Division of Highways shall provide access to and make available all of the Division’s books, accounts, records and any other information requested by the independent qualified firm that maybe selected by the Joint Committee on Government and Finance to conduct a performance audit of the Division of Highways and any one or more of the individual district within the state road system for the preceding three fiscal years, as determined by the Joint Committee on Government and Finance.”

Having been engrossed, the bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 41**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Storch, Wagner, Walters and Williams.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2008) passed.

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

On this question, the yeas and nays were taken (**Roll No. 42**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Storch, Wagner, Walters and Williams.

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 H. B. 2008) takes effect from its passage.

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

Com. Sub. for H. B. 2151, Making the West Virginia State Teacher of the Year an ex officio, nonvoting member of the West Virginia Board of Education; 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. 43**), and there were—yeas 95, nays 1, absent and not voting 4, with the nays and absent and not voting being as follows:

NAYS: Azinger.

ABSENT AND NOT VOTING: Storch, Wagner, Walters and Williams.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2151) passed.

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

On this question, the yeas and nays were taken (**Roll No. 44**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Storch, Wagner, Walters and Williams.

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 H. B. 2151) takes effect from its passage.

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

SECOND READING

Com. Sub. for H. B. 2011, Relating to disbursements from the Workers' Compensation Fund where an injury is self inflicted or intentionally caused by the employer; on second reading, coming up in regular order, was read a second time.

Delegates Manchin and Skinner moved to amend the bill on page ten, section two, line one hundred forty-seven, by striking out the colon, and further amending page ten, by striking out all of lines one hundred forty-eight through lines one hundred sixty-one, and inserting in lieu thereof "one which results in death or a permanent physical injury and which results in dismemberment, significant disfigurement, a fracture, loss of a fetus, permanent loss of use of a body organ, member, function or system, permanent significant limitation of the use of a body organ, member, function or system, or a medically determined permanent disability or impairment which significantly limits the employee in all material acts which constitute the employee's usual and customary activities."

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

The yeas and nays having been ordered, they were taken (**Roll No. 45**), and there were—yeas 34, nays 62, absent and not voting 4, with the yeas and absent and not voting being as follows:

YEAS: Bates, Boggs, Byrd, Campbell, Caputo, Eldridge, Ferro, Fleischauer, Fluharty, Guthrie, Hartman, Hicks, Hornbuckle,

Longstreth, Lynch, Manchin, Marcum, Miley, Moore, Morgan, Moye, Perdue, Perry, Pethtel, L. Phillips, Pushkin, Reynolds, Rodighiero, Rowe, Skinner, P. Smith, Sponaugle, Trecoast and H. White.

ABSENT AND NOT VOTING: Storch, Wagner, Walters and Williams.

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

An amendment to the bill, offered by Delegates Skinner and Manchin, was reported by the Clerk.

Whereupon,

Unanimous consent having been obtained the amendment was withdrawn.

Delegate Shott moved to amend the bill on page ten, line one hundred forty-six, after the word “injury”, by striking out the words “is defined as” and the colon, and inserting in lieu thereof the words “may only be established by one of the following three methods.”

And,

By striking out lines one hundred forty-eight through one hundred sixty-one and inserting in lieu thereof the following:

“(1) Receipt of a final award in the employee’s workers compensation claim confirming that the employee sustained a permanent physical injury or a combination of physical and psychological injury rated at a total whole person impairment level of at least ten percent (10%). Should the employee’s permanent physical injury rating for total whole person impairment not be final at the time a deliberate intention action is initiated, in order to ascertain whether the employee had suffered a serious compensable injury rated at a total whole person impairment level of at least ten percent (10%), then:

(a) Upon motion and notice, the court in which the action is pending may order the employee to submit to a physical examination by a physician or examiner suitably licensed or certified to evaluate permanent physical injury impairment. The court shall specify the time, place, manner, condition and scope of the examination, and the person or persons by whom it is to be made;

(b) The examining physician or other qualified expert shall deliver a written report to the court and all parties setting out the examiner's findings, including the results of all tests made, diagnoses, impairment rating methodology, any other information the court deems appropriate or necessary, and conclusions, together with any available reports of earlier examinations of the same condition;

(c) All costs and expenses for the examination shall be shared by the parties equally; and

(d) The findings of this court ordered examination are not binding upon any further administrative proceedings related to a final award in the employee's workers compensation claim.

(2) Written certification by a licensed physician that the employee is suffering from an injury or condition that is likely to result in death within eighteen (18) months or less from the date of the filing of the complaint. The certifying physician must be engaged or qualified in a medical field in which the employee has been treated, or have training and/or experience in diagnosing or treating injuries or conditions similar to those of the employee. Upon request by the employer, this physician certification shall be confirmed by an independent medical examination, in the same manner as noted in sections (1)(a)-(d), above, except that the cost of such examination shall be paid by the employer.

(3) If the employee suffers from an injury for which no impairment rating is established in the edition of the American Medical Association's Guides to the Evaluation of Permanent Impairment then being used by the West Virginia Workers Compensation Commission,

serious compensable injury may be established if the injury results in significant disfigurement or permanent loss of use of a body organ, function or system.”

Delegate Manchin moved to amend the amendment on page one, by striking out subdivision (1) in its entirety, and inserting in lieu thereof, the following:

“(1) A permanent physical injury rated at a total who person impairment level of at least ten percent (10%) as determined by the trier of fact.”

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

The yeas and nays having been ordered, they were taken (**Roll No. 46**), and there were—yeas 33, nays 62, absent and not voting 5, with the yeas and absent and not voting being as follows:

YEAS: Bates, Boggs, Byrd, Campbell, Caputo, Eldridge, Ferro, Fleischauer, Fluharty, Guthrie, Hartman, Hicks, Hornbuckle, Longstreth, Lynch, Manchin, Marcum, Miley, Moore, Morgan, Moye, Perdue, Perry, Pethtel, Pushkin, Reynolds, Rodighiero, Rowe, Skinner, P. Smith, Sponaugle, Trecoast and H. White.

ABSENT AND NOT VOTING: L. Phillips, Storch, Wagner, Walters and Williams.

So, a majority of the members present and voting not having voted in the affirmative, the amendment to the amendment did not prevail.

The amendment offered by Delegate Shott was then adopted.

An amendment to the bill, offered by Delegate Shott, was reported by the Clerk on page six, section (B), line seventy-nine, following the word, “condition” and the period, by inserting “Actual knowledge is a direct, conscious and clear awareness, perceived, recognized and

understood clearly and with certainty by the employee's immediate supervisor or any management personnel who have authority to direct and control the workforce or safety in the area or areas where a specific unsafe working condition is alleged to have existed."

And,

On page six, section one, line eighty, by striking out all of lines eighty through one hundred five and inserting in lieu thereof the following:

"(1) In every case actual knowledge must specifically be proven by the employee or other person(s) seeking to recover under this section, and shall not be presumed under any circumstances.

(2) Actual knowledge is not established by constructive knowledge or by proof of what an employee's immediate supervisor or management personnel should have known had they exercised reasonable care or been more diligent.

(3) Any proof of the immediate supervisor or management personnel's knowledge of prior accidents, near misses, safety complaints, or citations from regulatory agencies must be proven by documentary or other credible evidence."

Delegate Manchin moved to amend the amendment, on page one, following subdivision (3) by inserting a new subdivision (4) to read as follows:

"(4) Proof of a failure to inspect for a safety violation must be specific to the safety violation which caused the workers' injury or death and must be shown to be the proximate cause of that injury or death and but for that failure to inspect, that injury or death would have not occurred."

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

The Speaker put the question on the adoption of the amendment offered by Delegate Shott, and the same was adopted.

On motion of Delegate Shott, the bill was amended on page twelve, section (f), line two hundred one, following the word “actions”, by inserting the words “related to such injuries”.

There being no further amendments, the bill was then ordered to engrossment and third reading.

FIRST READING

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

Com. Sub. for H. B. 2005, Relating to alternative programs for the education of teachers,

Com. Sub. for H. B. 2223, Including consumer credit sales that are secured by a mortgage, deed of trust or other equivalent consensual security interest on a dwelling or residential real estate in the definitions of “primary mortgage loan” and “subordinate mortgage loan”,

H. B. 2224, Providing that historical reenactors are not violating the provision prohibiting unlawful military organizations,

And.

H. B. 2576, Creating new code sections which separate the executive departments.

LEAVES OF ABSENCE

At the request of Delegate Cowles, and by unanimous consent, leaves of absence for the day were granted Delegates Storch, Wagner and Williams.

MISCELLANEOUS BUSINESS

The following Delegates have filed forms with the Clerk's Office per House Rule 94b to be added as cosponsors of bills:

Delegate Campbell	H. B. 2377
Delegate Hamrick	H. B. 2599
Delegate McGeehan	H. B. 2600
Delegate Pushkin	H. B. 2597

The following Delegates have filed forms with the Clerk's Office per House Rule 94b to be removed as cosponsors of bills:

Delegate Espinosa	H. B. 2153
Delegate Frich	H. B. 2107
Delegate Marcum	H. B. 2124, H. B. 2125 and H. B. 2126
Delegate Rowan	H. B. 2107
Delegate Sobonya	H. B. 2107

Delegate Boggs announced that he was absent when the votes were taken on Roll Nos. 26 through 32, and that had he been present, he would have voted "YEA" on Roll Nos. 26 through 31 and "NAY" on Roll No. 32.

Delegate Caputo asked and obtained unanimous consent that the remarks of Delegate D. Evans regarding H. B. 2008, Auditing the Division of Highways, be printed in the Appendix to the Journal.

Delegate Skinner asked and obtained unanimous consent that the colloquy regarding Delegate Shott's second amendment to Com. Sub.

for H. B. 2011, be printed in the Journal of today, which consent was not given, objections being heard.

Delegate Skinner then so moved.

The question being on the motion to print the aforesaid remarks in the Journal of today, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 47**), and there were—yeas 29, nays 62, absent and not voting 9, with the yeas and absent and not voting being as follows:

YEAS: Bates, Boggs, Byrd, Campbell, Caputo, Ferro, Fleischauer, Fluharty, Guthrie, Hartman, Hicks, Hornbuckle, Longstreth, Lynch, Manchin, Miley, Moore, Morgan, Perdue, Perry, Pethtel, Pushkin, Reynolds, Rodighiero, Rowe, Skinner, Sponaule, Trecost and H. White.

ABSENT AND NOT VOTING: Deem, A. Evans, Hamilton, Marcum, L. Phillips, Storch, Wagner, Walters and Williams.

So, a majority of the members present and voting not having voted in the affirmative, the motion did not prevail.

Delegate Skinner then asked and obtained unanimous consent that the colloquy regarding Delegate Shott's second amendment to Com. Sub. for H. B. 2011 be printed in the Appendix to the Journal.

Delegate Westfall asked and obtained unanimous consent that the prayer offered by Delegate Blair be printed in the Appendix to the Journal.

Delegate R. Smith asked and obtained unanimous consent that the remarks of Delegate Skinner regarding the amendment offered by Delegates Manchin and Skinner be printed in the Appendix to the Journal.

Delegate Overington asked and obtained unanimous consent that the remarks of Delegate O'Neal regarding Ronald Reagan, the fortieth President of the United States be printed in the Appendix to the Journal.

At 12:52 P.M., the House of Delegates adjourned until 11:00 A.M., Monday, February 9, 2015.

MONDAY, FEBRUARY 9, 2015

TWENTY-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 Friday, February 6, 2015, being the first order of business, when the further reading thereof was dispensed with and the same approved.

COMMITTEE REPORTS

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

Your Committee on Finance has had under consideration:

Com. Sub. for S. B. 237, Creating Captive Cervid Farming Act,

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

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

Your Committee on Government Organization has had under consideration:

H. B. 2292, State Fire Commission to promulgate a legislative rule relating to volunteer firefighters' training, equipment and operating standards,

H. B. 2305, Office of Administrative Hearings, appeal procedures,

H. B. 2325, State Fire Marshal, legislative rule relating to supervision of fire protection work,

And,

H. B. 2327, Governor's Committee on Crime, Delinquency and Correction, relating to law enforcement training and certification standards,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2292, H. B. 2305, H. B. 2325 and H. B. 2327) were each referred to the Committee on the Judiciary.

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

Your Committee on Government Organization has had under consideration:

H. B. 2319, Board of Dental Examiners, dental recovery networks,

H. B. 2353, Real Estate Appraiser Licensing and Certification Board, requirements for registration and renewal of appraisal management companies,

H. B. 2355, Secretary of State, standards and guidelines for electronic notarization,

And,

H. B. 2356, Secretary of State, relating to notaries public,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2319, H. B. 2353, H. B. 2355 and H. B. 2356) were each referred to the Committee on the Judiciary.

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. 2568, The Pain-Capable Unborn Child Protection Act,

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

Com. Sub. for H. B. 2568 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2M-1, §16-2M-2, §16-2M-3, §16-2M-4, §16-2M-5, §16-2M-6 and §16-2M-7, all relating to prohibiting certain abortions; stating legislative findings; defining terms; requiring a calculation of gestational age before an abortion is performed or attempted, except in certain cases; prohibiting abortions when the gestational age of the fetus reaches pain capable gestational age; creating certain exceptions to that prohibition; requiring a physician performing an abortion of a fetus that has reached pain capable gestational age to use the process most likely to allow the fetus to survive, with certain exceptions; requiring reporting of all completed abortions and that the reports contain certain information regarding the abortion; requiring an annual public report that provides statistics of the abortions while keeping the identities of the persons involved confidential; deeming violations by

physicians and other licensed medical practitioners to be a breach of the standard of care and outside the scope of practice that is permitted by law; allowing for loss of license to practice for violation; constituting violations for nonphysician and nonlicensed medical practitioners as unauthorized practice of medicine and subject to criminal penalties; preserving existing legal remedies for violations; and clarifying that no penalty may be assessed against a patient; and making provisions severable.”

With the recommendation that the committee substitute do pass.

At the respective requests of Delegate Cowles, and by unanimous consent, the bill (Com. Sub. for H. B. 2568) 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:

H. B. 2274, Authorizing the Commissioner of Corrections to enter into mutual aid agreements,

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

In the absence of objection, reference of the bill (H. B. 2274) to the Committee on Finance was abrogated.

MESSAGES FROM THE SENATE

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had refused to concur in the amendment of the House of Delegates and requested the House to recede from its amendment to

Com. Sub. for S. B. 13, Reinstating open and obvious doctrine for premises liability.

On motion of Delegate Cowles, the House of Delegates refused to recede from its amendment and requested the Senate to agree to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses.

Whereupon,

The Speaker appointed as conferees on the part of the House of Delegates the following:

Delegates Shott, Hanshaw and Rowe.

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

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

S. B. 250 - “A Bill to amend and reenact §19-21A-4a of the Code of West Virginia, 1931, as amended, relating to the administration of the West Virginia Conservation Agency programs; providing that conservation district supervisors have their applications to participate in West Virginia Conservation Agency financial assistance programs evaluated and approved or rejected by the West Virginia Conservation Agency; prohibiting conservation district supervisor from voting for authorization, approval or ratification of a contract in which he or she or an immediate family member is beneficially interested; and requiring the State Conservation Committee to propose rules for legislative approval”; which was referred to the Committee on Agriculture and Natural Resources 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. 261 - “A Bill to amend and reenact §22-14-3 of the Code of West Virginia, 1931, as amended, relating to dams; and clarifying definition of ‘owner’ of dam”; which was referred to the Committee on Agriculture and Natural Resources then the Judiciary.

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. 374 - “A Bill to amend and reenact §62-12-13 of the Code of West Virginia, 1931, as amended, relating to permitting parole hearings to be conducted without the presence of the inmate when a documented medical condition precludes his or her appearance”; 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, to take effect from passage, and request the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 375 - “A Bill to amend and reenact §62-12-23 of the Code of West Virginia, 1931, as amended, relating to specifying who receives notice of parole hearings via regular or certified mail”; which was referred to the Committee on the Judiciary.

BILLS INTRODUCED

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

By Delegates Eldridge, Marcum, Campbell and Hicks:

H. B. 2659 — “A Bill to amend and reenact §23-2-1b of the Code of West Virginia, 1931, as amended, relating to workers’

compensation; employers and employees subject to coverage; and providing that paid county or municipal fire departments and duly incorporated volunteer fire departments pay reduced premiums when not actively engaged in fire fighting”; to the Committee on Finance.

By Delegates Frich, Walters, Butler, Householder, Arvon, Howell, Ellington, Summers, Rohrbach, Waxman and Westfall:

H. B. 2660 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-12D-1, §33-12D-2, §33-12D-3, §33-12D-4, §33-12D-5, §33-12D-6, §33-12D-7 and §33-12D-8, all relating to health insurance exchange navigators and nonnavigator assisters; providing protection against consumer identity theft by navigators and nonnavigator assisters; definitions; requiring registration of navigators and nonnavigator assisters; qualifications and requirements for registration; application for registration; information required for application; application fee; criminal background check; disqualification from registration for conviction for certain offenses and certain other circumstances; establishing a registered navigator and nonnavigator assister list; requiring notice of change of registrant information; prohibiting certain conduct; suspension or revocation of registration; administrative penalties upon a finding of certain prohibited conduct; promulgation of legislative rules”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Frich, Walters, Householder, Ellington, Rohrbach, Waxman, Faircloth, Westfall, Shott, Fast and Deem:

H. B. 2661 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-16I-1, §33-16I-2, §33-16I-3, §33-16I-4 and §33-16I-5, all relating to the protection and privacy of persons seeking health insurance assisted by navigators and nonnavigator assisters under the federal Affordable Care Act; definitions; requirements and qualifications for navigators

and nonnavigator assisters; certification by the Insurance Commissioner of navigators and nonnavigator assisters meeting the requirements and qualifications; establishing a criminal felony offense for certain acts of misuse or disclosure of personally identifiable information by navigators and nonnavigator assisters; criminal penalties upon conviction; establishing misdemeanor criminal offenses for violation of the article and providing criminal penalties upon conviction thereof; providing for injunctive relief to enforce the provisions of the article; and providing for the institution of criminal proceedings”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Stansbury, Ellington, Householder, R. Phillips, Byrd, Faircloth, Sponaugle, Weld, Moore, B. White and Pushkin:

H. B. 2662 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-46-1, §16-46-2, §16-46-3, §16-46-4 and §16-46-5, all relating to enacting the eye care consumer protection law; defining certain terms; providing that contact lenses and spectacles require a prescription that must be performed by a licensee; requiring certain actions to be taken with regard to contact lens and spectacle prescriptions; prohibiting the dissemination of spectacles and contact lenses without a prescription from a licensee; providing that the West Virginia Board of Optometry enforce the Eye Care Consumer Protection Law; allowing the West Virginia Board of Optometry to promulgate rules regarding the enforcement of the Eye Care Consumer Protection Law; providing criminal penalties”; to the Committee on Health and Human Resources.

By Delegate Ashley:

H. B. 2663 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-10G-5a, relating to creating the Rehabilitation Services Vending Program Fund”; to the Committee on Finance.

By Delegates Sobonya, Butler, McCuskey, Stansbury, E. Nelson, Ihle, Householder, Ellington, Westfall, Marcum and Byrd:

H. B. 2664 - “A Bill to amend and reenact §17C-5-2 of the Code of West Virginia, 1931, as amended, relating to creating ‘Andrea and Willy’s Law’; and increasing certain penalties for driving under the influence of alcohol, controlled substances or drugs”; to the Committee on the Judiciary then Finance.

By Delegates Folk, Skinner, Espinosa, Householder, Faircloth, Overington, Upson, Blair, Perdue, Sobonya and Waxman:

H. B. 2665 - “A Bill to amend and reenact §17C-5-2b of the Code of West Virginia, 1931, as amended, relating to participation in Motor Vehicle Alcohol Test and Lock Program; limiting eligibility for participation in the program and for dismissal and discharge of charges”; to the Committee on Roads and Transportation then the Judiciary.

By Delegates Skinner, Pushkin and Guthrie:

H. B. 2666 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §46A-6M-1, §46A-6M-2, §46A-6M-3 and §46A-6M-4, all relating to creating the Internet Service Provider Accountability Act; defining terms; making legislative findings; designating a contract between an Internet service provider and a subscriber to be an adhesion contract; and providing remedies”; to the Committee on the Judiciary.

By Delegates Skinner, Manchin, Fleischauer, Hamilton and Rowe:

H. B. 2667 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-9A-6, relating to electronic cigarettes and vapor products; requiring the listing of the ingredients contained in the products; and prohibiting the sale of unlabeled vapor products in this state”; to the Committee on Health and Human Resources.

By Delegates Walters, Canterbury, Ambler, Hanshaw, Hartman, Sponaugle and R. Phillips:

H. B. 2668 - “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to the allowance of mortgage or deed of trust interest paid on a personal residence as a deduction for personal income tax purposes”; to the Committee on Finance.

By Delegates Ellington, Householder and Pasdon:

H. B. 2669 - “A Bill to amend and reenact §16-3D-2 and §16-3D-3 of the Code of West Virginia, 1931, as amended, all relating to compulsory tuberculosis testing; defining terms; removing requirement for compulsory tuberculosis testing for school children transferring from outside this state; removing the requirement for recording test results, immediate evaluations by a physician of positive reactors, and X rays upon a positive test; omitting the requirement for all school personnel to have one tuberculin test at the time of employment; and eliminating the requirement that local health officers be responsible for arranging follow-up of school personnel and students who are not able to get a physician evaluation for a positive tuberculin skin test”; to the Committee on Education then Health and Human Resources.

By Delegates Rodighiero and Hicks:

H. B. 2670 - “A Bill to amend and reenact §30-3E-3 of the Code of West Virginia, 1931, as amended, relating to prescription authority for physician assistants; directing the West Virginia Board of Medicine and the West Virginia Board of Osteopathic Medicine to promulgate legislative rules; and allowing physician assistants to issue nonrenewable prescriptions for a seventy-two hour supply of drugs listed on Schedule II and a three-month supply of drugs listed on Schedule III of the Uniform Controlled Substances Act”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Eldridge, Marcum, Campbell and Hicks:

H. B. 2671 - “A Bill to amend the Code of West Virginia, 1931, as amended, adding thereto a new section, designated §29-22-30, relating

to the establishment of the state Parks Benefit Game; and the establishment of the state Parks Lottery Fund”; to the Committee on the Judiciary then Finance.

By Delegates Eldridge, R. Phillips and Hicks:

H. B. 2672 - “A Bill to amend and reenact §18-2-5 of the Code of West Virginia, 1931, as amended, relating to the State Board of Education; and providing that the board require that public schools provide facilities for students of all faiths and religions to have a place of fellowship, prayer and worship”; to the Committee on Education then Finance.

DAILY CALENDAR

THIRD READING

Com. Sub. for H. B. 2011, Relating to disbursements from the Workers’ Compensation Fund where an injury is self inflicted or intentionally caused by the employer; on third reading, coming up in regular order, was reported by the Clerk.

Delegate Sponaugle moved that the bill be recommitted to the Committee on the Judiciary.

Whereupon,

The Delegate then asked and obtained unanimous consent that the motion be withdrawn.

At the request of Delegate Cowles, and by unanimous consent, Com. Sub. for H. B. 2011 was laid over one day, retaining its place on the calendar.

SECOND READING

Com. Sub. for H. B. 2005, Relating to alternative programs for the education of teachers; on second reading, coming up in regular order, was read a second time.

Delegate Cowles asked unanimous consent that the bill be advanced to third reading with amendments pending and the restricted right to amend by Delegate Pasdon, which was not granted, Delegate Moye objecting.

Delegate Cowles then so moved, and on this motion, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 48**), and there were—yeas 62, nays 37, absent and not voting 1, with the nays and absent and not voting being as follows:

NAYS: Bates, Boggs, Byrd, Campbell, Caputo, Eldridge, Ferro, Fleischauer, Fluharty, Frich, Guthrie, Hamilton, Hartman, Hicks, Hornbuckle, Longstreth, Lynch, Manchin, Marcum, Miley, Moore, Morgan, Moye, Perdue, Perry, Pethtel, L. Phillips, Pushkin, Reynolds, Rodighiero, Rowe, Skinner, P. Smith, Sponaule, Trecost, H. White and Williams.

ABSENT AND NOT VOTING: Wagner.

So, a majority of the members present having voted in the affirmative, the Speaker declared the motion adopted.

Com. Sub. for H. B. 2223, Including consumer credit sales that are secured by a mortgage, deed of trust or other equivalent consensual security interest on a dwelling or residential real estate in the definitions of “primary mortgage loan” and “subordinate mortgage loan”; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2224, Providing that historical reenactors are not violating the provision prohibiting unlawful military organizations; 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 two,

section seven, line three, after the word “associate”, by striking the remainder of subsection (c) and inserting in lieu thereof “as a military company or organization for historical, artistic or fictional performances; or, for an individual or group of individuals to drill, perform or parade at public ceremonies, including funerals.”

The bill was then ordered to engrossment and third reading.

H. B. 2576, Creating new code sections which separate the executive departments; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Government Organization, was reported by the Clerk and adopted, amending the bill on page seventeen, section one-j, line thirteen, after subdivision eight, by striking out the words “Division of Banking” and inserting in lieu thereof the words “Division of Financial Institutions”.

At 11:57 A.M., on motion of Delegate Cowles, the House of Delegates recessed for ten minutes.

Consideration of **H. B. 2576**, Creating new code sections which separate the executive departments, resumed once the House reconvened.

On motion of Delegate Howell, the bill was amended on page nine, line six, section one, after the words “of this”, by striking out the word “subsection” and inserting in lieu thereof the word “section”.

On page nine, line seven, after the word “in”, by striking out the year “2011” and inserting in lieu thereof the year “2015”.

On page nine, beginning on line thirteen after the word “designated”, by striking out the words “section one-a, article two, chapter five-f, section one-b, article two, chapter five-f, section one-c, article two, chapter five-f, section one-d, article two, chapter five-f, section one-e, article two, chapter five-f, section one-f, article two,

chapter five-f, section one-g, article two, chapter five-f, section one-h, article two, chapter five-f, section one-i, article two, chapter five-f, section one-j, article two, chapter five-f, section one-k, article two, chapter five-f and section one-l, article two, chapter five-f. These new sections” and inserting in lieu thereof the words “sections one-a, one-b, one-c, one-d, one-e, one-f, one-g, one-h, one-i, one-j, one-k, and one-l of this article” and a comma.

On page nine, line eighteen, after the word “for”, by inserting the word “the”.

On page nine, line twenty, by striking out the word “subsection” and inserting in lieu thereof the word “section”.

On page nine, line twenty, after the words “of this section in”, by striking out the remainder of the sentence and inserting in lieu thereof the words “2015 and for the purpose of providing corrective descriptions of an agency and corrective code references and deleting references to agencies, boards or commissions that have been repealed.”

On page ten, line five, by striking out the word “subsections” at the beginning of the line and inserting in lieu thereof the word “sections”.

On page ten, line five, after the word “shall”, by striking out the word “to”.

On page eleven, line twenty-two, by striking out the words “Public Defender Services” and inserting in lieu thereof “Indigent Defense Commission”.

On page thirteen, section one-b, line eighteen, after the word “article”, by striking out the word “two-h” and inserting in lieu thereof the word “two”.

On page fourteen, section one-e, line fourteen, after the number (5), by striking out the remainder of the sentence and inserting in lieu

thereof the words “Office of Oil and Gas provided in article six, chapter twenty-two of this code; and”.

On page fourteen, line seventeen, by striking out the word “and”.

On page fourteen, beginning on line eighteen, by striking out subsection (7) in its entirety.

On page fifteen, section one-h, line twenty, after the number (6), by striking out the words “Commission on Mental Retardation” and inserting in lieu thereof the words “State Commission on Intellectual Disability”.

On page seventeen, section one-j, line three, after the number (1), by inserting the words “The State”.

On page seventeen, section one-j, line three, after the words “provided in”, by inserting the words “article one” and a comma.

On page seventeen, line fourteen, after the words “article two”, by striking out the words “of this chapter” and inserting in lieu thereof a comma followed by the words “chapter eleven-b of this code”.

On page eighteen, section one-l, line ten, after the word “Veterans”, by striking out the word “Assistance” and inserting in lieu thereof the word “Affairs”.

And,

On page eighteen, line thirteen, after the word “Veterans”, by striking out the word “Assistance” and inserting in lieu thereof the word “Affairs”.

There being no further amendments, the bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 2005, Relating to alternative programs for the education of teachers, still being in possession of the Clerk, was taken up for further consideration.

The Speaker clarified that the earlier motion to advance the bill to third reading with amendments pending and the restricted right to amend by Delegate Pasdon required a rules suspension and had been rejected, two thirds of the members present not having voted in the affirmative.

Delegate Cowles then asked and obtained unanimous consent that the bill be advanced to third reading with amendments pending and the right to amend jointly by Delegates Pasdon and Perry.

FIRST READING

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

Com. Sub. for S. B. 7, Requiring CPR and care for conscious choking instruction in public schools,

Com. Sub. for S. B. 335, Creating Access to Opioid Antagonists Act,

Com. Sub. for H. B. 2266, Relating to the publication requirements of the administration of estates,

H. B. 2370, Increasing the powers of regional councils for governance of regional education service agencies,

And,

H. B. 2444, Providing for the assignment of economic development office representatives to serve as Small Business Allies as facilitators to assist small business entities and individuals.

LEAVES OF ABSENCE

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

At 12:26 P.M., the House of Delegates adjourned until 11:00 A.M., Tuesday, February 10, 2015.

TUESDAY, FEBRUARY 10, 2015

TWENTY-EIGHTH DAY

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

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

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

The Clerk proceeded to read the Journal of Monday, February 9, 2015, being the first order of business, when the further reading thereof was dispensed with and the same approved.

COMMITTEE REPORTS

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

Your Committee on Government Organization has had under consideration:

H. B. 2302, Department of Administration, Purchasing Division,

And,

H. B. 2354, Secretary of State, procedures for recount of election results,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2302 and H. B. 2354) were each referred to the Committee on the Judiciary.

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

Your Committee on Government Organization has had under consideration:

H. B. 2304, Department of Administration, state plan for the operation of the West Virginia State Agency for Surplus Property,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2304) was referred to the Committee on the Judiciary.

Delegate Gearheart, Chair of the Committee on Roads and Transportation, submitted the following report, which was received:

Your Committee on Roads and Transportation has had under consideration:

H. B. 2343, Division of Motor Vehicles, examination and issuance of driver's licenses,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 2343) was referred to the Committee on the Judiciary.

Delegate Gearheart, Chair of the Committee on Roads and Transportation, submitted the following report, which was received:

Your Committee on Roads and Transportation has had under consideration:

H. B. 2569, Relating to the Dealer Recovery Program,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 2569) was referred to the Committee on Finance.

Delegate Gearheart, Chair of the Committee on Roads and Transportation, submitted the following report, which was received:

Your Committee on Roads and Transportation has had under consideration:

H. C. R. 28, The USMC Cpl Marple W. Landes and US Army PV2 Margel S. Landes Memorial Bridge,

H. C. R. 32, The Lipscomb Brothers Veterans Bridge,

And,

H. C. R. 35, The Historic Blue-Gray Highway,

And reports the same back, with amendment, with the recommendation that they each be adopted, as amended, but that they first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolutions (H. C. R. 28, H. C. R. 32 and H. C. R. 35) were each referred to the Committee on Rules.

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

Your Committee on Education has had under consideration:

H. B. 2202, Relating to more equitable disbursement of funds to county boards,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 2202) was referred to the Committee on Finance.

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

Your Committee on Education has had under consideration:

H. B. 2441, Reducing the liability of county boards of education for loss or injury from the use of school property made available for unorganized recreation,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 2441) was referred to the Committee on the Judiciary.

MESSAGES FROM THE EXECUTIVE

Mr. Speaker, Mr. Armstead, presented a communication from His Excellency, the Governor, advising that on February 9, 2015, he approved **S. B. 3**.

MESSAGES FROM THE SENATE

A message from the Senate, by

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

Com. Sub. for H. B. 2002, Predicating actions for damages upon principles of comparative fault.

On motion of Delegate Cowles, the bill was taken up for immediate consideration.

The following Senate amendments were reported by the Clerk:

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

“That §55-7-13 and §55-7-24 of the Code of West Virginia, 1931, as amended, be repealed; and that said code be amended by adding thereto four new sections, designated §55-7-13a, §55-7-13b, §55-7-13c and §55-7-13d, all to read as follows:

ARTICLE 7. ACTIONS FOR INJURIES.

§55-7-13a. Modified comparative fault standard established.

(a) For purposes of this article, ‘comparative fault’ means the degree to which the fault of a person was a proximate cause of an alleged personal injury or death or damage to property, expressed as a percentage. Fault shall be determined according to section thirteen-c of this article.

(b) In any action based on tort or any other legal theory seeking damages for personal injury, property damage, or wrongful death, recovery shall be predicated upon principles of comparative fault and the liability of each person, including plaintiffs, defendants and nonparties who proximately caused the damages, shall be allocated to each applicable person in direct proportion to that person’s percentage of fault.

(c) The total of the percentages of comparative fault allocated by the trier of fact with respect to a particular incident or injury must equal either zero percent or one hundred percent.

§55-7-13b. Definitions.

As used in this article:

‘Compensatory damages’ means damages awarded to compensate a plaintiff for economic and noneconomic loss.

‘Defendant’ means, for purposes of determining an obligation to pay damages to another under this chapter, any person against whom a claim is asserted including a counter-claim defendant, cross-claim defendant or third-party defendant.

‘Fault’ means an act or omission of a person, which is a proximate cause of injury or death to another person or persons, damage to property, or economic injury, including, but not limited to, negligence, malpractice, strict product liability, absolute liability, liability under section two, article four, chapter twenty-three of this code or assumption of the risk.

‘Plaintiff’ means, for purposes of determining a right to recover under this chapter, any person asserting a claim.

§55-7-13c. Liability to be several; amount of judgment; allocation of fault.

(a) In any action for damages, the liability of each defendant for compensatory damages shall be several only and may not be joint. Each defendant shall be liable only for the amount of compensatory damages allocated to that defendant in direct proportion to that defendant’s percentage of fault, and a separate judgment shall be rendered against each defendant for his or her share of that amount. However, joint liability may be imposed on two or more defendants who consciously conspire and deliberately pursue a common plan or design to commit a tortious act or omission. Any person held jointly liable under this section shall have a right of contribution from other defendants that acted in concert.

(b) To determine the amount of judgment to be entered against each defendant, the court, with regard to each defendant, shall multiply the total amount of compensatory damages recoverable by the plaintiff by the percentage of each defendant's fault and, subject to subsection (d) of this section, that amount shall be the maximum recoverable against that defendant.

(c) Any fault chargeable to the plaintiff shall not bar recovery by the plaintiff unless the plaintiff's fault is equal to or greater than the combined fault of all other persons responsible for the total amount of damages, if any, to be awarded. If the plaintiff's fault is less than the combined fault of all other persons, the plaintiff's recovery shall be reduced in proportion to the plaintiff's degree of fault.

(d) Notwithstanding subsection (b) of this section, if a plaintiff through good faith efforts is unable to collect from a liable defendant, the plaintiff may, not later than one year after judgment becomes final through lapse of time for appeal or through exhaustion of appeal, whichever occurs later, move for reallocation of any uncollectible amount among the other parties found to be liable.

(1) Upon the filing of the motion, the court shall determine whether all or part of a defendant's proportionate share of the verdict is uncollectible from that defendant and shall reallocate the uncollectible amount among the other parties found to be liable, including a plaintiff at fault, according to their percentages at fault: *Provided*, That the court may not reallocate to any defendant an uncollectible amount greater than that defendant's percentage of fault multiplied by the uncollectible amount: *Provided, however*, That there shall be no reallocation against a defendant whose percentage of fault is equal to or less than the plaintiff's percentage of fault.

(2) If the motion is filed, the parties may conduct discovery on the issue of collectibility prior to a hearing on the motion.

(e) A party whose liability is reallocated under subsection (d) of this section is nonetheless subject to contribution and to any continuing liability to the plaintiff on the judgment.

(f) This section does not affect, impair or abrogate any right of indemnity or contribution arising out of any contract or agreement or any right of indemnity otherwise provided by law.

(g) The fault allocated under this section to an immune defendant or a defendant whose liability is limited by law may not be allocated to any other defendant.

(h) Notwithstanding any other provision of this section to the contrary, a defendant that commits one or more of the followings acts or omissions shall be jointly and severally liable:

(1) A defendant whose conduct constitutes driving a vehicle under the influence of alcohol, a controlled substance, or any other drug or any combination thereof, as described in section two, article five, chapter seventeen-c of this code, which is a proximate cause of the damages suffered by the plaintiff;

(2) A defendant whose acts or omissions constitute criminal conduct which is a proximate cause of the damages suffered by the plaintiff; or

(3) A defendant whose conduct constitutes an illegal disposal of hazardous waste, as described in section three, article eighteen, chapter twenty-two of this code, which conduct is a proximate cause of the damages suffered by the plaintiff.

(i) This section does not apply to the following statutes:

(1) Article twelve-a, chapter twenty-nine of this code;

(2) Chapter forty-six of this code; and

(3) Article seven-b, chapter fifty-five of this code.

§55-7-13d. Determination of fault; imputed fault; plaintiff's involvement in felony criminal act; burden of proof; limitations; applicability; severability.

(a) *Determination of fault of parties and nonparties.* –

(1) In assessing percentages of fault, the trier of fact shall consider the fault of all persons who contributed to the alleged damages regardless of whether the person was or could have been named as a party to the suit.

(2) Fault of a nonparty shall be considered if the plaintiff entered into a settlement agreement with the nonparty or if a defending party gives notice no later than one hundred-eight days after service of process upon said defendant that a nonparty was wholly or partially at fault. Notice shall be filed with the court and served upon all parties to the action designating the nonparty and setting forth the nonparty's name and last-known address, or the best identification of the nonparty which is possible under the circumstances, together with a brief statement of the basis for believing such nonparty to be at fault;

(3) In all instances where a nonparty is assessed a percentage of fault, any recovery by a plaintiff shall be reduced in proportion to the percentage of fault chargeable to such nonparty. Where a plaintiff has settled with a party or nonparty before verdict, that plaintiff's recovery will be reduced in proportion to the percentage of fault assigned to the settling party or nonparty.

(4) Nothing in this section is meant to eliminate or diminish any defenses or immunities, which exist as of the effective date of this section, except as expressly noted herein;

(5) Assessments of percentages of fault for nonparties are used only as a vehicle for accurately determining the fault of named parties. Where fault is assessed against nonparties, findings of such fault do not subject any nonparty to liability in that or any other action, or may not be introduced as evidence of liability or for any other purpose in any other action; and

(6) In all actions involving fault of more than one person, unless otherwise agreed by all parties to the action, the court shall instruct the

jury to answer special interrogatories or, if there is no jury, shall make findings, indicating the percentage of the total fault that is allocated to each party and nonparty pursuant to this article. For this purpose, the court may determine that two or more persons are to be treated as a single person.

(b) *Imputed fault.* – Nothing in this section may be construed as precluding a person from being held liable for the portion of comparative fault assessed against another person who was acting as an agent or servant of such person, or if the fault of the other person is otherwise imputed or attributed to such person by statute or common law. In any action where any party seeks to impute fault to another, the court shall instruct the jury to answer special interrogatories or, if there is no jury, shall make findings, on the issue of imputed fault.

(c) *Plaintiff's involvement in felony criminal act.* – In any civil action, a defendant is not liable for damages that the plaintiff suffers as a result of the negligence or gross negligence of a defendant if such damages arise out of the plaintiff's commission, attempt to commit or fleeing from the commission of a felony criminal act.

(d) *Burden of proof.* – The burden of alleging and proving comparative fault shall be upon the person who seeks to establish such fault.

(e) *Limitations.* – Nothing in this section creates a cause of action. Nothing in this section alters, in any way, the immunity of any person as established by statute or common law.

(f) *Applicability.* – This section applies to all causes of action arising or accruing on or after the effective date of its enactment.

(g) *Severability.* – The provisions of this section are severable from one another, so that if any provision of this section is held void, the remaining provisions of this section shall remain valid.”

And,

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

Com. Sub. for H. B. 2002 - “A Bill to repeal §55-7-13 and §55-7-24 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto four new sections, designated §55-7-13a, §55-7-13b, §55-7-13c and §55-7-13d, all relating to predicating actions for damages upon principles of comparative fault; establishing the comparative fault standard; abolishing joint liability and implementing several liability; codifying the existing modified comparative fault standard related to a plaintiff’s level of fault and ability to recover; establishing a reallocation process for any uncollectible judgments; establishing how to consider the fault of nonparties; establishing how to consider the fault of, and the amounts paid by, settling parties; addressing liability of defendants when a plaintiff is injured related to commission of a felony criminal act; providing for the use of special interrogatories; clarifying fault may be imputed to another person who was acting as an agent or servant of another; providing for the burden of proof and limitations; excepting certain statutory sections related to liability from this bill’s application; and defining terms.”

On motion of Delegate Cowles, the House of Delegates refused to concur in the Senate amendments and requested the Senate to recede therefrom.

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

A message from the Senate, by

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

Com. Sub. for H. B. 2217, Relating to qualifications of the Commissioner of Labor.

On motion of Delegate Cowles, the bill was taken up for immediate consideration.

The following Senate amendments were reported by the Clerk:

On page two, section two, lines six through twelve, by striking out “The Commissioner of Labor in office on the effective date of this section shall, unless sooner removed, continue to serve until his or her term expires and his or her successor has been appointed and has qualified. On or before April 1, 1941, and on or before April 1 of each fourth year thereafter, the Governor shall appoint a Commissioner of Labor to serve for a term of four years, commencing on April 1.”

And,

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

Com. Sub. for H. B. 2217 - “A Bill to amend and reenact §21-1-2 of the Code of West Virginia, 1931, as amended, relating to the qualifications of the Commissioner of Labor; removing language that the commissioner be identified with the labor interests of the state and requiring that the commissioner be identified with and have knowledge and experience in employee issues and interests including employee-employer relations in this state; and removing language generally related to appointment and term of the Commissioner of Labor.”

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

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 49**), and there were—yeas 63, nays 34, absent and not voting 3, with the nays and absent and not voting being as follows:

NAYS: Bates, Boggs, Byrd, Campbell, Canterbury, Caputo, Eldridge, Ferro, Fleischauer, Fluharty, Guthrie, Hamilton, Hicks, Hornbuckle, Longstreth, Lynch, Manchin, Marcum, Miley, Morgan, Moye, Perdue, Perry, Pethtel, Pushkin, Reynolds, Rodighiero, Rowe, Skinner, P. Smith, Sponaugle, Trecost, H. White and Williams.

ABSENT AND NOT VOTING: Moore, Wagner and Walters.

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. 2217) passed.

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 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. 187 - “A Bill to amend and reenact article 7, chapter 64 of the Code of West Virginia, 1931, as amended, relating generally to the promulgation of administrative rules by the Department of Revenue; legislative mandate or authorization for the promulgation of certain legislative rules by various executive or administrative agencies of the state; authorizing certain of the agencies to promulgate certain legislative rules as amended by the Legislature; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing Racing Commission to promulgate a legislative rule relating to thoroughbred racing; authorizing State Tax Department to promulgate a legislative rule relating to appointment of special assessors by State Tax Commissioner; authorizing Insurance Commissioner to promulgate a legislative rule relating to recognizing annuity mortality tables for use in determining reserve liabilities for annuities; authorizing Insurance Commissioner to promulgate a legislative rule relating to annuity disclosure; authorizing Alcohol Beverage Control Commission to promulgate a legislative rule relating to nonintoxicating beer licensing and operations procedures; and authorizing Alcohol Beverage Control

Commission to promulgate a legislative rule relating to private club licensing”; 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. 287 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-34a, relating to the State Board of Education; providing for awarding of posthumous high school diploma to parents of high school senior who dies during senior year; providing exceptions; and designating said section as ‘Todd’s Law’”; which was referred to the Committee on Education then Finance.

RESOLUTIONS INTRODUCED

Delegates Marcum, H. White, Hicks and Perdue offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 49 - “Requesting the Division of Highways to name bridge number 30-3/5-14.61 (30A017), locally known as Big Rock Pony Truss, carrying County Route 3/5 over West Fork of Twelvepole Creek in Mingo County, the ‘Albert and Laura Baisden Memorial Bridge’.”

WHEREAS, Albert Baisden was born April 20, 1902, and died October 7, 1997; and

WHEREAS, Laura Belle Baisden was born October 13, 1924, and died October 27, 2004; and

WHEREAS, Albert and Laura Baisden were both members of the Church of Christ and proud members of the United Mine Workers of America; and

WHEREAS, Albert Baisden was a 32nd degree Mason and a member of the Masonic Lodge for fifty-two years; and

WHEREAS, Albert Baisden was a widower with five children when he married Laura, February 27, 1940; and

WHEREAS, Together Albert and Laura raised his five children and Laura had eleven more children; and

WHEREAS, Albert Baisden has more than two hundred fifty descendants, the majority of whom still reside in the Dingess area; and

WHEREAS, Albert Baisden had three generations to graduate in the last class at Lenore High School; and

WHEREAS, Both Albert and Laura Baisden worked hard to provide for their family. He worked in coal mines, and she took care of farm animals, house and children; and

WHEREAS, Albert was known to be a man of his word who did not back down on his opinions and Laura was known as a humble, loving person who never said a negative word about anyone, and both contributed many hours of public service to their community; and

WHEREAS, It is proper that these two citizens be recognized in their community by an enduring memorial; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 30-3/5-14.61 (30A017), locally known as Big Rock Pony Truss, carrying County Route 3/5 over West Fork of Twelvepole Creek in Mingo County, the “Albert and Laura Baisden Memorial Bridge”; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge the “Albert and Laura Baisden Memorial Bridge”; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Commissioner of the Division of Highways.

Delegates Marcum, McCuskey, Hicks, Perdue, R. Phillips, Rodighiero, Westfall, H. White, Gearheart and Reynolds offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 50 - "Requesting the West Virginia Department of Highways to install signs at each end of the Dingess Tunnel, located on County Highway 3/05, past Laurel Lake, in Mingo County, West Virginia, that boldly state 'Historic Dingess Tunnel, 100 Years Old, 1914', commemorating the 100 years of history associated with the tunnel."

WHEREAS, The Dingess Tunnel is located in the Old Northwest Railroad Bed Road, in Dingess, Mingo County, West Virginia; and

WHEREAS, The Dingess Tunnel was built in 1914 as the only way in and out for coal trains in the area; and

WHEREAS, The Dingess Tunnel has been a vital artery to the coal industry because it opened up the area to a vast amount of coal mining; and

WHEREAS, The Dingess Tunnel has been an asset to all of Southern West Virginia because it has been an avenue of transportation for thousands of tons of coal; and

WHEREAS, The Dingess Tunnel allowed thousands of tons of coal to be mined, thus, allowing the employment of thousands of hard-working coal miners; and

WHEREAS, The 100 year old tunnel was constructed largely by immigrant workers who decided to stay in Mingo County upon its completion; and

WHEREAS, Many individuals gave their lives to the construction of the Dingess Tunnel; and

WHEREAS, At least ten railroaders lost their lives in the Dingess Tunnel when two trains crashed head on in the tunnel on two different occasions; and

WHEREAS, The Dingess Tunnel is one mile long and the longest tunnel in Mingo County; and

WHEREAS, The Dingess Tunnel began being used as a highway tunnel in 1914 and thus allowed many immigrants the ability to access the very diverse terrain on the other side of the mountain; and

WHEREAS, The Dingess Tunnel is known nationally as “America’s Bloodiest Tunnel” and has been featured in many national publications; and

WHEREAS, The Dingess Tunnel has ties to the world famous Hatfield-McCoy Feud; and

WHEREAS, The Dingess Tunnel is a staple in the community; and

WHEREAS, For generations the people of Mingo County have lived quiet and peaceful lives, enjoying the fruits of the land, living secluded within the tall and unforgiving mountains surrounding them; and

WHEREAS, The Dingess Tunnel has been vital to the timber and gas industry as it opened up this land to development; and

WHEREAS, The citizens of Dingess and Mingo County honor the history of the tunnel; therefore, be it

Resolved by the Legislature of West Virginia:

That it is fitting that the West Virginia Legislature commemorate the history of the Dingess Tunnel; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed at each end of the Dingess Tunnel, signs that boldly state: “Historic Dingess Tunnel, 100 Years Old, 1914”; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Mingo County Commission and to the Commissioner of the West Virginia Division of Culture and History.

Delegates Eldridge, Storch, Moore, Fluharty, Lynch, Bates, Ashley, R. Phillips, Williams, Marcum and Arvon offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 51 - “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 from 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 1920's, 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 will be 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 1970's 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 clawhammer 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 House of Delegates 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 John Lilly, Editor of Goldenseal, the official state magazine of West Virginia traditional life.

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

H. C. R. 52 - “Requesting the Division of Highways to name the bridge on County Route 21 over Mill Creek in Jackson County, bridge number 18-21-19.61 (18A234) (38.80123, -81.69929), locally known as the Hardman Bridge, the ‘U.S. Army SSG Delmer R. Jones Memorial Bridge’.”

WHEREAS, Staff Sergeant Delmer R. Jones, a native of Ripley, West Virginia served as a U.S. Army Staff Sergeant in the Vietnam War. He began his tour in Vietnam on October 4, 1967; and

WHEREAS, Staff Sergeant Delmer R. Jones was killed in battle on January 7, 1968, in Quang Tin, South Vietnam, by multiple fragmentation wounds; and

WHEREAS, It is fitting that an appropriate memorial recognizing this soldier’s service and sacrifice be established in the area where he lived; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the bridge on County Route 21 over Mill Creek in Jackson County, bridge number 18-21-19.61 (18A234) (38.80123, -81.69929), locally known as the Hardman Bridge, the “U.S. Army SSG Delmer R. Jones Memorial Bridge”; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the designated bridge containing bold and prominent letters proclaiming the bridge to be the “U.S. Army SSG Delmer R. Jones 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 Transportation, the Commissioner of Highways, and the family of the late Staff Sergeant Delmer R. Jones.

Mr. Speaker, Mr. Armstead, offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. R. 9 - “Authorizing the Committee on Rules to arrange a Special Calendar and providing for making public the vote on certain questions in connection with the preparation thereof.”

Resolved by the Legislature of West Virginia:

That beginning on Friday, February 13, 2015, and for the remainder of this regular session of the Legislature, the Committee on Rules is hereby authorized to arrange a Special Calendar as provided by House Rule 70. Daily after the eighth order of business shall have been passed, the Special Calendar shall be called, and until this calendar is disposed of each day, no item of business on the regular House Calendar shall be considered or take precedence over any item of business on the Special Calendar, except by a majority vote of the members present and voting.

All bills or resolutions or other matters of business reported from Committee, and having no additional committee reference, shall automatically be placed by the Clerk on the Special Calendar, and no bill, resolution, or other matter of business shall be removed from the Special Calendar and placed on the regular House Calendar except by a majority vote of the Committee on Rules, a quorum being present. Once removed from the Special Calendar, any resolution, bill or other matter of business may be again placed on the Special Calendar by a majority vote of the Committee on Rules, a quorum being present, or by a majority of the members of the House of Delegates. In making up the Calendar, the Committee on Rules may hear any Delegate or other person in behalf of any resolution or bill he may desire placed upon

such calendar and the committee shall give due consideration to the merits of bills and resolutions pending in the House of Delegates, and take cognizance of measures which affect the public interest generally; and, be it

Further Resolved, That the committee shall cause to be kept a record of all roll call votes on all questions pertaining to preparation of the Special Calendar and removing the same therefrom. This record of votes shall show those voting in the affirmative or those voting in the negative, whichever shall be the smaller number, and those absent and not voting. These vote records shall be prepared and following the adjournment of each meeting made available to House members and to the public.

Delegate Deem was recognized and asked unanimous consent that the remarks of Delegate Shott on yesterday, regarding Com. Sub. for H. B. 2011, Relating to disbursements from the Workers' Compensation Fund where an injury is self inflicted or intentionally caused by the employer, be printed in the Journal of today, which consent was not given, Delegate Manchin objecting.

Delegate Deem then moved said remarks be printed in the Journal of today.

Delegate Fleischauer was recognized and sought to amend the motion and following debate, it was subsequently ordered that the remarks of Delegate Shott as well as, per the motion of Delegate Skinner, the colloquy regarding the amendment offered by Delegate Shott on Com. Sub. for H. B. 2011 be printed in the Journal of today.

BILLS INTRODUCED

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

By Delegates Espinosa and Walters:

H. B. 2673 - "A Bill to amend and reenact §17A-4A-15 of the Code of West Virginia, 1931, as amended, relating to liens on vehicles;

expanding the period of time during which a recorded lien on a vehicle is valid; expanding the period of time during which a refiled lien on a vehicle is valid; and clarifying that the lienholder may refile a lien or encumbrance without obtaining the owner's consent"; to the Committee on Roads and Transportation then Finance.

By Delegates Kurcaba, Householder, Pasdon, Statler, Ellington, Cooper and Ambler:

H. B. 2674 - "A Bill to amend and reenact §18C-7-6 of the Code of West Virginia, 1931, as amended, relating to making home schooled students eligible for a Promise scholarship without taking the GE test; adding entrance examination score as an alternative eligibility criterium for receiving the scholarship; and increasing the amount of unpaid community service hours preferred for prospective candidates"; to the Committee on Education then Finance.

By Delegates E. Nelson, Ashley, Hanshaw, Ireland, R. Smith, Storch, R. Phillips, B. White, McCuskey, Waxman and Summers:

H. B. 2675 - "A Bill to amend and reenact §11-13V-4 of the Code of West Virginia, 1931, as amended, relating to reducing certain severance taxes that are dedicated to the Workers' Compensation Debt Reduction Fund, beginning after June 30, 2015"; to the Committee on Finance.

By Delegates J. Nelson, Miller, Longstreth, Ferro, Hamilton, L. Phillips, Guthrie, Byrd, Duke, Storch and Fluharty

[By Request of the Secretary of State]:

H. B. 2676 - "A Bill to amend and reenact §59-1-2 and §59-1-2a of the Code of West Virginia, 1931, as amended, all relating to defining a veteran-owned business and exempting such businesses from the initial registration and certain annual report fees paid to the Secretary of State"; to the Committee on Veterans' Affairs and Homeland Security then Finance.

By Delegate Hamrick:

H. B. 2677 - “A Bill to amend of the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §4-1-24, relating to creating a legislative commission to study the feasibility of the state entering into sponsorship agreements for transportation structures, including naming rights of bridges, overpasses, rest areas, roads to private businesses and exits”; to the Committee on Roads and Transportation then the Judiciary.

By Delegates A. Evans, Eldridge, Hamilton, L. Phillips, Guthrie, Ambler and Romine**[By Request of the Department of Agriculture]:**

H. B. 2678 - “A Bill to amend and reenact §14-1-18 of the Code of West Virginia, 1931, as amended, relating to exempting certain agencies from seeking the advice of the Attorney General to adjust and settle upon certain accounts or claims less than \$5,000”; to the Committee on the Judiciary.

By Delegates Morgan, Fleischauer, Miley, Caputo, Moore, L. Phillips, Hornbuckle, Rowe, Lynch, Pushkin and Perdue:

H. B. 2679 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2I-1, §5B-2I-2, §5B-2I-3, §5B-2I-4 and §5B-2I-5, all relating to creating the Good Jobs First Act; requiring government agencies to report job creation and retention information related to development assistance programs to the Department of Revenue; requiring tracking numbers for all development assistance projects and tax credits; requiring the Tax Department to report development assistance tax credit information to the Department of Revenue; requiring tax levying bodies to report tax assessment valuation determination information to the Department of Revenue; requiring the Department of Revenue to compile and report all information required under this article to the Legislature; and requiring the Department of Revenue to publish reports on the Internet”; to the Committee on Small Business, Entrepreneurship and Economic Development then the Judiciary.

By Delegate Longstreth**[By Request of the Secretary of State]:**

H. B. 2680 - “A Bill to amend and reenact §31B-10-1006 of the Code of West Virginia, 1931, as amended; and to amend and reenact §47-9-53a of said code, all relating to notices of revocation of certificate of authority”; to the Committee on the Judiciary.

By Delegate Longstreth**[By Request of the Secretary of State]:**

H. B. 2681 - “A Bill to repeal §59-1-7 of the Code of West Virginia, 1931, as amended, relating to repealing outdated language for fees to be charged by a notary public”; to the Committee on the Judiciary.

By Delegates Hamilton, Longstreth, Ferro and Guthrie**[By Request of the Secretary of State]:**

H. B. 2682 - “A Bill to amend and reenact §59-1-2 of the Code of West Virginia, 1931, as amended, relating to donations of overpayment of fees to the Secretary of State”; to the Committee on the Judiciary then Finance.

By Delegate P. Smith:

H. B. 2683 - “A Bill to amend and reenact §50-1-9a of the Code of West Virginia, 1931, as amended, relating to adding an additional magistrate court deputy clerk position for Lewis County”; to the Committee on the Judiciary then Finance.

By Delegates Longstreth, Shott, R. Smith, Howell, Gearheart and Sponaule:

H. B. 2684 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated, §11-16-11b; and to amend and reenact §60-8-3 of said code, all relating to creating a one-day special license for charitable events to sell nonintoxicating beer and wine”; to the Committee on the Judiciary then Finance.

By Delegates Campbell, Perry, Ellington, Ashley, Moore, Rowan, Hamrick, Perdue, Kelly, Rohrbach and Pasdon:

H. B. 2685 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, to be designated §18-30-14, relating to eligible uses of prepaid tuition plans generally; providing for use of prepaid tuition plans for students who require accommodations in instruction, testing procedures or learning environments; allowing funds to be used at an out-of-state educational institution in certain cases; and providing that state-administered prepaid tuition plans may be used for a student with a alternative graduation requirements or an alternative diploma"; to the Committee on Education then Finance.

By Delegates Perry, Cooper, Ambler, Hill, Perdue, Lynch and R. Phillips:

H. B. 2686 - "A Bill to amend and reenact §5B-2-12 of the Code of West Virginia, 1931, as amended, relating to providing funds for the Tourism Promotion Fund; requiring annual deposits from general revenue into the Tourism Promotion Fund; creating subaccount of the Tourism Promotion Fund; setting parameters for spending money in subaccount; detailing certain transfers of funds; and requiring Division of Tourism to conduct a study"; to the Committee on Finance.

By Delegates Sponaugle, L. Phillips, H. White, Williams, Guthrie, Perdue, Reynolds, Hartman, Fluharty, Trecoast and Moore:

H. B. 2687 - "A Bill to amend and reenact §11-21-16 of the Code of West Virginia, 1931, as amended, relating to personal income taxes; and making the personal exemptions for purposes of West Virginia's personal income tax the same as allowed for federal income tax purposes"; to the Committee on Finance.

DAILY CALENDAR

THIRD READING

Com. Sub. for H. B. 2005, Relating to alternative programs for the education of teachers; on third reading, coming up in regular order,

with amendments pending and the right to offer a joint amendment by Delegates Pasdon and Perry, was reported by the Clerk.

An amendment, recommended by Delegates Perry, Moye and Pushkin, was reported by the Clerk, on page thirty-six, section one-b, line fifty-nine, following the semi-colon, by inserting a new paragraph (2), to read as follows:

“(2) A requirement that a vacancy has to be advertised for a ten day period, and if no qualified traditional certified teacher applies, only then may the partnership consider enrolling as person in the alternative program” followed by a semicolon.

And,

By renumbering the subsequent paragraphs accordingly.

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

The yeas and nays having been ordered, they were taken (**Roll No. 50**), and there were—yeas 96, nays 1, absent and not voting 3, with the nays and absent and not voting being as follows:

NAYS: Hicks.

ABSENT AND NOT VOTING: Moore, Wagner and Walters.

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

Delegates Perry, Moye and Pushkin moved to amend the bill on page forty-one, section one-c, line forty-nine, following the period, by inserting a new subsection (f), to read as follows:

“(f) *Certification* - After the completion of the first year as an alternative program teacher, to continue eligibility, the alternative program teacher must complete at least six hours of course credit

annually at an recognized institution of higher education, until becoming a fully certified teacher.”

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

The yeas and nays having been ordered, they were taken (**Roll No. 51**), and there were—yeas 36, nays 61, absent and not voting 3, with the yeas and absent and not voting being as follows:

YEAS: Bates, Boggs, Byrd, Campbell, Caputo, Eldridge, Ferro, Fleischauer, Fluharty, Frich, Guthrie, Hartman, Hicks, Hornbuckle, Kelly, Longstreth, Lynch, Manchin, Miley, Miller, Morgan, Moye, J. Nelson, Perdue, Perry, L. Phillips, R. Phillips, Pushkin, Reynolds, Rodighiero, Rowe, Skinner, P. Smith, Sponaugle, Trecost and Williams.

ABSENT AND NOT VOTING: Moore, Wagner and Walters.

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

On motion of Delegates Pasdon, E. Nelson and Perry, the bill was amended on page forty-six, section one-f, line twenty-six, following the semicolon, by inserting a new subdivision (8) as follows:

“(8) Have relevant academic or occupational qualifications that reasonably indicate that the person will be competent to fill the teaching position in which he or she would be employed; and” and renumbering the remaining subdivision accordingly.

Delegates Pethel, Moye and Boggs moved to amend the bill as follows:

On page six, section one, lines forty-eight and forty-nine, by striking out the words “or from another educator preparation program.”

On page nineteen, section one-a, lines six and seven, by striking out the words “an entity affiliated with an accredited higher education institution.”

On pages twenty-one through twenty-six, section one-a, lines fifty-seven through line one hundred sixty, by restoring all the stricken language.

On page thirty-five, section one-b, lines thirty-five and thirty-six, by striking out the words “one or more entities affiliated with an institution of higher education” and the comma.

On page thirty-six, section one-b, lines forty-six through forty-nine, by deleting paragraph (2) in its entirety and renumbering the subsequent paragraphs accordingly;

And,

On page fifty-three, section two-a, lines twenty-nine and thirty, by striking out “(v) Has completed an alternative program approved by another state; or”.

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

The yeas and nays having been ordered, they were taken (**Roll No. 52**), and there were—yeas 32, nays 65, absent and not voting 3, with the yeas and absent and not voting being as follows:

YEAS: Bates, Boggs, Byrd, Campbell, Caputo, Eldridge, Ferro, Fleischauer, Fluharty, Frich, Guthrie, Hartman, Hicks, Hornbuckle, Longstreth, Lynch, Manchin, Marcum, Miley, Moye, Perdue, Perry, Pethtel, R. Phillips, Pushkin, Rodighiero, Rowe, Skinner, P. Smith, Sponaugle, Trecost and Williams.

ABSENT AND NOT VOTING: Moore, Wagner and Walters.

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

An amendment, recommended by Delegates Perry, Moyer and Boggs, was reported by the Clerk, on page thirty-eight, section one-b, lines eighty-nine through one hundred one, by striking out subsection (d) in its entirety.

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

The yeas and nays having been ordered, they were taken (**Roll No. 53**), and there were—yeas 95, nays 2, absent and not voting 3, with the yeas and absent and not voting being as follows:

NAYS: Folk and Sobonya.

ABSENT AND NOT VOTING: Moore, Wagner and Walters.

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

Having been engrossed, the bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 54**), and there were—yeas 60, nays 35, absent and not voting 5, with the yeas and absent and not voting being as follows:

NAYS: Bates, Boggs, Byrd, Campbell, Caputo, Eldridge, Ferro, Fleischauer, Fluharty, Frich, Gearheart, Guthrie, Hamilton, Hartman, Hicks, Hornbuckle, Longstreth, Manchin, Marcum, Miley, Morgan, Moyer, Perdue, Perry, Pethtel, L. Phillips, R. Phillips, Pushkin, Rodighiero, Rowe, Skinner, P. Smith, Sponaugle, Trecost and H. White.

ABSENT AND NOT VOTING: D. Evans, Lynch, Moore, Wagner and Walters.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2005) passed.

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

Com. Sub. for H. B. 2005 – “A Bill to amend and reenact §18A-3-1, §18A-3-1a, §18A-3-1b and §18A-3-2a of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto seven new sections, designated §18A-3-1c, §18A-3-1d, §18A-3-1e, §18A-3-1f, §18A-3-1g, §18A-3-1h and §18A-3-1i, all relating to revising, reorganizing and clarifying provisions regarding teacher certifications, including standard certifications, alternative certifications and certifications for out-of-state teachers; expanding criteria upon which a teacher’s certificate may be awarded to a teacher from another state; defining terms relating to alternative programs for the education of teachers; authorizing certain partnerships to provide alternative certification programs; modifying entities eligible to deliver alternative programs; specifying permissible partners; requiring partnership agreements and specifying necessary contents; requiring posting of vacancies; limiting circumstance where partnership may enroll alternative program candidate; requiring or authorizing approval by state board of education under certain circumstances; modifying and specifying criteria and components required for alternative certification program delivery; specifying certain required components of alternative certification program; specifying eligibility criteria for alternative certification program teacher candidate; providing for professional support team to participate in alternative program delivery and specifying responsibilities; modifying the charges which may be imposed for alternative program participation or delivery; specifying required and prohibited acts by certain entities; requiring continued contract renewal of participating program teacher and continued delivery of alternative certification program under certain circumstances and providing exception; providing for evaluation of and recommendation regarding award of professional teaching certificate for alternative program teacher; authorizing appeal of recommendation under certain circumstances; expanding program fields and conditions in which an alternative program teacher may be employed; removing preference among certain applicants when considering applicants for

alternative teacher programs; modifying provisions for alternative program teacher to attain professional teaching certificate; expanding institutions from which professional teaching certificate candidates may have graduated; providing guidelines for alternative programs for certain highly qualified special education teachers; providing for certification under certain circumstances of teachers educated or certified in other states; expanding criteria upon which a teacher's certificate may be awarded to teachers; removing references to internship programs; and requiring legislative rule promulgation by state board.”

Delegate Cowles moved that the bill take effect July 1, 2015.

On this question, the yeas and nays were taken (**Roll No. 55**), and there were—yeas 73, nays 21, absent and not voting 6, with the nays and absent and not voting being as follows:

NAYS: Boggs, Byrd, Caputo, Eldridge, Ferro, Fleischauer, Fluharty, Frich, Gearheart, Lynch, Manchin, Perry, Pethel, Pushkin, Reynolds, Rodighiero, Rowe, Skinner, P. Smith, Sponaugle and Trecost.

ABSENT AND NOT VOTING: D. Evans, Howell, Moore, O’Neal, Wagner and Walters.

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 H. B. 2005) takes effect July 1, 2015.

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

The Speaker explained to the Members that earlier in today’s session it was ordered that certain remarks be printed in the Journal of today.

The Speaker further stated that according to House Rule 132, no remarks are to be printed in the Journal, with certain exceptions. For

the House to order remarks be printed in the Journal, a suspension of the rules would be required, and called for Members to renew their request if so desired.

Whereupon,

Delegates Deem, Skinner and Kelly withdrew their earlier requests to have remarks printed in the Journal.

Delegate Lynch announced that had he been present when the vote was taken on Roll No. 54, he would have voted “NAY” thereon.

Delegate Kelly then asked and obtained unanimous consent that the remarks of Delegate Ireland regarding Com. Sub. for H. B. 2005 be printed in the Appendix to the Journal.

Delegate J. Nelson asked and obtained unanimous consent that the remarks of Delegate Cooper regarding Com. Sub. for H. B. 2005 be printed in the Appendix to the Journal.

Com. Sub. for H. B. 2011, Relating to disbursements from the Workers’ Compensation Fund where an injury is self inflicted or intentionally caused by the employer; on third reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Shott, and by unanimous consent, the rule was suspended to permit the offering and consideration of an amendment on third reading.

An amendment to the bill, recommended by Delegate Sponaugle, was reported by the Clerk.

Whereupon,

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

Delegate Sponaugle then asked and obtained unanimous consent to offer a reformed amendment in its stead.

On motion of Delegate Sponaugle, the bill was amended on page five, section one, line ten, following the word “body”, by changing the semicolon to a colon, and inserting the words: “*Provided*, That the National Fire Protection Association Codes and Standards shall not be cited as an industry standard for Volunteer Fire Departments and Emergency Medical Response Personnel as an unsafe working condition as long as the Volunteer Fire Departments and the Emergency Medical Response Personnel have followed the Rules that have been promulgated by the Fire Commission.”

Having been engrossed, the bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 56**), and there were, including pairs—yeas 59, nays 38, absent and not voting 3, paired 2, with the nays, paired and absent and not voting being as follows:

NAYS: Bates, Boggs, Byrd, Campbell, Canterbury, Caputo, Eldridge, Ferro, Fleischauer, Fluharty, Guthrie, Hamilton, Hicks, Hornbuckle, Longstreth, Lynch, Manchin, Marcum, Miley, Morgan, Moye, J. Nelson, Perdue, Perry, Pethtel, L. Phillips, R. Phillips, Pushkin, Reynolds, Rodighiero, Rowe, Skinner, P. Smith, Sponaugle, Trecost, H. White and Williams.

Pursuant to House Rule 43, the following pairs were filed and announced by the Clerk:

PAIRED:

YEA: Ambler NAY: Walters

ABSENT AND NOT VOTING: D. Evans, Moore and Wagner.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2011) passed.

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

Delegate Hornbuckle asked and obtained unanimous consent that the remarks of Delegate Fluharty regarding Com. Sub. for H. B. 2011 be printed in the Appendix to the Journal.

At 2:20 P.M., on motion of Delegate Cowles, the House of Delegates recessed until 3:00 P.M.

Delegate Hicks asked and obtained unanimous consent that the remarks of Delegate Shott regarding Com. Sub. for H. B. 2011 be printed in the Appendix to the Journal.

Delegate Fleischauer asked and obtained unanimous consent that the remarks of Delegate Perdue regarding Com. Sub. for H. B. 2011 be printed in the Appendix to the Journal.

Delegate Pushkin asked and obtained unanimous consent that the remarks of Delegates Guthrie, Moye and Rowe regarding Com. Sub. for H. B. 2011 be printed in the Appendix to the Journal.

THIRD READING

-Continued-

Com. Sub. for H. B. 2223, Including consumer credit sales that are secured by a mortgage, deed of trust or other equivalent consensual security interest on a dwelling or residential real estate in the definitions of “primary mortgage loan” and “subordinate mortgage loan”; 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. 57**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: A. Evans, D. Evans, Fleischauer, Moore, Reynolds, Rowe, Wagner and Walters.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2223) passed.

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

H. B. 2224, Providing that historical reenactors are not violating the provision prohibiting unlawful military organizations; 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. 58**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: A. Evans, D. Evans, Moore, Reynolds, Wagner, Walters and Westfall.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2224) passed.

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

H. B. 2576, Creating new code sections which separate the executive departments; 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. 59**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: A. Evans, D. Evans, Moore, Reynolds, Wagner and Walters.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2576) passed.

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

SECOND READING

Com. Sub. for S. B. 7, Requiring CPR and care for conscious choking instruction in public schools; 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 two, following the enacting section, by striking out the remainder of the bill and inserting in lieu thereof the following:

“ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-9. Required courses of instruction.

(a) In all public, private, parochial and denominational schools located within this state, there shall be given prior to the completion of the eighth grade at least one year of instruction in the history of the State of West Virginia. The schools shall require regular courses of instruction by the completion of the twelfth grade in the history of the United States, in civics, in the Constitution of the United States and in the government of the State of West Virginia for the purpose of teaching, fostering and perpetuating the ideals, principles and spirit of political and economic democracy in America and increasing the knowledge of the organization and machinery of the government of the United States and of the State of West Virginia. The state board shall, with the advice of the state superintendent, prescribe the courses of study covering these subjects for the public schools. It shall be the duty of the officials or boards having authority over the respective private, parochial and denominational schools to prescribe courses of study for the schools under their control and supervision similar to those required for the public schools. To further such study, every high school student eligible by age for voter registration shall be afforded the opportunity to register to vote pursuant to section twenty-two, article two, chapter three of this code.

(b) The state board shall cause to be taught in all of the public schools of this state the subject of health education, including instruction in any of the grades six through twelve as considered appropriate by the county board, on: (1) The prevention, transmission and spread of acquired immune deficiency syndrome and other sexually transmitted diseases; (2) substance abuse, including the nature of alcoholic drinks and narcotics, tobacco products and other potentially harmful drugs, with special instruction as to their effect upon the human system and upon society in general; (3) the importance of healthy eating and physical activity to maintaining healthy weight; and (4) education concerning ~~CPR~~ cardiopulmonary resuscitation and first aid, including instruction in the care for conscious choking. The course curriculum requirements and materials for the instruction shall be adopted by the state board by rule in consultation with the Department of Health and Human Resources. The state board shall prescribe a standardized health education assessment to be administered within health education classes to measure student health knowledge and program effectiveness.

(c) An opportunity shall be afforded to the parent or guardian of a child subject to instruction in the prevention, transmission and spread of acquired immune deficiency syndrome and other sexually transmitted diseases to examine the course curriculum requirements and materials to be used in the instruction. The parent or guardian may exempt the child from participation in the instruction by giving notice to that effect in writing to the school principal.

~~(c) Any person violating the provisions of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not exceeding \$10 for each violation, and each week during which there is a violation shall constitute a separate offense. If the person so convicted occupies a position in connection with the public schools; that person shall automatically be removed from that position and shall be ineligible for reappointment to that or a similar position for the period of one year.~~

(d) After July 1, 2015, the required instruction in cardiopulmonary resuscitation in subsection (b) of this section shall include at least thirty minutes of instruction for each student prior to graduation on the proper administration of cardiopulmonary resuscitation (CPR) and the psychomotor skills necessary to perform cardiopulmonary resuscitation. The term “psychomotor skills” means the use of hands-on practicing to support cognitive learning. Cognitive-only training does not qualify as “psychomotor skills”. The CPR instruction must be based on an instructional program established by the American Heart Association or the American Red Cross or another program which is nationally recognized and uses the most current national evidence-based Emergency Cardiovascular Care guidelines and incorporates psychomotor skills development into the instruction. A licensed teacher is not required to be a certified trainer of cardiopulmonary resuscitation to facilitate, provide or oversee such instruction. The instruction may be given by community members, such as emergency medical technicians, paramedics, police officers, firefighters, licensed nurses and representatives of the American Heart Association or the American Red Cross. These community members are encouraged to provide necessary training and instructional resources such as cardiopulmonary resuscitation kits and other material at no cost to the schools. The requirements of this subsection are minimum requirements. A local school district may offer CPR instruction for longer periods of time and may enhance the curriculum and training components, including, but not limited to, incorporating into the instruction the use of an automated external defibrillator (AED): *Provided, That any instruction that results in a certification being earned must be taught by an authorized CPR/AED instructor.*”

On motion of Delegates Perdue and Rohrbach, the bill was amended on page two, section nine, line five, following the words “conscious choking”, by inserting a comma and the words “and recognition of symptoms of drug or alcohol overdose”.

The bill was then ordered to third reading.

Com. Sub. for S. B. 335, Creating Access to Opioid Antagonists Act; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted, amending the bill on page twelve, section six, line fifty-five, after the word “and”, by striking out the word “may” and inserting in lieu thereof the word “shall”.

And,

On page seven, section three, line thirty-one, following the word “treatment”, by inserting the words “at a medical facility”.

On motion of Delegate Shott, the bill was amended on page nine, section five, line nine, by striking out the word “four” and inserting in lieu thereof the word “three”.

The bill was then ordered to third reading.

Com. Sub. for H. B. 2266, Relating to the publication requirements of the administration of estates; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2370, Increasing the powers of regional councils for governance of regional education service agencies; 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 as follows:

On page three, subsection (c), line eighteen, following the word “regional”, by striking out the word “educational” and inserting in lieu thereof the word “education”.

On page six, subdivision (4), line two, after the word “procedures”, by striking out the word “to”.

On page seven, subsection (e), line three, following the word “regional”, by striking out the word “educational” and inserting in lieu thereof the word “education.”

The bill was then ordered to engrossment and third reading.

H. B. 2444, Providing for the assignment of economic development office representatives to serve as Small Business Allies as facilitators to assist small business entities and individuals; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Small Business, Entrepreneurship and Economic Development, 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 §5B-2-5 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 2. WEST VIRGINIA DEVELOPMENT OFFICE.

§5B-2-5. Economic development representatives.

(a) The director may employ economic development representatives to be paid a base salary within legislative appropriations to the West Virginia Development Office, subject to provisions set forth by the council in its reorganization plan and applicable contract provisions pursuant to section four of this article. Economic development representatives may receive performance-based incentives and expenses paid from private funds from a nonprofit corporation contracting with the West Virginia Development Office pursuant to the provisions of section four of this article. The director shall establish job descriptions and responsibilities of economic development representatives, subject to the provisions of any contract with a nonprofit corporation entered into pursuant to section four of this article.

(b) Notwithstanding any provision of this code to the contrary, economic development representatives employed within the West Virginia Development Office are not subject to the procedures and protections provided by articles six and six-a, chapter twenty-nine of this code. Any employee of the West Virginia Development Office on the effective date of this article who applies for employment as an economic development representative is not entitled to the protections of article six, chapter twenty-nine with respect to hiring procedures and qualifications; and upon accepting employment as an economic development representative, the employee relinquishes the protections provided for in article two, chapter six-c and article six, chapter twenty-nine of this code.

(c) The director shall assign one or more economic development representatives to serve as Small Business Allies. Small Business Allies shall serve as facilitators to assist small businesses and individuals desiring to create and operate small businesses. Their facilitation duties shall include the following:

(1) Identifying and assisting with applications for loans, grants or other funding sources available to assist and finance specific small businesses;

(2) Addressing inquiries, requests for assistance and other issues raised by other state or federal agencies that have jurisdiction or regulatory authority over small businesses or are assisting specific small businesses;

(3) Identifying governmental registration and licensure requirements applicable to specific small businesses;

(4) Identifying and completing forms and applications required for the licensure or registration of specific small businesses by or with all applicable government entities; and

(5) Assisting with incorporation, formation and filing requirements of specific small businesses.

(d) On the last Monday in January, in years 2016, 2018 and 2020, the director shall submit to the Legislature a written report. The director shall provide copies of his or her report to the President of the Senate, the Speaker of the House of Delegates, the chair of the Senate Committee on Economic Development and the chair of the House Committee on Small Business, Entrepreneurship and Economic Development. The director's report shall do the following:

(1) Identify the loans, grants or other funding sources available to assist and finance small businesses;

(2) Identify and describe generally the inquiries, requests for assistance or other matters that other state or federal agencies have presented to the West Virginia Development Office in the immediately preceding reporting cycle in connection with those agencies' efforts to regulate or assist small businesses;

(3) Identify and describe the formation, registration and licensure requirements that state law imposes on small businesses;

(4) Identify and provide copies of all forms and applications, including materials from relevant websites, that state agencies require in connection with the formation, registration or licensure of small businesses;

(5) Identify and describe the ostensible purpose for each formation, registration or licensure requirement identified in subdivision (4) of this subsection;

(6) Identify specific forms, processes or requirements imposed by state law that may be streamlined, simplified, combined or eliminated in order to reduce unnecessary costs, delays or other burdens on small businesses; and

(7) Propose and describe concrete and specific steps that any branch, agency or level of state government may take to streamline,

simplify, combine or eliminate the forms, processes or requirements identified in subdivision (6) of this subsection.”

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 2568, The Pain-Capable Unborn Child Protection Act; on second reading, coming up in regular order, was read a second time.

Delegates Skinner, Fleischauer, Pushkin, Longstreth, Fluharty, L. Phillips, Perdue and Caputo moved to amend the bill on page ten, section four, line twenty-nine, following the period, by inserting the following subsection (c), to read as follows:

“(c) (1) Whenever an abortion is being sought to terminate a pregnancy resulting from an alleged act of rape or incest, prior to the abortion, all of the following requirements shall be met:

(A) The rape or incest victim shall report the rape to a law enforcement official unless the treating physician certifies in writing that in the physician’s professional opinion, the victim was too physically or psychologically incapacitated to report the rape;

(B) The victim certifies that the pregnancy is the result of rape, which certificate shall be witnessed by the treating physician; and

(C) The fetus is not yet reached the stage of viability outside of the womb.

(2) Whenever an abortion is being sought to terminate a pregnancy resulting from an alleged act of incest, prior to the abortion all of the following requirements shall be met:

(A) The victim of incest shall report the act of incest to a law enforcement official unless the treating physician certifies in writing that in the physician’s professional opinion the victim was too physically or psychologically incapacitated to report the incest;

(B) The victim certifies that the pregnancy is the result of incest, which certificate shall be witnessed by the treating physician;

And,

(C) The fetus is not yet reached the stage of viability outside of the womb.”

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

The yeas and nays having been ordered, they were taken (**Roll No. 60**), and there were—yeas 17, nays 78, absent and not voting 5, with the yeas and absent and not voting being as follows:

YEAS: Caputo, Ferro, Fleischauer, Fluharty, Guthrie, Hornbuckle, Longstreth, Manchin, Miley, Morgan, Perdue, Pethtel, L. Phillips, Pushkin, Rowe, Skinner and Sponaule.

ABSENT AND NOT VOTING: D. Evans, Moore, Reynolds, Wagner and Walters.

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

The Clerk reported the next amendment to the bill, and Members arose to address the amendment.

Delegate Skinner was then recognized and asked and obtained unanimous consent that his amendment cosponsored by Delegates Fleischauer and Pushkin be considered prior to the amendment reported by the Clerk.

The Clerk then reported the amendment by Delegates Skinner, Fleischauer and Pushkin on page nine, section four, line eighteen, by striking out the period and inserting a colon and the following:

“Provided, That it is not a violation of this subsection to perform an abortion if it is necessary to prevent a risk to the health of the

women in the reasonable medical judgment of a reasonably prudent physician.”

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. 61**), and there were—yeas 15, nays 79, absent and not voting 6, with the yeas and absent and not voting being as follows:

YEAS: Caputo, Fleischauer, Fluharty, Guthrie, Hornbuckle, Longstreth, Manchin, Morgan, Perdue, Pethtel, L. Phillips, Pushkin, Rowe, Skinner and Sponaugle.

ABSENT AND NOT VOTING: D. Evans, Moore, Reynolds, Wagner, Walters and Zatezalo.

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

Delegates Fleischauer and Skinner move to amend the bill on page seven, section two, lines thirty-three through thirty-six, by striking out paragraph (7) in its entirety and inserting in lieu thereof the following:

“(7) Gestational age based on viability” means a time period when the fetus is past the state of viability, the gestational age based on viability is generally consistent with the time that is twenty-four weeks after the woman’s last menstrual cycle.”

On page nine, section four, line twenty-one, by striking out the words “pain capable gestational age” and inserting in lieu thereof, the words “gestational age based on viability”.

On page nine, section four, line six, by striking out the words “pain capable gestational age” and inserting in lieu thereof the words “gestational age based on viability”.

On page eleven, section five, line sixteen, by striking out the words “pain capable gestational age” and inserting in lieu thereof the words “gestational age based on viability”.

And,

On page eleven, section five, line twenty-four, by striking out the words “pain capable gestational age” and inserting in lieu thereof the words “gestational age based on viability”.

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

The yeas and nays having been ordered, they were taken (**Roll No. 62**), and there were—yeas 13, nays 82, absent and not voting 5, with the yeas and absent and not voting being as follows:

YEAS: Caputo, Fleischauer, Guthrie, Hornbuckle, Miley, Morgan, Perdue, Pethtel, L. Phillips, Pushkin, Rowe, Skinner and Sponaugle.

ABSENT AND NOT VOTING: D. Evans, Moore, Reynolds, Wagner and Walters.

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

There being no further amendments, the bill was ordered to engrossment and third reading.

FIRST READING

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

Com. Sub. for S. B. 237, Creating Captive Cervid Farming Act,

And,

H. B. 2274, Authorizing the Commissioner of Corrections to enter into mutual aid agreements.

LEAVES OF ABSENCE

At the request of Delegate Cowles, and by unanimous consent, leaves of absence for the day were granted Delegates Moore, Wagner and Walters.

MISCELLANEOUS BUSINESS

Delegate Caputo asked and obtained unanimous consent that the following remarks be printed in the Appendix to the Journal:

Delegate Eldridge	The passage of Com. Sub. for H. B. 2005
Delegate Manchin	The passage of Com. Sub. for H. B. 2011
Delegate Longstreth	Her amendment offered to Com. Sub. for H. B. 2568

Delegate Butler filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2609.

Delegate A. Evans announced that he was absent on today when the votes were taken on Roll Nos. 57, 58 and 59, and that had he been present, he would have voted "YEA" thereon.

At 4:30 P.M., the House of Delegates adjourned until 11:00 A.M., Wednesday, February 11, 2015.

WEDNESDAY, FEBRUARY 11, 2015

TWENTY-NINTH 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, February 10, 2015, being the first order of business, when the further reading thereof was dispensed with and the same approved.

COMMITTEE REPORTS

Delegate Gearheart, Chair of the Committee on Roads and Transportation, submitted the following report, which was received:

Your Committee on Roads and Transportation has had under consideration:

H. C. R. 30, The Baisden Family Memorial Bridge,

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. C. R. 30) was referred to the Committee on Rules.

Delegate Hamilton, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

H. B. 2144, Permitting crossbow hunting,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2144) was referred to the Committee on the Judiciary.

Delegate Evans, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

H. B. 2361, Commissioner of Agriculture, dangerous wild animals,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2361) was referred to the Committee on the Judiciary.

Delegate Evans, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

H. B. 2315, Commissioner of Agriculture, frozen desserts and imitation frozen desserts,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 2315) was referred to the Committee on the Judiciary.

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. R. 9, Authorizing the Committee on Rules to arrange a Special Calendar and providing for making public the vote on certain questions in connection with the preparation thereof,

And reports the same back with the recommendation that it be adopted.

Delegate Overington, Chair of the Committee on Industry and Labor, submitted the following report, which was received:

Your Committee on Industry and Labor has had under consideration:

H. B. 2289, Department of Environmental Protection, requirements governing water quality standards,

H. B. 2336, Division of Labor, relating to weights and measures calibration fees,

H. B. 2338, Division of Labor, supervision of plumbing work,

And,

H. B. 2363, Department of Environmental Protection, waste management,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2289, H. B. 2336, H. B. 2338 and H. B. 2363) were each referred to the Committee on the Judiciary.

Delegate Overington, Chair of the Committee on Industry and Labor, submitted the following report, which was received:

Your Committee on Industry and Labor has had under consideration:

H. B. 2335, Division of Labor, Amusement Rides and Amusement Attractions Safety Act,

H. B. 2337, Division of Labor, verifying the legal employment status of workers,

And,

H. B. 2339, Division of Labor, heating, venting and cooling work,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2335, H. B. 2337 and H. B. 2339) were each referred to the Committee on the Judiciary.

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

Your Committee on Education has had under consideration:

H. B. 2139, Relating to employment of retired teachers as substitutes in areas of critical need and shortage for substitutes,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 2139) was referred to the Committee on Finance.

MESSAGES FROM THE SENATE

A message from the Senate, by

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

Com. Sub. for H. B. 2025, Prohibiting certain sex offenders from loitering within one thousand feet of a school or child care facility.

On motion of Delegate Cowles, the bill was taken up for immediate consideration.

The following Senate amendments were reported by the Clerk:

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 §61-8-29, to read as follows:

ARTICLE 8. CRIMES AGAINST CHASTITY, MORALITY AND DECENCY.

§61-8-29. Criminal loitering by persons on supervised release.

(a) Any person serving a period of supervised release of ten years or more pursuant to the provision of section twenty-six, article twelve, chapter sixty-two of this code who loiters within one thousand feet of the property line of the residence or workplace of a victim of a sexually violent offense for which the person was convicted shall be guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not more than thirty days.

(b) Any person serving a period of supervised release of ten years or more pursuant to the provisions of section twenty-six, article twelve,

chapter sixty-two of this code for an offense where the victim was a minor who loiters within one thousand feet of the property line of a facility or business the principal purpose of which is the education, entertainment or care of minor children, playground, athletic facility or school bus stop shall be guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for a period of not more than thirty days.

(c) A person does not violate the provisions of subsection (a) or (b) of this section unless he or she has previously been asked to leave the proscribed location by an authorized person and thereafter refuses to leave or leaves and thereafter returns to the proscribed location.

(d) As used in this section:

(1) 'Authorized person' means:

(A) A law-enforcement officer acting in his or her official capacity;

(B) A security officer employed by a business or facility to protect persons or property acting in his or her employment capacity;

(C) An owner, manager or employee of a facility or business having a principal purpose the caring for, education or entertainment of minors;

(D) A victim or parent, guardian or lawful temporary or permanent custodian thereof;

(E) An employee of a county Board of Education acting in his or her employment capacity.

(2) 'Facility or business, the principal purpose of which is the education, entertainment or care of minor children' means:

(A) A pre-school, primary, intermediate, middle or high school, either public or private;

- (B) A childcare facility;
- (C) A park;
- (D) An athletic facility used by minors;
- (E) A school bus stop.

(3) ‘Loitering’ means to enter or remain on property while having no legitimate purpose or, if a legitimate purpose exists, remaining on that property beyond the time necessary to fulfill that purpose.

(e) Nothing in this section shall be construed to prohibit or limit a person’s presence within one thousand feet of a location or facility referenced in this section if the person is there present for the purposes of supervision, counseling or other activity in which the person is directed to participate as a condition of supervision or where the person has the express permission of his supervising officer to be present.”

And,

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

Com. Sub. for H. B. 2025 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8-29, relating to creating the offense of criminal loitering by persons on supervised release; prohibiting loitering by such persons within one thousand feet of a victim’s home, schools and facilities providing care and entertainment for children; defining terms; and establishing penalties.”

On motion of Delegate Cowles, the House of Delegates refused to concur in the Senate amendments and requested the Senate to recede therefrom.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had agreed to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses as to

Com. Sub. for S. B. 13, Reinstating open and obvious doctrine for premises liability.

The message further announced that the President of the Senate had appointed as conferees on the part of the Senate the following:

Senators Trump, Carmichael and Palumbo.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2015, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 37 - “A Bill to amend and reenact §55-10-1, §55-10-2, §55-10-3, §55-10-4, §55-10-5, §55-10-6, §55-10-7 and §55-10-8 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto twenty-five new sections, designated §55-10-9, §55-10-10, §55-10-11, §55-10-12, §55-10-13, §55-10-14, §55-10-15, §55-10-16, §55-10-17, §55-10-18, §55-10-19, §55-10-20, §55-10-21, §55-10-22, §55-10-23, §55-10-24, §55-10-25, §55-10-26, §55-10-27, §55-10-28, §55-10-29, §55-10-30, §55-10-31, §55-10-32 and §55-10-33, all relating generally to arbitration; providing for a short title; making legislative findings and declaring public policy; defining terms; defining notice under article; defining when article applies; proscribing effect of agreements to arbitrate and defining nonwaivable provisions; allowing for application for judicial relief under article; making agreement to arbitrate valid unless legal or equitable reason for revocation exists; providing for terms by which arbitration may continue if challenged; providing for process for motions to compel or stay arbitration; providing for provisional remedies to protect effectiveness of arbitration proceedings; providing process for initiation of arbitration; providing for consolidation of

separate arbitration proceedings; providing for appointment of arbitrator and default process if not agreed by the parties; requiring neutrality of arbitrators; requiring disclosure by arbitrators of matters affecting impartiality; requiring majority of arbitrators to agree to exercise powers; providing immunity for arbitrators; requiring competency to testify; providing for attorneys' fees and costs for challenges from which arbitrators are immune; providing general process for arbitration; allowing parties to be represented by a lawyer in arbitrations; outlining procedure for witnesses, subpoenas, depositions and discovery in arbitrations; providing for judicial enforcement of preaward ruling by arbitrator; providing for record of an award and requirements for an award; allowing change of an award by arbitrator upon motion under certain conditions; providing that certain remedies and fees and costs of arbitration may be a part of arbitration award; allowing for confirmation by court of an award upon motion; providing process and grounds for vacating an award by a court; providing process and grounds for modification or correction of an award upon motion; providing that court shall enter a judgment upon confirmation of an award and may add reasonable attorneys' fees and costs; providing for jurisdiction over arbitration agreements by a court of this state; providing venue; providing that appeals may be taken from orders related to arbitration proceedings; requiring uniform construction of act; providing that this act complies with the Electronic Signatures in Global and National Commerce Act; and providing effective date"; 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. 255 - "A Bill to repeal §15-8-1, §15-8-2, §15-8-3, §15-8-4, §15-8-5, §15-8-6, §15-8-7, §15-8-8, §15-8-9, §15-8-10, §15-8-11 and §15-8-12 of the Code of West Virginia, 1931, as amended; to repeal §16-5J-5 of said code; to repeal §16-5T-1 of said code; to repeal §16-42-1, §16-42-2, §16-42-3, §16-42-4, §16-42-5 and

§16-42-6 of said code; to repeal §18-2J-1, §18-2J-2, §18-2J-3, §18-2J-4, §18-2J-5, §18-2J-6 and §18-2J-7 of said code; to repeal §18B-1C-3 of said code; to repeal §18B-14-11 of said code; to repeal §18B-16-6 of said code; to repeal §20-2B-2a of said code; to repeal §21-3A-10 and §21-3A-18 of said code; to repeal §21-3B-3 of said code; to repeal §22C-5-1, §22C-5-2, §22C-5-3, §22C-5-4, §22C-5-5, §22C-5-6, §22C-5-7 and §22C-5-8 of said code; to repeal §23-1-1a of said code; to repeal §29-12B-4 and §29-12B-5 of said code; to repeal §31-16-1, §31-16-2, §31-16-3 and §31-16-4 of said code; to repeal §33-48-2 and §33-48-3 of said code; to repeal §55-15-1, §55-15-2, §55-15-3, §55-15-4, §55-15-5 and §55-15-6 of said code; and to repeal §62-11E-1, §62-11E-2 and §62-11E-3 of said code, all relating to eliminating unnecessary, inactive or redundant boards, councils, committees, panels, task forces and commissions; terminating West Virginia Sheriffs' Bureau; terminating Clinical Laboratories Quality Assurance Advisory Board; terminating Care Home Advisory Board; terminating Comprehensive Behavioral Health Commission; terminating Public and Higher Education Unified Educational Technology Strategic Plan, including Governor's Advisory Council for Educational Technology; terminating West Virginia Consortium for Undergraduate Research and Engineering; terminating Governor's Commission on Graduate Study in Science, Technology, Engineering and Mathematics; terminating West Virginia Rural Health Advisory Panel; terminating Ohio River Management Fund Advisory Board; terminating Occupational Safety and Health Review Commission; terminating Occupational Safety and Health Advisory Board; terminating Environmental Assistance Resource Board; terminating Commercial Hazardous Waste Management Facility Siting Board; terminating Workers' Compensation Board of Managers; terminating State Medical Malpractice Advisory Panel; terminating West Virginia Steel Futures Program, including Steel Advisory Commission; terminating West Virginia Health Insurance Plan Board; terminating Alternative Dispute Resolution Commission; and terminating Sexually Violent Predator Management Task Force"; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

S. B. 262 - “A Bill to amend and reenact §5-16B-1 and §5-16B-2 of the Code of West Virginia, 1931, as amended, all relating to transferring the Children’s Health Insurance Program and Children’s Health Insurance Agency from the Department of Administration to the Department of Health and Human Resources; providing for orderly transfer of functions, funds and accounts; and clarifying definition of ‘Children’s Health Insurance Agency’”; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

S. B. 267 - “A Bill to repeal §16-29H-1, §16-29H-2, §16-29H-3, §16-29H-4, §16-29H-5, §16-29H-6, §16-29H-7, §16-29H-8, §16-29H-9 and §16-29H-10 of the Code of West Virginia, 1931, as amended, relating to the Governor’s Office of Health Enhancement and Lifestyle Planning”; which was referred to the Committee on Health and Human Resources.

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. 295 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-2-13, relating to judicial review of decisions of the West Virginia Department of Health and Human Resources Board of Review and the Bureau for Medical Services affecting applicants, recipients or providers of state or federal assistance programs”; 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. 357 - “A Bill to repeal §22A-2A-302, §22A-2A-303, §22A-2A-304, §22A-2A-305, §22A-2A-306 and §22A-2A-307 of the Code of West Virginia, 1931, as amended; to amend and reenact §22-3-13 and §22-3-19 of said code; to amend and reenact §22-11-6 and §22-11-8 of said code; to amend said code by adding thereto a new section, designated §22-11-22a; to amend said code by adding thereto a new section, designated §22A-1-41; to amend and reenact §22A-1A-1 of said code; to amend and reenact §22A-2-6, §22A-2-28 and §22A-2-37 of said code; to amend and reenact §22A-2A-101, §22A-2A-301, §22A-2A-308, §22A-2A-309, §22A-2A-310, §22A-2A-402, §22A-2A-403, §22A-2A-404, §22A-2A-405, §22A-2A-501, §22A-2A-601, §22A-2A-602, §22A-2A-603 and §22A-2A-604 of said code; and to amend said code by adding thereto a new section, designated §22A-2A-204a, all relating to creating the Coal Jobs and Safety Act of 2015; providing methods of assuring that discharges from waste piles do not exceed applicable water quality standards; conforming rules regarding procedures for requesting and obtaining inactive status and rules relating to requirements for contemporaneous reclamation under West Virginia Surface Coal Mining and Reclamation Act to corresponding federal requirements; abolishing West Virginia Diesel Equipment Commission; transferring duties and responsibilities of West Virginia Diesel Equipment Commission to Director of the Office of Miners’ Health, Safety and Training; defining terms; providing rule-making authority; providing that rules previously approved by commission continue in full force and effect; developing emergency rules for statewide hardness-based aluminum water quality criteria for protection of aquatic life; prohibiting wholesale incorporation of water quality standards into permits rather than specifically developing terms and conditions on a permit-by-permit basis that are designed to protect water quality standards; modifying the scope of the permit shield as it

relates to compliance with water quality standards; establishing an administrative and civil enforcement process for coal mining-related permits that conforms with corresponding federal requirements; making legislative findings; permitting immediate temporary suspension, suspension or revocation of a certificate held by of a certified person who has tested positive for certain drugs or alcohol, refused to submit a sample for screening, possessed or submitted a substituted sample or possessed or submitted an adulterated sample for testing; providing that if a drug test is positive, a certified employee may not rely on the fact that the drug was prescribed if the prescription is more than one year old; setting forth requirements for movement of off-track mining equipment in areas of active workings where energized trolley wires or trolley feeder wires are present; establishing premovement requirements; increasing distance from five hundred feet to one thousand five hundred feet of the nearest working face where transportation of certain personnel in certain instances is done exclusively by rail; requiring certain equipment be readily available when distance from track to face is between five hundred feet and one thousand five hundred feet; increasing distance of track to be maintained when a section is fully developed and being prepared for retreating; permitting use of sideboards on shuttle cars if they are equipped with cameras; requiring shelter holes be provided along haulage entries and be placed not more than one hundred five feet apart; providing exception; removing requirement that locomotives, personnel carriers, barrier tractors and other related equipment be equipped with lifting jacks and handles; and prescribing that no one, other than motorman and brakeman, should ride on a locomotive unless authorized by the mine foreman, and then only when safe riding facilities are provided"; which was referred to the Committee on the Judiciary.

RESOLUTIONS INTRODUCED

Delegates R. Phillips, Marcum and Eldridge offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 53 - “Requesting the Division of Highways to name the portion of Route 119/19, beginning at a point where it intersects with Route 17 and ending at a point where it intersects with Route 28/2, in Logan County as the ‘U.S. Army SSG Styish R. Morris Memorial Road’.”

WHEREAS, Staff Sergeant Morris was born September 17, 1923, to John Morris and Rosie Morris of Clothier, West Virginia, the fourth of eight children; and

WHEREAS, Staff Sergeant Morris enlisted, rather than being drafted, in the U.S. Army on January 23, 1942 and served in the 145th Infantry Regiment, 37th Infantry Division. Before the war he was an underground coal miner; and

WHEREAS, Staff Sergeant Morris was a very proud, patriotic first generation American of Polish descent. His career was one of great honor and valor as shown by his numerous decorations which he earned while serving in the Pacific Theater; and

WHEREAS, Staff Sergeant Morris was decorated for his actions with the following awards: the Combat Infantry Badge, the Philippine Liberation Ribbon with one Bronze Star, the Asiatic-Pacific Theater Ribbon with two Bronze Stars, the Distinguished Unit Citation, two Purple Heart Awards, and the Good Conduct Ribbon; and

WHEREAS, Most notably, on September 22, 1945, Staff Sergeant Morris was awarded the Silver Star by the President. The Citation reads “The President of the United States, authorized by Act of Congress, July 9, 1918, takes pleasure in presenting the Silver Star to Staff Sergeant (then Sergeant) Styish R. Morris United States Army, for conspicuous gallantry and intrepidity in action against the enemy while service with the 145 Infantry Regiment, 37th Infantry Division in the Philippine Islands. Staff Sergeant Morris’ squad was preparing for an attack at Mount Pacawagan on April 30, 1945, when an enemy soldier ran out of one of the many caves infesting the area. Catching

the squad completely by surprise, the enemy knocked a soldier to the ground, tore a Browning Automatic Rifle from his hands and swung the weapon into position to fire on the squad. Staff Sergeant Morris, although unarmed, rushed the enemy so quickly that he was unable to fire the weapon. After a bitter struggle for possession of the gun, Staff Sergeant Morris with superior strength and wright overpowered the Japanese and forced him back into a deep foxhole, causing him to lose his grip on the rifle. Staff Sergeant Morris then managed to kill the enemy. Sergeant Morris's alertness, quick thinking and courageous action eliminated a dangerous menace to his squad and earned the complete confidence of his men. Staff Sergeant Morris's actions, without regard for his own safety, were in keeping with the highest traditions of military service, reflecting great credit on himself, the 37th Infantry Division, and the United States Army"; and

WHEREAS, Following his Honorable Discharge on October 3, 1945, Staff Sergeant Morris returned home to Clothier where he went back to work in the underground coal mines of Boone and Logan counties and supported his aging parents. He never married and chose to take care of his parents until their deaths. He continued to work in the mining industry until he became disabled in the early 1970s from wounds he received during the war. He remained active by raising a garden and farm animals and he shared his plentiful harvests with his neighbors; and

WHEREAS, On April 3, 1987, Staff Sergeant Morris was called for his final and glorious award in the arms of his Lord; and

WHEREAS, It is fitting that an enduring memorial be established to commemorate Staff Sergeant Styish R. Morris, a native son who served his state and his country with great honor, by naming the portion of Route 119/19 beginning at a point where it intersects with Route 17 and ending at a point where it intersects with Route 28/2 in Logan County as the "U.S. Army SSG Styish R. Morris Memorial Road"; therefore, be it

Resolved by the West Virginia Legislature:

That the Legislature hereby requests the Division of Highways to name the portion of Route 119/19, beginning at a point where it intersects with Route 17 and ending at a point where it intersects with Route 28/2, in Logan County as the “U.S. Army SSG Styish R. Morris Memorial Road”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the road as the “U.S. Army SSG Styish R. Morris Memorial Road,” 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 to Staff Sergeant Morris’ sister, Emily Bentley, his sister-in-law, Joan Morris, his nephews, Edward S. Morris, Mark A. Morris, Thomas Morris, Joe Morris, Randy Bently, Robert Bently, John F. Morris, John Trammell and Paul Trammell, and his nieces, Teresa Way, Katrina Mossman, Mary Collins, Carolyn Bently, Kathy Morris and Rose Ann Reed.

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

By Delegate McCuskey:

H. J. R. 19 - “Proposing an amendment to the Constitution of the State of West Virginia, amending article VII thereof, by adding thereto a new section, designated section twenty, relating to the eligibility of the Attorney General; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on the Judiciary.

And,

By Delegates Reynolds, Moffatt, Rodighiero, Hicks, Lynch, Trecost and Bates:

H. J. R. 20 - “Proposing an amendment to the Constitution of the State of West Virginia, amending article IV thereof by adding thereto a new section, designated section thirteen, relating to limiting all elected officeholders to serve no more than twelve years; excepting previous years in office by current officeholders; and providing that those offices that currently have a maximum time of less than twelve years, the lesser period shall control; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on the Judiciary.

BILLS INTRODUCED

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

By Delegates Ireland and Anderson:

H. B. 2688 - “A Bill to amend and reenact §22C-9-1, §22C-9-2, §22C-9-3, §22C-9-4 and §22C-9-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §22C-9-7a, all relating to oil and gas conservation; reconstituting the membership of the Oil and Gas Conservation Commission; providing for the unitization of interests in drilling units in connection with horizontal oil or gas wells; setting forth application requirements; establishing the standard of review; providing for unit orders; requiring notice and timeliness; providing for hearings; addressing oil and gas produced from horizontal wells, vertical wells and unconventional reservoirs; adding new definitions; and modifying existing definitions”; to the Committee on Energy then the Judiciary.

By Delegates Fast, Kessinger, Hill, Weld, J. Nelson and Kurcaba:

H. B. 2689 - “A Bill to repeal §21-3-19 of the Code of West Virginia, 1931, as amended, relating to employer discrimination for use

of tobacco products”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Pasdon, Fleischauer, Storch, Miller, Border, Guthrie and Rowan:

H. B. 2690 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-4-5b, relating to student safety on higher education campuses; requiring governing boards of higher education schools and training facilities to adopt victim-centered sexual assault policies and protocols”; to the Committee on Education then the Judiciary.

**By Mr. Speaker, Mr. Armstead, and Delegate Miley
[By Request of the Governor’s Office]:**

H. B. 2691 - “A Bill making a supplementary appropriation of federal funds out of the treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2015, to the Department of Commerce, Workforce West Virginia - Workforce Investment Act, fund 8749, fiscal year 2015, organization 0323, and to the Department of Commerce, Office of the Secretary - Office of Economic Opportunity - Community Services, fund 8781, fiscal year 2015, organization 0327, by supplementing and amending the appropriation for the fiscal year ending June 30, 2015”; to the Committee on Finance.

**By Mr. Speaker, Mr. Armstead, and Delegate Miley
[By Request of the Governor’s Office]:**

H. B. 2692 - “A Bill supplementing, amending, decreasing, and increasing items of the existing appropriations from the State Road Fund to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2015, organization 0803, for the fiscal year ending June 30, 2015”; to the Committee on Finance.

By Delegate Fast:

H. B. 2693 - “A Bill to amend and reenact §24A-1-3 of the Code of West Virginia, 1931, as amended, relating to commercial motor

carriers generally; and providing an exemption from regulation by the Public Service Commission for motor vehicles used exclusively in the transportation of roll-off solid waste containers”; to the Committee on Roads and Transportation then the Judiciary.

By Delegates Fast, Weld, Kurcaba, Summers, Waxman, Rowan, Howell, Frich, B. White and Sobonya:

H. B. 2694 - “A Bill to amend and reenact §3-1-31 of the Code of West Virginia, 1931, as amended, relating to requiring all local special elections to be held on the days and hours of general or primary elections”; to the Committee on the Judiciary.

By Delegates Fast, Kessinger, J. Nelson, Blair, Hill, Kurcaba, Summers and Howell:

H. B. 2695 - “A Bill to amend and reenact §11-14-2 and §11-14-11 of the Code of West Virginia, 1931, as amended, all relating to gasoline and fuel excise tax; requiring a refund of gasoline or fuel excise tax when fuel is consumed by a commercial vehicle while that vehicle is not operated upon the highways of this state”; to the Committee on Roads and Transportation then Finance.

By Delegate Fast:

H. B. 2696 - “A Bill to amend and reenact §5-11-10 of the Code of West Virginia, 1931, as amended, relating to requiring the Human Rights Commission, when investigating a complaint of discrimination, to specifically include an examination of the intent of the person or entity alleged to have committed the unlawful discriminatory practice”; to the Committee on the Judiciary.

By Delegates Fast, Kessinger, Kurcaba and Arvon:

H. B. 2697 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §46A-6-109a, relating to allowing a home improvement transaction to be performed under an oral contract”; to the Committee on the Judiciary.

By Mr. Speaker, Mr. Armstead, and Delegate Miley

[By Request of the Governor's Office]:

H. B. 2698 - "A Bill making a supplementary appropriation from the State Fund, State Excess Lottery Revenue Fund, to the Division of Human Services, fund 5365, fiscal year 2015, organization 0511, by supplementing and amending the appropriation for the fiscal year ending June 30, 2015"; to the Committee on Finance.

By Delegates Fast, Kessinger and Hill:

H. B. 2699 - "A Bill to amend the Code of West Virginia, 1931, as amended, be 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 exceptions"; to the Committee on Roads and Transportation then Finance.

By Delegates J. Nelson, D. Evans, L. Phillips, B. White, Cooper, McGeehan, Longstreth, Hornbuckle, Arvon, Ihle and Kessinger:

H. B. 2700 - "A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to creation of a program to allow for discounted veteran's licence plates and option on application for applicant to consent to receive information about veteran's services provided by, and recommended by, the State of West Virginia"; to the Committee on Roads and Transportation then Finance.

DAILY CALENDAR

THIRD READING

Com. Sub. for S. B. 7, Requiring CPR and care for conscious choking instruction in public schools; 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. 63**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Walters.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 7) passed.

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

Com. Sub. for S. B. 7 – “A Bill to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating to required instruction in cardiopulmonary resuscitation (CPR) and first aid in public school health education subjects; adding care for conscious choking first aid instruction; adding requirement for recognition of symptoms of drug and alcohol overdose in health curriculum; eliminating misdemeanor crime and penalties for violation of section; requiring minimum thirty minutes instruction prior to graduation in cardiopulmonary resuscitation and psychomotor skills necessary to perform after certain date; defining ‘psychomotor skills’; requiring CPR instruction be based on program established by American Heart Association or the American Red Cross or other recognized guidelines; authorizing various persons and community members by whom instruction may be given; encouraging such community members to provide training and instructional resources; authorizing school districts to exceed minimum requirements; and requiring authorized CPR/automated external defibrillator instructor for instruction that results in certification being earned.”

Delegate Cowles moved that the bill take effect July 1, 2015.

On this question, the yeas and nays were taken (**Roll No. 64**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Walters.

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. 7) takes effect July 1, 2015.

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. 335, Creating Access to Opioid Antagonists 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. 65**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Walters.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 335) passed.

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

Com. Sub. for S. B. 335 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-46-1, §16-46-2, §16-46-3, §16-46-4, §16-46-5 and §16-46-6; and to amend and reenact §30-1-7a of said code, all relating generally to accessing and administering opioid antagonists in overdose situations; defining terms; establishing objectives and purpose; allowing licensed health care providers to prescribe opioid antagonist to initial responders and certain individuals; allowing initial responders to possess and administer opioid antagonists; providing for limited liability for initial responders; providing for limited liability for licensed health care providers who prescribe opioid antagonist in accordance with this article; providing for limited liability for anyone who possesses and administers an opioid antagonist; establishing

responsibility of licensed health care providers to provide educational materials on overdose prevention and administration of opioid antagonist; providing for data collection and reporting; providing for training requirements; and providing for rule-making authority.”

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. 2266, Relating to the publication requirements of the administration of estates; 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. 66**), and there were—yeas 96, nays 3, absent and not voting 1, with the nays and absent and not voting being as follows:

NAYS: Marcum, Reynolds and H. White.

ABSENT AND NOT VOTING: Walters.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2266) passed.

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

H. B. 2370, Increasing the powers of regional councils for governance of regional education service agencies; 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. 67**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Walters.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2370) passed.

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

H. B. 2444, Providing for the assignment of economic development office representatives to serve as Small Business Allies as facilitators to assist small business entities and individuals; 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. 68**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Walters.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2444) passed.

An amendment to the title of the bill, recommended by the Committee on Small Business, Entrepreneurship and Economic Development, was reported by the Clerk and adopted, amending the title to read as follows:

H. B. 2444 – “A Bill to amend and reenact the §5B-2-5 of the Code of West Virginia, 1931, as amended, relating to providing assistance to small businesses; requiring the West Virginia Development Office to assign economic development office representatives to serve as Small Business Allies; identifying duties and services to be provided to small businesses and individuals desiring to establish and operate small businesses; requiring that the director of the West Virginia Development Office report biennially and offer recommendations for reducing the burdens imposed on small businesses; and further identifying the report’s contents.”

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. 2568, The Pain-Capable Unborn Child Protection Act; on third reading, coming up in regular order, was read a third time.

During the discussion on the passage of the bill, the guests in the galleries made audible demonstration in response to remarks and Delegate Morgan arose to a point of order, per House Rule 7.

To the point of order, the Speaker stated it was well taken, explaining to the guests in the galleries the Rules of the House and asking them to be respectful of the Members and Rules of the House and refrain from further demonstration.

Delegate Moffatt was recognized, addressed the House, and requested the passage of the bill and the yeas and nays. The Speaker reminded the Gentleman that the bill was on third reading, and as required by House Rule 42, the yeas and nays would be taken.

Delegate Folk addressed the House, and demanded the previous question, which demand was sustained.

Delegate Caputo arose to a point parliamentary inquiry, asking if the motion was debateable.

To the point of inquiry, the Speaker informed the Gentleman that the motion was not debatable, per House Rule 55.

Delegate Fleischauer then arose to a point of inquiry, asking how many Members were remaining that desired to speak to the passage of the bill, to which the Speaker replied three Members remained that had indicated their desire to address the House.

The Speaker stated, "Shall the main question be now put?"

On this question, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 69**), and there were—yeas 5, nays 93, absent and not voting 2, with the yeas and absent and not voting being as follows:

YEAS: Faircloth, Kelly, McGeehan, Moffatt and Pushkin.

ABSENT AND NOT VOTING: Fast and Walters.

So, a majority of the members present and voting not having voted in the affirmative, the main question was not put.

The remaining members wishing to address the House were recognized, and at the conclusion of their remarks, the Speaker stated the question before the House was the passage of the bill.

On this question, the yeas and nays were taken (**Roll No. 70**), and there were—yeas 87, nays 12, absent and not voting 1, with the nays and absent and not voting being as follows:

NAYS: Caputo, Fleischauer, Fluharty, Guthrie, Hornbuckle, Moore, Morgan, Perdue, Pethtel, Pushkin, Rowe and Skinner.

ABSENT AND NOT VOTING: Walters.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2568) passed.

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

Delegate Fast was recognized and stated that during Roll No. 69 his machine malfunctioned and he was not recorded, and requested to be recorded as voting “NAY”.

SECOND READING

Com. Sub. for S. B. 237, Creating Captive Cervid Farming Act; on second reading, coming up in regular order, was read a second time.

At the request of Delegate Cowles, and by unanimous consent, the bill was advanced to third reading with amendments pending and the restricted right to amend jointly by Delegates Anderson, Boggs and Williams, and the rule was suspended to permit the consideration of the amendments on that reading.

H. B. 2274, Authorizing the Commissioner of Corrections to enter into mutual aid agreements; 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 §25-1-5a, to read as follows:

**ARTICLE 1. ORGANIZATION, INSTITUTIONS AND CORRECTIONS
MANAGEMENT.**

§25-1-5a. Mutual aid agreements.

(a) The commissioner may enter into agreements to provide for the rendering of mutual aid with the political subdivisions of this state, other states and the federal government to provide for the common defense, protect the public peace, health and safety and to preserve the lives and property of the people of this state.

(b) Any agreement entered into under this section shall be with the consent and approval of the Secretary of the Department of Military Affairs and Public Safety, and shall include a provision within each agreement allowing for the immediate termination by the Secretary at any time.”

The bill was then ordered to engrossment and third reading.

LEAVES OF ABSENCE

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

MISCELLANEOUS BUSINESS

Delegate Trecost filed forms with the Clerk's Office per House Rule 94b that he be removed as a cosponsor of H. B. 2239 and H. B. 2503.

Delegate Ambler filed a form with the Clerk's Office per House Rule 94b that he be added as a cosponsor of H. B. 2688.

REMARKS BY MEMBERS

Delegate Caputo asked and obtained unanimous consent that all remarks regarding the passage of Com. Sub. for H. B. 2568, The Pain-Capable Unborn Child Protection Act, be printed in the Appendix to the Journal.

At 1:58 P.M., the House of Delegates adjourned until 11:00 A.M., Thursday, February 12, 2015.

THURSDAY, FEBRUARY 12, 2015

THIRTIETH 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 Wednesday, February 11, 2015, being the first order of business, when the further reading thereof was dispensed with and the same approved.

COMMITTEE REPORTS

Delegate Ellington, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2614, Relating generally to health care provider taxes,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 2614) was referred to the Committee on Finance.

Delegate Ellington, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2272, Relating to the authority of the Board of Pharmacy,

And,

H. B. 2432, Relating to the licensure requirements to practice pharmacist care,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2272 and H. B. 2432) were each referred to the Committee on Government Organization.

Delegate Ellington, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2210, Transferring the Children's Health Insurance Program and Children's Health Insurance Agency,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Government Organization.

In accordance with the former direction of the Speaker, the bill (H. B. 2210) was referred to the Committee on Government Organization.

Delegate Ellington, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2382, Relating to the temporary assistance to needy families program,

H. B. 2589, Establishing an appeal process for decisions issued by the West Virginia Department of Health and Human Resources Board of Review and the Bureau for Medical Services,

H. B. 2613, West Virginia Clearance for Access, Registry and Employment Screening Act,

And,

H. B. 2648, Allowing authorized entities to maintain a stock of epinephrine auto-injectors to be used for emergency,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2382, H. B. 2589, H. B. 2613 and H. B. 2648) were each referred to the Committee on the Judiciary.

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

Your Committee on Government Organization has had under consideration:

H. B. 2625, Continuing the current hazardous waste management fee,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2625) was referred to the Committee on the Judiciary.

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

Your Committee on Government Organization has had under consideration:

H. B. 2364, Board of Registration for Professional Engineers, examination, licensure and practice for professional engineers,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 2364) was referred to the Committee on the Judiciary.

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

Your Committee on Government Organization has had under consideration:

S. B. 389, Relating to Board of Registration for Professional Engineers license renewals and reinstatements,

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

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

Your Committee on Government Organization has had under consideration:

H. B. 2592, Improving accountability in the state purchasing system,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 2592) was referred to the Committee on the Judiciary.

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

Your Committee on Finance has had under consideration:

H. B. 2160, West Virginia Schools for the Deaf and Blind eligible for School Building Authority funding,

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

Com. Sub. for H. B. 2160 - “A Bill to amend and reenact §18-9D-2, §18-9D-3, §18-9D-4c and §18-9D-16 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18-9D-22, all relating to making the West Virginia Schools for the Deaf and Blind eligible to participate in any and all funding administered or distributed by the West Virginia School Building Authority,”

With the recommendation that the committee substitute do pass.

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

Your Committee on Finance has had under consideration:

H. B. 2212, Changing the amount of severance tax revenue annually dedicated to the West Virginia Infrastructure General Obligation Debt Service Fund,

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

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

Your Committee on Finance has had under consideration:

H. B. 2213, Reducing the distributions to the West Virginia Infrastructure Fund,

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

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

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

H. B. 2646, Legalizing and regulating the sale and use of fireworks,

And,

H. B. 2676, Defining a veteran-owned business and exempting such businesses from the initial registration and certain annual report fees,

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

In accordance with the former direction of the Speaker, the H. B. 2676 was referred to the Committee on Finance.

At the request of Delegate Cowles, and by unanimous consent, reference of H. B. 2646 to the Committee on Finance was dispensed with.

Delegate Butler, Vice Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

H. B. 2547, Removing certain officials from office for misconduct or neglect of official duties,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2547) was referred to the Committee on the Judiciary.

Delegate Butler, Vice Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

H. B. 2549, Relating to the preparation and publication of county financial statements,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 2549) was referred to the Committee on the Judiciary.

Delegate Butler, Vice Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

H. B. 2208, Relating to local smoking restrictions,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Government Organization.

In accordance with the former direction of the Speaker, the bill (H. B. 2208) was referred to the Committee on Government Organization.

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

Your Committee on Education has had under consideration:

H. B. 2387, Relating to a framework for initiating comprehensive transformation of school leadership,

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

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

Your Committee on Education has had under consideration:

H. B. 2545, Relating to reimbursement of certification fee for National Board for Professional Teaching Standards certification,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 2545) was referred to the Committee on Finance.

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. 6, Relating to medical professional liability,

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

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

Your Committee on the Judiciary has had under consideration:

H. B. 2608, Cleaning up redundant language in the statute relating to misdemeanor offenses for violation of protective orders,

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

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

Your Committee on the Judiciary has had under consideration:

H. B. 2606, Clarifying the potential sentence for disorderly conduct,

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

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

Your Committee on the Judiciary has had under consideration:

H. B. 2157, Relating to absentee ballot fraud,

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

Com. Sub. for H. B. 2157 - "A Bill to amend the Code of West Virginia, 1931, as amended, by amending and reenacting §3-9-19 relating to establishing that fraud associated with absent voters' ballots

is a felony; and establishing the penalties for fraud associated with absent voters' ballots,"

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 that the Senate had refused to recede from its amendment and requested the House of Delegates to agree to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses as to

Com. Sub. for H. B. 2002, Predicating actions for damages upon principles of comparative fault.

The message further announced that the President of the Senate had appointed as conferees on the part of the Senate the following:

Senators Trump, Carmichael and Palumbo.

On motion of Delegate Cowles, the House of Delegates agreed to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses.

Whereupon,

The Speaker appointed as conferees on the part of the House of Delegates the following:

Delegates Shott, McCuskey and Lynch.

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, without amendment, a bill of the House of Delegates as follows:

H. B. 2138, Adding aircraft operations on private airstrips and farms to the definition of recreational purpose.

A message from the Senate, by

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

Com. Sub. for H. B. 2227, Relating to the National Coal Heritage Area Authority.

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. 60 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-6-25, relating to food handler examinations and cards; requiring food handler card within thirty days of being hired; and establishing that cards are valid for three years and in all counties”; which was referred to the Committee on Health and Human Resources then Government Organization.

A message from the Senate, by

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

S. B. 238 - “A Bill to amend and reenact §18-5-19 and §18-5-19d of the Code of West Virginia, 1931, as amended, all relating to providing that county boards of education are not liable for loss or injury from the use of school property made available for unorganized recreation”; 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. 242 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,

designated §15-5-19b, relating to creating new offense of disseminating false, misleading or deceptive information during a declared state of emergency or state of preparedness; establishing elements of the offense; providing each call constitutes a separate offense; and establishing penalties”; which was referred to the Committee on the Judiciary.

RESOLUTIONS INTRODUCED

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

H. C. R. 54 - “Requesting the bridge at the intersection of County Route 18, known as North Fork Road, and County Route 18/2, known as Ellis Fork Road, in Boone County, West Virginia, (latitude, longitude: 38.00947, -81.95537) be named the ‘Hill Brothers Memorial Bridge’.”

WHEREAS, Julian, Earl and Edward Hill were brothers, three of ten children born to Edward W. Hill and Annie L. Stollings Hill who farmed for a living in Boone County; and

WHEREAS, Julian Alba Hill was born on August 4, 1920, at North Fork of Big Creek, Boone County and worked at many different jobs until being drafted into the United States Army. Before joining the Army, Julian Hill married Audrey Chapman and they had two children. When he was sent to Fort Worth, Texas, for basic training, Audrey rode the train from Charleston to Texas taking along their two small children so they could be together prior to his departure overseas during World War II. After basic training, Julian Hill was sent to Germany where he refueled airplanes and later was sent into combat with General Patton where he refueled tanks and other vehicles. He often spoke of the obstacles placed by Hitler to keep the United States Armed Forces from pushing their way through Germany toward Berlin. He returned from Germany on the USS Argentina in January 1946 and

never talked of the fighting and what he had seen, but he suffered nightmares for many years after his return. After being discharged, Julian and Audrey Hill had a third child in 1949, and he became an over-the-road long haul truck driver, sometimes being gone for two full days at a time. Julian had a truck accident which forced an early retirement from truck driving. He was placed on disability by his company, and Senator Robert C. Byrd was instrumental in seeing that he also received Social Security disability benefits. Julian and Audrey Hill divorced in 1959. Following a brief second marriage which also ended in divorce, he later married Betty Smith. Julian loved camping and gospel and country music. He and Betty spent many years camping in West Virginia, Virginia and South Carolina. Their marriage lasted for forty years until his death in December 2010 at the age of ninety after a fall in a nursing home; and

WHEREAS, Earl Franklin Hill was born on April 22, 1923, at North Fork of Big Creek, Boone County and was inducted into the United States Army on January 12, 1943 and was honorably discharged on June 11, 1943 as Private First Class, Battery B, 225th AAA SL, Camp Davis, North Carolina under the Enlisted Mans importance to national security, health or interest and returned home early to care for his ill father and to farm for the nation's needs and because two brothers were then serving in the military. He married Naomi Ruth Stone on December 23, 1941, and they had six children, one of whom, Richard, died at birth. The other children are Catherine Sue Hill, Sherry Grant Hill, Paul Wayne Hill, Earl F. Hill, II and Barbara Gail Hill. Naomi Hill passed away on November 26, 2006 and Earl Franklin Hill passed away on July 31, 2008 at the VA Hospital in Huntington; and

WHEREAS, Cebert Edward Hill was born on the Ellis Fork off the North Fork of Big Creek in Boone County on October 25, 1917. He completed the eighth grade in 1933, joined the United States Army Air Corp, serving from September 8, 1942. Following his basic training in Tampa, Florida, Edward Hill attained the rank of Private First Class in the 410th Army Air Force Base Unit and served as a Radio Operator,

Area 4600 Underground Placement on Catalina Island, California and a Supply Clerk on St. Nicholas Island, California and received the Good Conduct Medal. He received his honorable discharge on April 26, 1945. In addition to being a farmer for most of his life, he was also a mail carrier for four years from Banco to Danville, and worked for Grocers Wholesale Company, later named The Creasey Company, from 1954 until his retirement in 1981. He married Oma Lee Barker and they had six children, Gary A. Hill, Larry A. Hill, Judy K. Murphy, Jeanne C. Wagner, Eddy R. Hill and Lisa J. Black; and

WHEREAS, It is fitting that an enduring memorial be established to commemorate these native sons who served their state and their country so ably during World War II; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the bridge at the intersection of County Route 18, known as North Fork Road, and County Route 18/2, known as Ellis Fork Road, in Boone County, West Virginia, (latitude, longitude: 38.00947, -81.95537) the "Hill Brothers Memorial Bridge"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge the "Hill Brothers Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Commissioner of the Division of Highways and the families of Julian Hill, Earl Hill and Edward Hill and Cebert Edward Hill, age ninety-seven.

Delegates Miller, Morgan, E. Nelson, Sobonya, Rohrbach, Perdue, McCuskey, Ashley, Hornbuckle, Reynolds and Hicks offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 55 - “Requesting the Division of Highways to name the Section of West Virginia Route 60, from the Guyan Golf and Country Club to the Huntington City Limits in Cabell County, the ‘William C. Campbell Memorial Highway’.”

WHEREAS, William Cammack Campbell was born on May 5, 1923, in Huntington, West Virginia, to Rolla and Ruth Campbell; and

WHEREAS, William Cammack Campbell served in the United States Army, where he saw combat duty in World War II, rose in rank to Captain and was awarded the Bronze Star for Valor and his 100th infantry division three Battle Stars; and

WHEREAS, William Cammack Campbell graduated from Princeton University in 1947 with a degree in history; and

WHEREAS, William Cammack Campbell was an accomplished amateur golfer and two-time President of the United States Golf Association (USGA); and

WHEREAS, William Cammack Campbell played in thirty-seven U.S. Amateurs, including thirty-three consecutively from 1941-1977, and won the event in 1964; and

WHEREAS, William Cammack Campbell played on eight Walker Cup teams from 1951 to 1975, captaining the 1955 team, and finished with an overall record of 11-4-2 and 7-0-1 in single matches; and

WHEREAS, William Cammack Campbell won three West Virginia Opens, four North and South Amateurs, and fifteen West Virginia Amateur titles; and

WHEREAS, William Cammack Campbell won the U.S. Senior Amateur in 1979 and 1980 and finished 2nd overall in the 1980 U.S. Senior Open; and

WHEREAS, William Cammack Campbell served on the Executive Committee of the USGA from 1962-1965, and again from 1977-1984,

serving as the treasurer in 1978-1979, the vice-president in 1980-1981, and as the president from 1982-1983; and

WHEREAS, William Cammack Campbell was awarded the Bob Jones Award in 1956, the USGA's highest honor; the Old Tom Morris Award from the Golf Course Superintendents Association of American (GCSAA) in 1991, the GCSAA's highest honor; and was inducted into the West Virginia Golf Hall of Fame in 2009; and

WHEREAS, William Cammack Campbell served as a member of the West Virginia House of Delegates from 1948-1951; and

WHEREAS, William Cammack Campbell was a lifetime owner and manager of Campbell Insurance of Huntington, WV; and

WHEREAS, William Cammack Campbell was an active member of the community and contributed to many organization and causes, including: Serving as President for the Marshall University Foundation, the Huntington YMCA, the Greater Huntington Chamber of Commerce and the Central Ohio Industrial Council; serving as the director of the Cabell County American Red Cross; serving as the vice president of the Ohio Valley Improvement Association; and serving as a board member of Our Jobs, Our Children, Our Future, Inc.; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name that portion of West Virginia Route 60, from the Guyan Golf and Country Club to the Huntington City Limits in Cabell County, the "William C. Campbell Memorial Highway"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the designated highway containing bold and prominent letters proclaiming that portion of West Virginia Route 60, from the Guyan Golf and

Country Club to the Huntington City Limits in Cabell County, the “William C. Campbell Memorial Highway”; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Commissioner of the Division of Highways and to the family of William Cammack Campbell.

Delegates Sobonya, Speaker Armstead, Ambler, Anderson, Arvon, Ashley, Azinger, Bates, Blair, Boggs, Border, Butler, Byrd, Campbell, Canterbury, Caputo, Cooper, Cowles, Deem, Duke, Eldridge, Ellington, A. Evans, D. Evans, Faircloth, Fast, Ferro, Fleischauer, Folk, Foster, Frich, Gearheart, Guthrie, Hamilton, Hamrick, Hanshaw, Hartman, Hicks, Hill, Hornbuckle, Householder, Howell, Ihle, Ireland, Kelly, Kessinger, Kurcaba, Lane, Lynch, Manchin, Marcum, McCuskey, Miley, Miller, Moffatt, Moore, Morgan, Moye, E. Nelson, J. Nelson, O’Neal, Pasdon, Perdue, Pethel, L. Phillips, Pushkin, Reynolds, Rodighiero, Rohrbach, Romine, Rowan, Rowe, Shott, Skinner, P. Smith, R. Smith, Sponaugle, Stansbury, Statler, Storch, Trecost, Upson, Walters, Waxman, Weld, Westfall, B. White, H. White and Zatezalo offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 56 - “Encouraging all West Virginians to observe Red Shirt Fridays, as a reminder to all of the courage, honor and sacrifice of our Soldiers, Sailors, Airmen and Marines and the families who hold them dear.”

WHEREAS, Red Shirt Fridays is a campaign encouraging Americans to wear red each Friday and was organized as a show of support for our troops and to acknowledge that the burdens, dangers and sacrifices of fulfilling America’s military obligations around the world have fallen to an extremely small percentage of Americans and their families; and

WHEREAS, Many Americans have served multiple tours of duty in harm's way, at great cost to themselves and to their families; and too often, in the hectic swirl and frantic pace of modern life, many Americans have overlooked and underappreciated the service and sacrifice of those who fight our battles around the world; and

WHEREAS, The origin of Red Shirt Fridays was initiated sometime in 2005 in the United States and has spread to Canada as well; and it is hoped that the color red symbolizing the blood shed by American Soldiers, Sailors, Airmen and Marines in battle reminds all Americans of their courage and sacrifices; and

WHEREAS, It is altogether fitting and proper that Americans should be reminded on a regular basis that thousands of American military personnel, and their families, endure, and have endured, great hardship on behalf of our Country and their fellow citizens; and

WHEREAS, "Red Shirt Fridays" on which Americans are urged to wear red shirts, vests and jackets as a reminder to themselves and all who see them of the American military forces currently serving in harm's way around the world, and of the families who also serve and sacrifice, awaiting the return of their service men and women to them, has been urged as a weekly day of remembrance by groups and individuals throughout the nation; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature encourages all West Virginians to observe Red Shirt Fridays as a reminder to all of the courage, honor and sacrifice of our Soldiers, Sailors, Airmen and Marines and the families who hold them dear.

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

H. C. R. 57 - “Requesting the Division of Highways to name a section of State Route 20 near Cleveland, West Virginia, running through Webster County, from mile marker 45 to mile marker 47, ‘U. S. Army PFC Lowell Roger Groves Memorial Road’.”

WHEREAS, PFC Lowell Roger Groves was born on June 14, 1950, in Cleveland, West Virginia to Fred and Virginia Groves. He married Rita Jones Groves and had a son, Charles David Groves. PFC Groves, his wife, and son lived in Athens, Ohio; and

WHEREAS, PFC Lowell Roger Groves enlisted in the United States Army on August 28, 1968, and was a member of the B Company, 2nd Battalion, 22nd Infantry, and 25th Infantry Division. He began his tour in Vietnam on January 30, 1969. On March 6, 1969, after only 36 days, PFC Groves was killed in action in the Tay Ninh Province, South Vietnam; and

WHEREAS, PFC Lowell Roger Groves was awarded the Purple Heart, the Vietnam Service Medal, the Vietnam Campaign Medal and the National Defense Service Medal; and

WHEREAS, It is fitting that an enduring memorial be established to commemorate his service and ultimate sacrifice to his country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a section of State Route 20 in Upshur County the “U.S. Army PFC Lowell Roger Groves Memorial Road”; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to create signs at both ends of the highway proclaiming this roadway to be the “U.S. Army PFC Lowell Roger Groves Memorial Road”; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Commissioner of the Division of Highways and to siblings Rodney Groves, Glenna Cesare, Patricia Cottrell and Jeannie Cottrell.

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

H. C. R. 58 - "Requesting the Division of Highways to name the bridge on County Route 4/1, Gibbons Run Road, over North River in Hampshire County, bridge number 14-4/1-2.29, (14A011), latitude 39.33852, longitude -78.50974, as the 'U.S. Army PV2 William Frederick Kump Memorial Bridge'."

WHEREAS, William Frederick Kump was born November 16, 1847, and raised in North River Mills, the son of the local blacksmith, Frederick Kump. His father had bought the log house located on land once owned by Rees Pritchard, a Revolutionary War veteran, that same year; and

WHEREAS, As the Civil War was approaching, young William Frederick Kump grew up in a community with strong southern sentiments. During the Civil War Hampshire County raised thirteen Confederate companies and one unit for the Union; and

WHEREAS, Much against his family's wishes and the sentiments of the local community, William Frederick Kump decided to fight for the Union. Tradition says that as he left home and walked up the road his father desperately tried to persuade his son to reconsider. He failed to dissuade the young man; and

WHEREAS, William Frederick Kump enlisted at Paw Paw on February 23, 1864, lying about his age. William Frederick Kump never returned home. Nor did he ever have a chance to see his hopes for a Union victory come to pass. He was killed at the Battle of

Halltown on August 24, 1864, five months and one day after he enlisted. His grave site is unknown; and

WHEREAS, William Frederick Kump and his family represent the terrible cost of war that Hampshire county suffered as families were split apart, some never to be reunited. Only recently did some of William Frederick Kump's descendants learn that there had been another son born to their ancestor's marriage. It is fitting that one of Hampshire County's oldest communities memorializes this noble young soldier who followed his heart and that we remember the terrible cost of war that the community suffered; and

WHEREAS, It is fitting that in the county with the first monument raised to the Confederate dead, at Indian Mound cemetery in Romney, there should be a memorial to those few who chose a different path by naming the bridge on County Route 4/1, Gibbons Run Road, over North River in Hampshire County, bridge number 14-4/1-2.29, (14A011), latitude 39.33852, longitude -78.50974, as the "U.S. Army PV2 William Frederick Kump Memorial Bridge"; therefore, be it

Resolved by the West Virginia Legislature:

That the Legislature hereby requests the Division of Highways to name the bridge on County Route 4/1, Gibbons Run Road, over North River in Hampshire County, bridge number 14-4/1-2.29, (14A011), latitude 39.33852, longitude -78.50974, as the "U.S. Army PV2 William Frederick Kump Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U.S. Army PV2 William Frederick Kump 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 to Charles C. Hall, Director of Historic Hampshire County, West Virginia.

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

H. C. R. 59 - "Requesting the Division of Highways to name bridge number 50-52-37.47 (50A049), (38.006184, -82.506839), locally known as the Lost Creek Beam Span, carrying WV Route 52 over Lost Creek in Wayne County, the 'U.S. Army PFC Ernest D. Marcum Bridge'."

WHEREAS, Ernest D. "Doby" Marcum was born in Crum, WV, on September 12, 1947, the son of Oscar and Gladys Perry Marcum; and

WHEREAS, Ernest D. "Doby" Marcum entered service to his country with the United States Army during the Vietnam Conflict in 1967; and

WHEREAS, Ernest D. "Doby" Marcum served as an Armor Intelligence Specialist with the 9th Infantry Division, attaining the rank of Private First Class; and

WHEREAS, PFC Ernest D. Marcum paid the ultimate price on December 31, 1967, when he was killed by shrapnel from a grenade and he was posthumously awarded the Purple Heart therefor; and

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

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 50-52-37.47 (50A049), (38.006184, -82.506839), locally known as the Lost Creek Beam Span, carrying WV Route 52 over Lost Creek in Wayne County, the "U.S. Army PFC Ernest D. Marcum 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 PFC Ernest D. Marcum 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 and to the Wayne County Veterans’ Association.

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

H. C. R. 60 - “Requesting the Division of Highways to name the bridge on State Route 52 in Wayne County, bridge number 50-52-54.27 (50A115), locally known as the Marrowbone Creek Bridge, as the ‘U.S. Army SFC Jesse Muncy Memorial Bridge’.”

WHEREAS, Sergeant First Class Muncy was born in Mingo County on September 15, 1921, the son of Jeff and Sally (Sallie) Muncy. Growing up in Kermit with his sisters Lucy (later Marcum), Dicie (Hodge), and Mary (Waller) and his brother Birdie, he attended local schools through the elementary grades; and

WHEREAS, Following his July 17, 1941, enlistment Sergeant First Class Muncy married Loda Lowe, with whom he had three children, Clyde, Sally (“Dot”) and Peggy Carol; and

WHEREAS, Serving with the Company G, 13th Infantry Regiment, 8th Infantry, Sergeant First Class Muncy received a Silver Star for gallantry in action on April 9, 1945, when in the vicinity of Olpe, Germany, his company encountered two German tanks during an attack, and Sergeant First Class Muncy, along with four other men, knocked out the tanks; and

WHEREAS, On October 15, 1945, Sergeant First Class Muncy received that Silver Star, the citation reads, “By direction of the

President, under the provisions of AR 600-45, 22 September 1943, as amended, the Silver Star is awarded to: Staff Sergeant Jesse Muncy, 35210666, Infantry, Company G, 13th Infantry Regiment, for gallantry in action on 9 April 1945 in the vicinity of Olpe, Germany. When his company encountered two German tanks during an attack, Sergeant Muncy, with four other men, proceeded into enemy lines in an attempt to knock out the tanks. Under direct enemy small arms, machine gun and tank fire, Sergeant Muncy, after directing his men to give him covering fire, maneuvered to within fifty yards of an enemy tank and, firing three rounds from his bazooka, knocked out the tank, captured seven enemy soldiers and wounded five others. Moving alone to another position, Sergeant Muncy placed fire upon a German convoy, capturing 23 enemy soldiers. Sergeant Muncy's outstanding courage and devotion to duty were in keeping with the highest traditions of the military service. Entered the military service from West Virginia"; and

WHEREAS, Sergeant First Class Muncy also received the Good Conduct Medal, the American Defense Service Medal, and the European-African-Middle Eastern Theater Service Medal, as well as a Bronze Star for heroic and meritorious service; and

WHEREAS, After his honorable discharge on October 18, 1945, Sergeant First Class Muncy returned to southern West Virginia and the coal mines and settled into a seemingly normal life. But life in the mines had its ups and downs, and when fighting erupted in Korea, Sergeant First Class Muncy willingly reenlisted. As a decorated war soldier and experienced infantryman, he became a participant in what is now known as "Bloody Ridge" in North Korea during August and September 1951; and

WHEREAS, Sergeant First Class Muncy was involved in fierce fighting – undoubtedly as harrowing as anything he had seen in World War II – had been going on for months, as reported in the following account: "After securing Hill 773 on the last day of August, the 9th Infantry struck anew at the two remaining peaks on 'Bloody Ridge', 'Hills 983 and 900'. The hilly terrain made any forward movement

difficult, so say the least, and the intense fighting had scorched the earth. But the 9th Infantry persevered: Dirty, unshaven, and miserable they backed down, tried again, circled, climbed, slid, suffered, ran, rolled, crouched and grabbed upward only to meet again the murderous fire, the blast of mortar and whine of bullets and jagged fragments. Minutes seemed like hours, hours like days, and days like one long, terrible, dusty, blood-swirled nightmare shivering at night, sweat clogged at day”; and

WHEREAS, It was in this hard-fought battle that Sergeant First Class Muncy lost his life on September 1, 1951. Sergeant First Class Muncy received a second Silver Star for his service in Korea, as well as the Purple Heart. His remains were interred in a family cemetery near Kermit on December 18, 1951. His funeral notice in the *Williamson Daily News*, December 17, 1951, described him as a “professional soldier”; and

WHEREAS, On August 10, 1951, less than a month before his death Sergeant First Class Muncy wrote a letter to his wife and children reiterating his love for them but inserting his uneasy concern for what his unit was about to face: “I will drop you a few lines tonight to let you know I am well and I miss you and the babies a lot. Honey, I am moving up tonight and we are all pretty quiet. Nobody has got anything to say, but you can tell [what] they’re thinking. Some of them are worried some, and I am for one, but they don’t know it, and Honey, I am thinking of you and the babies and if I will get to see you anymore... Well, Honey, if this should be the last letter, take good care of the babies and keep them together and tell them that I love them... ‘So tell all the family hello and answer real soon, and tell Mom hello for me. So I will close with all my love... P.S. Take good care of my pup. Love, Dad’”; and

WHEREAS, Sergeant First Class Muncy’s widow Loda Muncy never remarried, preferring to raise her “babies” in the home where they planned to spend the rest of their lives. In a 2013 interview, Sally (“Dot”) explained that she and Peggy Carol worked for many years at

an Ohio packing plant, and Peggy still lives in that state, while Dot has returned in her retirement to the old home place on Jennie's Creek in Wayne County. Clyde, not yet retired, still works at a machine shop in Kenova. The family is determined that the legacy of Sergeant First Class Muncy and Loda Muncy not be forgotten, and they recall with pride that anyone who claims to have met Sergeant First Class Muncy during his years in the service has offered thanks for his selfless sacrifice; and

WHEREAS, It is fitting that an enduring memorial be established to commemorate U.S. Army Sergeant First Class Muncy, a native son who gave the ultimate sacrifice for his state and his country, by naming the bridge on State Route 52 in Wayne County, bridge number 50-52-54.27 (50A115), locally known as the Marrowbone Creek Bridge, as the "U.S. Army SFC Jesse Muncy Memorial Bridge"; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Division of Highways to name the bridge on State Route 52 in Wayne County, bridge number 50-52-54.27 (50A115), locally known as the Marrowbone Creek Bridge, as the "U.S. Army SFC Jesse Muncy Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U.S. Army SFC Jesse Muncy 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 to the family members of U.S. Army Sergeant First Class Jesse Muncy.

BILLS INTRODUCED

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

By Delegates McCuskey, Ashley, E. Nelson, Rohrbach and Westfall:

H. B. 2701 - “A Bill to amend and reenact §17A-6A-1, §17A-6A-3, §17A-6A-4, §17A-6A-5, §17A-6A-6, §17A-6A-7, §17A-6A-8, §17A-6A-8a, §17A-6A-9, §17A-6A-10, §17A-6A-11, §17A-6A-12, §17A-6A-13, §17A-6A-15, §17A-6A-16, §17A-6A-17 and §17A-6A-18 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto six new sections, designated §17A-6A-12a, §17A-6A-12b, §17A-6A-14a, §17A-6A-19, §17A-6A-20 and §17A-6A-21, all relating to motor vehicle dealers, distributors, wholesalers and manufacturers”; to the Committee on Roads and Transportation then the Judiciary.

By Delegates Pasdon, Perry, Moye, Hamrick, Campbell, Statler, Rowan and Espinosa:

H. B. 2702 - “A Bill to amend and reenact §18-5-18 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18A-4-8 and §18A-4-8b of said code, all relating to redefining service personnel class titles of early childhood classroom assistant teacher; protecting certain aides from reduction in force or transfer to create vacancy for less senior early childhood classroom assistant teacher; requiring aide who becomes employed as early childhood classroom assistant teacher to hold certain multiclassification status; and including early childhood assistant classroom assistant teacher in same classification category as aides”; to the Committee on Education.

**By Delegates Hamilton, Moore, A. Evans and Canterbury
[By Request of the Division of Corrections]:**

H. B. 2703 - “A Bill to amend and reenact §62-12-13 of the Code of West Virginia, 1931, as amended, relating to permitting in absentia parole hearings in certain instances”; to the Committee on the Judiciary.

By Delegate Morgan:

H. B. 2704 - “A Bill to amend and reenact §11-15-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-15A-2

of said code, all relating to increasing sales and use taxes by one percent”; to the Committee on Finance.

By Delegates L. Phillips, Eldridge, Longstreth, Ferro, Trecost, Hornbuckle, Guthrie, Perdue, Campbell and P. Smith:

H. B. 2705 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-5-4b, relating to providing a pay increase for certain employees of the Department of Health and Human Resources”; to the Committee on Government Organization then Finance.

By Delegates L. Phillips, Guthrie, P. Smith, Perdue, Eldridge, Moore, Ferro, Trecost, Pethtel, Miley and Moyer:

H. B. 2706 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-5-4b, relating to providing a pay increase for certain employees of the Division of Highways”; to the Committee on Government Organization then Finance.

By Delegates Eldridge, Marcum, Hicks, Rodighiero, Perdue and Campbell:

H. B. 2707 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §36-3-8a, relating to permitting surface owners on whose properties natural gas producing wells are drilled and surface owners on whose property natural gas pipelines cross to purchase gas at market rates”; to the Committee on Energy and then the Judiciary.

By Delegates Skinner, Fleischauer, Reynolds, Sponaule, Guthrie, Folk, Pushkin and McCuskey:

H. B. 2708 - “A Bill to amend and reenact §30-21-7, §30-21-7b and §30-21-7d of the Code of West Virginia, 1931, as amended; to amend and reenact §30-30-8, §30-30-10, §30-30-12 and §30-30-14 of said code; and to amend and reenact §30-31-8 and §30-31-9 of said code, all relating to professions and occupations; requiring various professionals who provide mental health-related services, including

psychologists, licensed school psychologists, marriage and family therapists, professional clinical counselors and clinical social workers who begin graduate study on or after January 1, 2016 to complete a minimum number of fifteen contact hours of course work in suicide assessment, treatment and management before that person may be issued a license; and requiring a person licensed in these professions or an applicant for licensure who begins graduated study prior to January 1, 2016, to take a six hour continuing education course in suicide assessment, treatment and management in order to renew that person's license"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Sponaule, H. White, Marcum, Campbell, R. Phillips, Hartman, Walters, Fluharty, Miley, Boggs and Byrd:

H. B. 2709 - "A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to personal income tax; exempting a percentage of social security benefits from personal income tax based on individual's overall amount of taxable income"; to the Committee on Senior Citizen Issues then Finance.

By Delegate Skinner:

H. B. 2710 - "A Bill to amend and reenact §24-2-2 of the Code of West Virginia, 1931, as amended, relating to requiring the commission to establish rates which ensure that the future customers to be served by the new project are solely responsible only for the debt costs associated for that specific project"; to the Committee on the Judiciary.

By Delegates Marcum, H. White, R. Phillips, Rodighiero, Eldridge and Campbell:

H. B. 2711 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-22-9b, relating to the state lottery; providing for a scratch-off game to fund a drug treatment facility on post-mine land in Mingo and Logan Counties; creating a special fund within the State Treasury; authorizing the Legislature to appropriate the special lottery funds to construct and operate the drug treatment facility on post-mine land in Mingo and

Logan Counties; requiring the lottery commission to change the design or theme of game on a regular basis; requiring the health care authority to conduct a survey to determine need for beds at the prospective drug treatment facility in Mingo and Logan Counties; and requiring the authority to report its findings to the joint committee on government and finance”; to the Committee on the Judiciary then Finance.

By Delegates Skinner, Reynolds, Pushkin, Sponaugle, Guthrie and Householder:

H. B. 2712 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5G-1, §21-5G-2, §21-5G-3 and §21-5G-4, all relating to employment and privacy protection; prohibiting an employer from requesting or requiring that an employee or applicant disclose any user name, password, or other means for accessing a personal account or service through certain electronic communications devices; prohibiting an employer from taking or threatening to take, certain disciplinary actions for an employee’s refusal to disclose certain password and related information; prohibiting an employer from failing or refusing to hire an applicant as a result of the applicant’s refusal to disclose certain password and related information; prohibiting an employee from downloading certain unauthorized information or data to certain Web sites or Web-based accounts; providing that an employer is not prevented from conducting certain investigations for certain purposes, including gathering information needed for compliance with mandatory state or federal regulations; and duties not created under this article”; to the Committee on the Judiciary.

By Delegates Byrd, McCuskey, Stansbury, H. White, Guthrie, Pushkin, Rowe, Reynolds, Fleischauer, Lynch and Fluharty:

H. B. 2713 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12j, relating to providing taxpayers repaying their own student loans a modification reducing federal adjusted gross in the amount of the interest paid, for personal income tax purposes”; to the Committee on Education then Finance.

By Delegates A. Evans, Eldridge, Hamilton, L. Phillips, Guthrie and Romine

[By Request of the Department of Agriculture]:

H. B. 2714 - “A Bill to amend and reenact §19-12A-6a of the Code of West Virginia, 1931, as amended, relating to altering the method of determining when the Department of Agriculture must deposit into the General Revenue Fund funds it collects that would otherwise be deposited into the Land Division Special Revenue Account”; to the Committee on Agriculture and Natural Resources then Finance.

By Delegates Sobonya, Frich, Miller, Householder, Butler, Ihle and Kurcaba:

H. B. 2715 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-2-8a, relating to making it illegal to transport a minor across state lines to obtain an abortion without written consent of both parents or legal guardians; and providing a penalty”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates J. Nelson, Longstreth, Ferro, Hamilton, L. Phillips and Guthrie

[By Request of the Secretary of State]:

H. B. 2716 - “A Bill to amend and reenact §29-19-5 of the Code of West Virginia, 1931, as amended; relating to charitable organizations”; to the Committee on Finance.

By Delegates Marcum, Pasdon, Perry, H. White, R. Phillips, Williams, Eldridge, Rodighiero, Reynolds, Campbell and Moyer:

H. B. 2717 - “A Bill to amend and reenact §18A-4-7a and §18A-4-8b of the Code of West Virginia, 1931, as amended, all relating to hiring of public school employees; providing for hiring decisions to be made in public meetings of a county board of education; requiring detailed reports listing the specific qualifications, seniority and rationale for consideration of each employee candidate; requiring that every board member receive the report prior to the meeting of the

county board of education; and providing for consideration of personal information during an executive session of the meeting of the board”; to the Committee on Education.

By Delegates Gearheart, Butler, Hamrick, Ihle, Householder, Westfall, Miller, Border, Cooper, Hanshaw and Ellington:

H. B. 2718 - “A Bill to amend and reenact §17-3-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-22A-10 and §29-22A-10d of said code, all relating to the Racetrack Modernization Fund; transferring funds remaining in the Racetrack Modernization Fund to the State Road Fund; and closing the Racetrack Modernization Fund”; to the Committee on Finance.

By Delegates Skinner, Campbell, Reynolds, Overington and Fluharty:

H. B. 2719 - “A Bill to amend and reenact §61-8-19a of the Code of West Virginia, 1931, as amended, relating to increasing the criminal penalties for participating in an animal fighting venture”; to the Committee on the Judiciary.

DAILY CALENDAR

UNFINISHED BUSINESS

H. R. 9, Authorizing the Committee on Rules to arrange a Special Calendar and providing for making public the vote on certain questions in connection with the preparation thereof; coming up in regular order, as unfinished business, was reported by the Clerk and adopted.

THIRD READING

Com. Sub. for S. B. 237, Creating Captive Cervid Farming Act; on third reading with amendments pending and the restricted right to amend jointly by Delegates Anderson, Boggs and Williams, was reported by the Clerk.

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

On page eight, section four, line twenty-one, following the word “the”, by striking out “biennial” and inserting in lieu thereof “annual”.

On page eight, section four, line twenty-five, following the word “others” and the comma, by striking out “\$750” and inserting in lieu thereof “\$375”.

On page eight, section four, line twenty-nine, following the word “others” and the comma, by striking out “\$1500” and inserting in lieu thereof “\$750”.

And,

On page eleven, section six, line thirteen, following the words “period of”, by striking out the word “two” and inserting in lieu thereof the word “one”.

An amendment to the bill, offered by Delegate Williams, was reported by the Clerk.

Whereupon,

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

An amendment to the bill, offered by Delegate Boggs, was reported by the Clerk.

Whereupon,

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

On motion of Delegates Anderson, Williams and Boggs, the bill was amended on page six, section three, following line twenty-three, by inserting the following:

“(7) Regulate the movement of captive cervids and require the documentation of the origin and destination of all shipments of captive cervids; and

(8) Prohibit captive cervid facilities in this state from receiving live captive cervids or any biproduct thereof, or captive cervid genetic materials from a captive cervid facility that has had a confirmed chronic wasting disease or tuberculosis positive cervid in the last sixty months.”

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 71**), and there were—yeas 88, nays 12, absent and not voting none, with the nays being as follows:

NAYS: Boggs, Caputo, Fleischauer, Fluharty, Longstreth, Manchin, Marcum, Moore, Moye, Pethel, Rodighiero and Statler.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 237) passed.

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

On this question, the yeas and nays were taken (**Roll No. 72**), 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. 237) takes effect from its passage.

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

H. B. 2274, Authorizing the Commissioner of Corrections to enter into mutual aid agreements; 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. 73**), 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 (H. B. 2274) passed.

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

MISCELLANEOUS BUSINESS

Delegate Fluharty filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2713.

Delegate Moffatt filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2674.

Delegate Pasdon filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2713.

Delegates Sobonya and Miller filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsors of H. B. 2530.

Delegates Stansbury and Weld filed forms with the Clerk's Office to be added as cosponors of H. C. R. 47.

Delegate Walters announced that he was absent on yesterday when the vote was taken on H. B. 2568, and that had he been present, he would have voted "YEA" thereon.

REMARKS BY MEMBERS

Delegate McCuskey asked and obtained unanimous consent that the remarks of Delegate Rowe regarding West Virginia State University be printed in the Appendix to the Journal.

Delegate Guthrie asked and obtained unanimous consent that the remarks of Delegates Bates and Miley regarding jobs in West Virginia be printed in the Appendix to the Journal.

Delegate Espinosa asked and obtained unanimous consent that the remarks of Delegate Gearheart regarding jobs be printed in the Appendix to the Journal.

Delegate Ashley asked and obtained unanimous consent that the remarks of Delegate Anderson in his closing speech regarding Com. Sub. for S. B. 237 be printed in the Appendix to the Journal.

Delegate Caputo asked and obtained unanimous consent that the remarks of Delegate Hornbuckle regarding jobs be printed in the Appendix to the Journal.

At 1:56 P.M., the House of Delegates adjourned until 11:00 A.M., Friday, February 13, 2015.

FRIDAY, FEBRUARY 13, 2015

THIRTY-FIRST 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 12, 2015, being the first order of business, when the further reading thereof was dispensed with and the same approved.

COMMITTEE REPORTS

Delegate Overington, Chair of the Committee on Industry and Labor, submitted the following report, which was received:

Your Committee on Industry and Labor has had under consideration:

H. B. 2285, Department of Environmental Protection, requirements for operating permits,

H. B. 2340, Division of Labor, relating to child labor,

And,

H. B. 2342, Office of Miners' Health, Safety and Training, safety of those employed in and around quarries in West Virginia,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2285, H. B. 2340 and H. B. 2342) were each referred to the Committee on the Judiciary.

Delegate Walters, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

H. B. 2518, Requiring insurers issuing group accident and sickness insurance policies to certain employers to furnish claims loss experience to policyholders,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 2518) was referred to the Committee on the Judiciary.

Delegate McCuskey, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

H. B. 2395, Storm Scammer Consumer Protection Act,

And,

H. B. 2540, Requiring automobile liability insurance providers must give a policyholder fourteen days notice of an intent to cancel the policy if the reason for cancellation is nonpayment,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2395 and H. B. 2540) were each referred to the Committee on the Judiciary.

Delegate Espinosa, Vice Chair of the Committee on Small Business, Entrepreneurship and Economic Development, submitted the following report, which was received:

Your Committee on Small Business, Entrepreneurship and Economic Development has had under consideration:

H. B. 2385, Relating to brewer, resident brewer and brewpub licensing and operations,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 2385) was referred to the Committee on the Judiciary.

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

Your Committee on Education has had under consideration:

H. B. 2527, Creating a Task Force on Prevention of Sexual Abuse of Children,

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

Com. Sub. for H. B. 2527 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-2-8, relating to establishing the Task Force on Prevention of Sexual Abuse of Children; authorizing section to be called Erin Merry'n's Law"; specifying membership; specifying

responsibilities, including report of recommendations to Legislature and Governor; precluding member compensation or expense reimbursement.”

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

In the absence of objection, reference of the bill (Com. Sub. for H. B. 2527) to the Committee on Finance was abrogated.

Delegate Canterbury, Chair of the Committee on Pensions and Retirement, submitted the following report, which was received:

Your Committee on Pensions and Retirement has had under consideration:

H. B. 2222, Relating to certain members of the Legislature and certain service by members of the Legislature,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 2222) was referred to the Committee on Finance.

Delegate Canterbury, Chair of the Committee on Pensions and Retirement, submitted the following report, which was received:

Your Committee on Pensions and Retirement has had under consideration:

H. B. 2521, Clarifying the scope, application and methods for error correction required by the CPRB,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2521) was referred to the Committee on the Judiciary.

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

Your Committee on Finance has had under consideration:

H. B. 2523, Creating a special revenue account to offset costs for the West Virginia State Police 100th Anniversary in 2019,

And,

H. B. 2675, Reducing certain severance taxes that are dedicated to the Workers' Compensation Debt Reduction Fund,

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

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

Your Committee on Energy has had under consideration:

H. B. 2688, Providing for the unitization of interests in drilling units in connection with all horizontal oil or gas wells,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 2688) was referred to the Committee on the Judiciary.

Delegate Ellington, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2510, Relating to school celebrations, recognition programs and events,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Education.

In accordance with the former direction of the Speaker, the bill (H. B. 2510) was referred to the Committee on Education.

Delegate Ellington, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2511, Health Care Sharing Ministries Freedom to Share Act,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2511) was referred to the Committee on the Judiciary.

On motion for leave, a bill was introduced (Originating in the Committee on Health and Human Resources and reported with the recommendation that it do pass), which was read by its title, as follows:

By Delegates Stansbury, Campbell, Rodighiero, Householder, Ashley, Fleischauer, Summers, Longstreth, Kurcaba and Ellington:

H. B. 2776 - "A Bill to amend and reenact §30-3E-12 of the Code of West Virginia, 1931, as amended; to amend and reenact §30-7-15a of said code; and to amend and reenact §30-8-9 of said code, all relating to prescribing hydrocodone combination drugs for a duration of no more than three days".

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

Your Committee on Government Organization has had under consideration:

S. B. 262, Transferring CHIP and Children's Health Insurance Agency from Department of Administration to DHHR,

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

Delegate Ellington, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2652, Reducing the assessment paid by hospitals to the Health Care Authority,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 2652) was referred to the Committee on Finance.

Delegate Ellington, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2104, Terminating the Tax Commissioner's authority to issue business licenses to sell paraphernalia for use with controlled substances,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 2104) was referred to the Committee on the Judiciary.

On motion for leave a bill was introduced (Originating in the Committee on Government Organization and reported with the recommendation that it do pass), which was read by its title, as follows:

By Delegates Faircloth, Ihle, Hill, Kessinger, Stansbury, Hamrick, Hartman, Ferro, McGeehan, Zatezalo and Blair:

H. B. 2777 - "A Bill to amend the Code of West Virginia, 1931, as amended, by repealing §30-27-11a and §30-27-12; to amend and reenact §30-27-1, §30-27-2, §30-27-3, §30-27-4, §30-27-5, §30-27-6, §30-27-8, §30-27-8a, §30-27-10, §30-27-11 and §30-27-16 of the code; and to amend said code by adding thereto three new sections, designated §30-27-8b, §30-27-8c and §30-27-8d, all relating to licensing of barbers, cosmetologists, and hairstylists; revising the membership requirements of the Board of Barbers and Cosmetologists; exempting shampoo assistants and hair braiding from licensure by the Board of Barbers and Cosmetologists; changing the requirement for licensure of aestheticians and nail technicians to registration; creating certifications; modifying barber apprentice program; limiting continuing education requirements for barbers and cosmetologists; and modifying the requirements to be an instructor in a school."

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

Your Committee on Education has had under consideration:

H. B. 2391, Authorizing additional annual waiver to full implementation of five full day early childhood education program,

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

Com. Sub. for H. B. 2391 - "A Bill to amend and reenact §18-5-44 of the Code of West Virginia, 1931, as amended, relating to minimum instructional days per week, minimum instructional minutes

per week and minimum instructional days per year for early childhood education programs,”

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 that the Senate had refused to recede from its amendment and requested the House of Delegates to agree to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses as to

Com. Sub. for H. B. 2025, Prohibiting certain sex offenders from loitering within one thousand feet of a school or child care facility.

The message further announced that the President of the Senate had appointed as conferees on the part of the Senate the following:

Senators Nohe, Gaunch and Williams.

On motion of Delegate Cowles, the House of Delegates agreed to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses.

Whereupon,

The Speaker appointed as conferees on the part of the House of Delegates the following:

Delegates Weld, Lane and Lynch.

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 concurrence in the amendment of the House of Delegates and the passage, as amended, to take effect July 1, 2015, of

Com. Sub. for S. B. 7, Requiring CPR and care for conscious choking instruction in public schools.

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. 19 - “A Bill to amend and reenact §18-5-44 of the Code of West Virginia, 1931, as amended, relating to setting forth minimum days per week, number of instructional minutes per week and minimum instructional days per year for early childhood education programs”; which was referred to the Committee on Education.

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. 243 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-5-6a, relating to school nutrition standards during a state of emergency or state of preparedness; authorizing Governor or Legislature to temporarily suspend legislative rules establishing nutrition standards for foods and beverages served to students in public schools during a state of emergency or state of preparedness; and providing limitations”; which was referred to the Committee on Education.

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. 335, Creating Access to Opioid Antagonists Act.

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. 361 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-5A-12, relating to eliminating the requirement of paying prevailing hourly rate of wages for construction of public improvements”; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

Com. Sub. for S. B. 430 - “A Bill to amend and reenact §48-27-507 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §51-2A-2a, all relating to exempting mutual orders enjoining certain contact between parties to a domestic relations action from the prohibition against mutual protective orders; authorizing family courts of the state to enter mutual orders enjoining certain contact between parties to a domestic relations action; providing for certain terms and effective length of such orders; authorizing family court to enforce its order through an order of contempt; and expressing intent of the Legislature”; which was referred to the Committee on the Judiciary.

RESOLUTIONS INTRODUCED

Delegates J. Nelson, Folk, Butler, Ihle, Eldridge, Longstreth, H. White, Foster, Hill and Kessinger offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 61 - “Requesting the Division of Natural Resources to reintroduce Elk to southern West Virginia.”

WHEREAS, Hunting is a valued natural heritage of the citizens of the state. Eastern Elk were once common native Elk species in the state prior to and following its formation, but historical records indicate native Elk were completely removed from the State of West Virginia around 1875. Until recently, free roaming Elk have not been present in the state; and

WHEREAS, The citizens have expressed a desire for, and would benefit from, active Elk restoration in the southern parts of the state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Natural Resources is requested to establish an effective, science-based Elk management plan for the reintroduction of Elk to southern West Virginia ; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Director of the Division of Natural Resources.

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

H. C. R. 62 - “Requesting the Division of Highways to name a portion of County Route 5/11, White Creek Road, in Lincoln County, near Harts, beginning at a point, latitude 37.922, longitude -82.089, at the intersection of Smokehouse Fork Hart Creek Road, and ending at a point, latitude 37.912, longitude -82.106, at the intersection of White Oak Road, the ‘Lando Adkins, Sr. Memorial Road’ .”

WHEREAS, Mr. Adkins was born in Harts in 1950 and passed away on July 2, 2012; and

WHEREAS, Mr. Adkins was a life-long resident of the White Oak area and was a deacon and lifetime member of the White Oak Church; and

WHEREAS, It is fitting and proper that Mr. Adkins have a road named after him; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a portion of County Route 5/11, White Creek Road, in Lincoln County, near Harts, beginning at a point, latitude 37.922, longitude -82.089, at the intersection of Smokehouse Fork Hart Creek Road, and ending at a point, latitude 37.912, longitude -82.106, at the intersection of White Oak Road, the “Lando Adkins, Sr. Memorial Road”; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the road as the “Lando Adkins, Sr. Memorial Road”; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Commissioner of the Division of Highways and the family of Lando Adkins, Sr.

Delegates Westfall, Ihle, Ashley, Folk, Householder, Espinosa, Cooper, Perry, Butler and Cadle offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 63 - “Requesting the Division of Highways to name bridge number 18-25-1.03 (18A-108), locally known as Harpold Bridge, carrying County Route 25 over Mill Creek in Jackson County, the ‘Harry Ripley Memorial Bridge’.”

WHEREAS, Harry Ripley was born on Dec. 29, 1799 in western Massachusetts, the oldest son of Abraham and Phoebe Bliss Ripley, according to the book “Stories Carved in Stone”, by Rusty Clark (2005); and

WHEREAS, Harry Ripley moved to the frontier of western Virginia in the late 1820s, serving as an itinerant preacher; and

WHEREAS, It is believed the preacher rode the Little Kanawha Circuit, an area of more than fifty miles between the Kanawha River and Little Kanawha River, traveling on horseback with a Bible and a hymn book in his saddlebags, spreading the gospel, and presiding over weddings and funerals; and

WHEREAS, According to local history books, Harry resided with the family of Jacob Starcher when traveling through the area. Starcher operated a mill and donated the land where the Jackson County Courthouse is located; and

WHEREAS, Legend says that Harry Ripley fell in love with a local girl, believed to have been a daughter of Capt. William Parsons, an early settler. Harry was going to marry Miss Parsons, but drowned days before the wedding while crossing Mill Creek approximately two miles south of where Ripley now stands (believed to be in the area of the iron bridge situated between Ripley and Cedar Lakes). Their wedding certificate was found in his coat pocket. He was 31 years old; and

WHEREAS, This occurred about the same time Jackson County was being organized from sections of Mason, Wood and Kanawha counties; and

WHEREAS, The town's post office would be known as Jackson Court House for another fifty years; and

WHEREAS, Ripley's story was documented in a December 1899 issue of *The Mountaineer*, a local newspaper; and

WHEREAS, Upon learning the details of the life and death of Harry Ripley, members of the community were so touched that they decided to name the town in his honor when the charter was approved by the Virginia General Assembly on Dec. 19, 1832; and

WHEREAS, It is fitting that a memorial mark the area in which the circuit rider drowned while serving the community; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 18-25-1.03 (18A-108), locally known as Harpold Bridge, carrying County Route 25 over Mill Creek in Jackson County, the “Harry Ripley Memorial Bridge”; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge the “Harry Ripley Memorial Bridge”; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Commissioner of the Division of Highways and the mayor of Ripley, West Virginia.

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

By Delegate Rodighiero:

H. J. R. 21 - “Proposing an amendment to the Constitution of the State of West Virginia, amending section four, article I thereof and section ten, article VI thereof, relating to representatives to Congress, the arrangement of Congressional, Senatorial and Delegate Districts after census by creating a Citizens’ Redistricting Commission; designating the terms of office and duties of commissioners; providing that Citizens’ Redistricting Commission must submit redistricting plans to each house; providing that each house may reject its plan by a two-thirds vote of the members elected; numbering and designating the proposed amendment; and providing a summarized statement of the purpose of such proposed amendments”; to the Committee on the Judiciary.

BILLS INTRODUCED

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

By Delegates Deem, Kelly and Azinger:

H. B. 2720 - “A Bill to amend and reenact §8-22-24 of the Code of West Virginia, 1931, as amended, relating to municipal policemen’s and firemen’s pension and relief fund disability benefits”; to the Committee on Pensions and Retirement then Finance.

By Delegates Hamilton, Moore, A. Evans and Canterbury**[By Request of the Division of Corrections]:**

H. B. 2721 - “A Bill to amend and reenact §62-12-23 of the Code of West Virginia, 1931, as amended, relating to specifying who receives notice of parole hearings via regular or certified mail”; to the Committee on the Judiciary.

By Delegates Anderson, Hamilton, Border, Canterbury, Romine, D. Evans and Hamrick:

H. B. 2722 - “A Bill to amend and reenact §22-6-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §36-4-9b, all relating generally to oil and gas; requiring oil and gas lessees to make royalty payments within one hundred twenty days of production; providing for interest; providing for a complaint to be filed; and granting authority to the Secretary of the Department of Environmental Protection to suspend an oil and gas permit if royalty payments are not timely made”; to the Committee on Energy then Finance.

By Delegate Howell:

H. B. 2723 - “A Bill to amend and reenact §60A-10-16 of the Code of West Virginia, 1931, as amended, relating to the expiration of the Multi-State Real-Time Tracking System”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Sobonya, Householder, Rohrbach, Hamrick, Foster and Howell:

H. B. 2724 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-2-13, relating generally to benefits provided by the Department of Human Services; requiring benefit access devices to have a photograph of the person to whom a device was issued; permitting a benefit access device to be used by another authorized individual on the device holder’s behalf; defining terms; and providing for rule-making”; to the Committee on the Judiciary.

By Delegates Miller, Sobonya, Border, Rowan, Rohrbach, Folk, Eldridge, Ferro and Hornbuckle:

H. B. 2725 - “A Bill to amend and reenact §18-9D-2 of the Code of West Virginia, 1931, as amended, relating to permitting playground facilities to be part of a school construction project”; to the Committee on Education then Finance.

By Delegates Shott, Folk, Overington, Sponaugle, Azinger, Deem and Waxman:

H. B. 2726 - “A Bill to amend and reenact §55-8-16 of the Code of West Virginia, 1931, as amended, relating to choice of law in product liability actions”; to the Committee on the Judiciary.

By Delegates Householder, Cadle, Gearheart, Kurcaba, Statler, Wagner, Butler, Blair and Summers:

H. B. 2727 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-1-21, relating to exempting certain health care professionals from licensure requirements while performing charity care”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates McCuskey and Westfall:

H. B. 2728 - “A Bill to amend and reenact §33-24-4 of the Code of West Virginia, 1931, as amended; to amend and reenact §33-25-6 of said code; to amend and reenact §33-25A-24 of said code; to amend

and reenact §33-25D-26 of said code; to amend and reenact §33-40-1, §33-40-2, §33-40-3, §33-40-6 and §33-40-7 of said code; and to amend said code by adding thereto a new article, designated §33-40A-1, §33-40A-2, §33-40A-3, §33-40A-4, §33-40A-5, §33-40A-6, §33-40A-7, §33-40A-8, §33-40A-9, §33-40A-10, §33-40A-11, §33-40A-12 and §33-40A-13, all relating to risk-based capital reporting for health organizations; making health organizations subject to the statutory provisions concerning risk-based capital reporting; defining terms associated with risk-based capital reporting for health organizations; requiring a domestic health organization to file a risk-based capital report with the Insurance Commissioner; requiring a health organization to perform certain actions if the risk-based capital report indicates a negative financial trend or hazardous financial condition; requiring the Insurance Commissioner to conduct certain actions if the risk-based capital report of a health organization indicates a negative financial trend or hazardous financial condition; providing a health organization a right to a confidential hearing with respect to its risk-based capital report; making risk-based capital reports confidential; prohibiting the use of risk-based capital reports in the rate-making of a health organization; granting the Insurance Commissioner the authority to promulgate rules; requiring a foreign health organization to file a risk-based capital report with the Insurance Commissioner; and providing immunity to the Insurance Commissioner and his employees or agents for actions taken with respect to monitoring the financial stability of a health organization”; to the Committee on Banking and Insurance then Finance.

By Delegates Householder, Kurcaba, Statler, Butler and Summers:

H. B. 2729 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-24, relating to the receipt of benefits from the Department of Health and Human Resources; requiring applicants to provide a social security number; requiring the department to establish an income eligibility verification system; requiring the system be used when an applicant first makes a

benefit request and quarterly thereafter; describing how the system will be used; requiring notice; requiring investigations; permitting an applicant to respond; requiring a toll-free, state-wide call center to be established; requiring reports; and defining terms”; to the Committee on the Judiciary then Finance.

By Delegate Sponaugle:

H. B. 2730 - “A Bill to amend and reenact §20-2-22a of the Code of West Virginia, 1931, as amended, relating to bear hunting and bear damage”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates Perry, Boggs, Ferro, Ashley, Cadle, Storch, Perdue, Williams, Moye, Campbell and Morgan:

H. B. 2731 - “A Bill to amend and reenact §25-1-11d of the Code of West Virginia, 1931, as amended; to amend and reenact §31-20-27 of said code; and to amend and reenact §49-5E-5a of said code, all relating to salaries for Division of Corrections, Regional Jail Authority, and Division of Juvenile Services employees; providing an increase in the annual salary of employees of the Division of Corrections, Regional Jail Authority, and Division of Juvenile Services; providing an increase in the starting salary of employees of the Division of Corrections, Regional Jail Authority, and Division of Juvenile Services; and providing for longevity pay increases for the employees of the Division of Corrections, Regional Jail Authority, and Division of Juvenile Services”; to the Committee on Finance.

By Delegates Howell, Sobonya, Rohrbach, Householder, Folk, Marcum, Kurcaba, Stansbury and Miller:

H. B. 2732 - “A Bill to amend and reenact §30-40-20 of the Code of West Virginia, 1931, as amended, relating to the Real Estate Commission and licenses issued by the commission; establishing time limitations on the filing of complaints of unprofessional conduct against a licensee; and tolling the time limits during criminal investigations and prosecutions”; to the Committee on Government Organization then the Judiciary.

By Delegates Ellington and Householder:

H. B. 2733 - “A Bill to amend and reenact §60A-2-208 of the Code of West Virginia, 1931, as amended; to amend and reenact §60A-9-3, §60A-9-4, §60A-9-4a and §60A-9-5 of said code; and to amend and reenact §60A-10-16 of said code, all relating to removing certain combinations of drugs containing hydrocodone from Schedule III of the controlled substances law; updating the controlled substances monitoring law and extending the expiration date of provisions relating to the Multi-/State Real-Time Tracking System”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Ellington, Householder, Blair and Summers:

H. B. 2734 - “A Bill to amend and reenact §60A-10-16 of the Code of West Virginia, 1931, as amended; relating to extending the Multi-State Real-Time Tracking System”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Householder, Cadle, Cowles, Gearheart, Kurcaba, Statler, Butler, Blair and Summers:

H. B. 2735 - “A Bill to amend and reenact §21A-1A-28 of the Code of West Virginia, 1931, as amended, relating to unemployment tax; altering an operative date in the definition of threshold wage”; to the Committee on Finance.

By Delegates J. Nelson, Howell, McGeehan, Householder, Hamrick, Ihle, Frich, Zatezalo, Moffatt, Reynolds and Sponaule:

H. B. 2736 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17-29-1, §17-29-2, §17-29-3, §17-29-4, §17-29-5, §17-29-6, §17-29-7, §17-29-8, §17-29-9, §17-29-10, §17-29-11, §17-29-12, §17-29-13, §17-29-14, §17-29-15, §17-29-16, §17-29-17 and §17-29-18, all relating to regulation of transportation network companies”; to the Committee on Roads and Transportation then the Judiciary.

By Delegates Householder, Cadle, Gearheart, Butler and Cowles:

H. B. 2737 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-1-21, relating to prohibiting a board from hiring a lobbyist”; to the Committee on Government Organization then the Judiciary.

By Delegates Ellington and Householder:

H. B. 2738 - “A Bill to amend and reenact §29-20-1, §29-20-2, §29-20-3, §29-20-4 and §29-20-6 of the Code of West Virginia, 1931, as amended, all relating to the Women’s Commission and placing it in the Department of Commerce”; to the Committee on Government Organization.

By Delegates Folk, Hamrick, McGeehan, J. Nelson and Faircloth:

H. B. 2739 - “A Bill to amend and reenact §8-29-6 of the Code of West Virginia, 1931, as amended, relating to requiring regional airport authority board members to include persons of area expertise”; to the Committee on Government Organization then the Judiciary.

By Delegates Hamrick, McGeehan, J. Nelson and Romine:

H. B. 2740 - “A Bill to amend and reenact §8-29-4 of the Code of West Virginia, 1931, as amended, relating to regional airports; reducing the terms of members; altering membership; and calculating membership for each municipality”; to the Committee on Political Subdivisions then Government Organization.

By Delegates Householder and Butler:

H. B. 2741 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-1-21, relating to uncompensated care”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Ellington and Householder:

H. B. 2742 - “A Bill to amend and reenact §48-13-301, §48-13-302 and §48-13-303 of the Code of West Virginia, 1931, as amended, all

relating to recalculating child support obligations”; to the Committee on the Judiciary.

By Delegates McCuskey, Westfall, Ashley, Shott and Skinner:

H. B. 2743 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-2-1k, relating to additional duties of the Public Service Commission; authorizing the commission to approve expedited cost recovery of natural gas utility infrastructure projects deemed just and reasonable and in the public interest; making findings; establishing the application and hearing process; and providing for rule making”; to the Committee on Energy then Finance.

By Delegates Howell, Sobonya, Westfall, H. White, Williams, Householder, Marcum and Cowles:

H. B. 2744 - “A Bill to amend and reenact §24-2-1 of the Code of West Virginia, 1931, as amended, relating to all civil or criminal laws, rules, regulations, ordinances and policies now or hereafter created, administered, or enforced by any county, municipality or any other political subdivision of the state which are similar or otherwise related in any manner to the subject matter of any federal or state law or regulation governing, pertaining to, or otherwise regulating the environmental or operational aspects of any public utility within the jurisdiction of the Public Service Commission of West Virginia or any other entity regulated, in whole or in part, by the commission, except those public utilities owned and operated by any municipality or other political subdivision of the state; preempting and superseding such local laws, rules, regulations, ordinances and policies; and requiring express authorization of the Legislature before any such local law, rule, regulation, ordinance, or policy may be created”; to the Committee on Government Organization then the Judiciary.

By Delegates Howell, Faircloth, Hill, Ihle, Blair, Arvon, Stansbury, McGeehan, Hamrick, R. Phillips and Kessinger:

H. B. 2745 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-3-10f,

relating to exempt spending unit contracts for goods or services; requiring that an exempt spending unit obtain authorization from the director of purchasing before entering into a contract for an amount equal to or exceeding ninety percent of the value of the largest state contract entered into by that spending unit during the two most recent fiscal years”; to the Committee on Government Organization then Finance.

By Delegates Ashley, Arvon, Campbell, Espinosa, Westfall, McCuskey, Upson and P. Smith:

H. B. 2746 - “A Bill to amend and reenact §30-20A-1, §30-20A-2, §30-20A-3, §30-20A-4, §30-20A-5, §30-20A-6 and §30-20A-7 of the Code of West Virginia, 1931, as amended, all relating to requiring that athletic trainers be licensed, instead of registered, by West Virginia Board of Physical Therapy”; to the Committee on Government Organization.

By Delegate Canterbury:

H. B. 2747 - “A Bill to amend and reenact §6B-3-4 of the Code of West Virginia, 1931, as amended, relating to prohibiting the expenditures for meals and beverages for members of the Legislature and their staff by lobbyists and exception”; to the Committee on the Judiciary.

By Delegates Ellington and Householder:

H. B. 2748 - “A Bill to amend and reenact §49-6-5 and §49-6-8 of the Code of West Virginia, 1931, as amended, all relating to living arrangements for children in foster care and living arrangements for children sixteen years or older; providing for considerations the court must consider when making a decision regarding planned permanent living arrangements; and setting forth necessary order provisions when the court is considering planned permanent living arrangements”; to the Committee on the Judiciary.

By Delegates Ellington, Howell, Border, Householder, Gearheart, Storch, Overington, Miller, Faircloth, Kurcaba and Pasdon:

H. B. 2749 - “A Bill to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating to the secondary schools athletic commission; and participation by home schooled students in extracurricular activities”; to the Committee on Education.

By Delegates Canterbury, Walters, McGeehan, A. Evans, Faircloth, Romine, Ambler, Cooper, Border and Ihle:

H. B. 2750 - “A Bill to repeal §55-2-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §55-2-1 of said code, all relating to abolishing the adverse possession of land”; to the Committee on the Judiciary.

By Delegates J. Nelson, McGeehan, Ihle, Weld, Eldridge, R. Smith, Folk, Zatezalo, H. White, Cadle and Lynch:

H. B. 2751 - “A Bill to repeal §20-2-19a of the Code of West Virginia, 1931, as amended; and to amend and reenact §20-2-5, §20-2-42g and §20-2-42h of said code, all relating to hunting or trapping on private lands; removing restrictions for hunting or trapping on private lands on Sundays; and clarifying that hunting on private land at any time requires the written consent of the landowner”; to the Committee on Agriculture and Natural Resources then the Judiciary.

SPECIAL CALENDAR

FIRST READING

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

Com. Sub. for S. B. 6, Relating to medical professional liability,

S. B. 389, Relating to Board of Registration for Professional Engineers license renewals and reinstatements,

Com. Sub. for H. B. 2157, Relating to absentee ballot fraud,

Com. Sub. for H. B. 2160, WV Schools for the Deaf and Blind eligible for School Building Authority funding,

H. B. 2212, Changing the amount of severance tax revenue annually dedicated to the West Virginia Infrastructure General Obligation Debt Service Fund,

H. B. 2213, Reducing the distributions to the West Virginia Infrastructure Fund,

H. B. 2387, Relating to a framework for initiating comprehensive transformation of school leadership,

H. B. 2606, Clarifying the potential sentence for disorderly conduct,

And,

H. B. 2608, Cleaning up redundant language in the statute relating to misdemeanor offenses for violation of protective orders.

H. B. 2646, Legalizing and regulating the sale and use of fireworks, was reported by the Clerk.

Prior to advancing H. B. 2646 to second reading, the Speaker announced that the bill had been incorrectly reported from the Committee on Veterans's Affairs on yesterday as having an amendment pending. He further stated to the Members that the bill in fact did not have an amendment pending.

MISCELLANEOUS BUSINESS

Delegates Faircloth, Kurcaba and Westfall filed forms with the Clerk's Office per House Rule 94b to be added as cosponsors of H. B.

2021, Implementing drug testing for recipients of federal-state and state assistance.

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

Delegate Summers filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2466.

At 11:41 A.M., the House of Delegates adjourned until 11:00 A.M., Monday, February 16, 2015.

MONDAY, FEBRUARY 16, 2015

THIRTY-FOURTH 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 13, 2015, being the first order of business, when the further reading thereof was dispensed with and the same approved.

CONFERENCE COMMITTEE REPORT AVAILABILITY

At 11:48 A.M., the Clerk announced availability in his office of the report of the Committee of Conference on Com. Sub. for S. B. 13, Reinstating open and obvious doctrine for premises liability.

COMMITTEE REPORTS

Delegate McCuskey, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 13th day of February, 2015, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

(Com. Sub. for H. B. 2217), Relating to qualifications of the Commissioner of Labor.

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

Your Committee on Finance has had under consideration:

H. B. 2299, Board of Osteopathy, fees for services rendered by the board,

H. B. 2300, Board of Physical Therapy, fees for physical therapists and physical therapist assistants,

And,

H. B. 2308, Commissioner of Agriculture, fee structure for the Pesticide Control Act of 1990,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2299, H. B. 2300 and H. B. 2308) were each referred to the Committee on the Judiciary.

Delegate Ellington, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2098, Authorizing those health care professionals to provide services to patients or residents of state-run veterans' facilities without obtaining an authorization to practice.

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

Com. Sub. for H. B. 2098 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,

designated §30-3-11b; and to amend said code by adding thereto a new section, designated §30-14-12c, all relating to health care professionals providing services in federal veterans' affairs facilities in this state; authorizing those health care professionals to provide services to patients or residents of state-run veterans' facilities without obtaining an authorization to practice from the appropriate licensing agency of this state.”

With the recommendation that the committee substitute do pass.

Delegate Ellington, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2100, Permitting hospital patients to designate a lay caregiver,

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

In the absence of objection, reference of the bill (H. B. 2100) to the Committee on the Judiciary was abrogated.

Delegate Ellington, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2535, Relating generally to suicide prevention training,

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

recommendation that second reference of the bill to the Committee on Education be dispensed with.

In the absence of objection, reference of the bill (H. B. 2535) to the Committee on Education was abrogated.

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

Your Committee on Finance has had under consideration:

H. B. 2287, Department of Environmental Protection, awarding of WV Stream Partners Program Grants,

H. B. 2301, Racing Commission, relating to thoroughbred racing,
And,

H. B. 2360, State Tax Department, appointment of special assessors by the State Tax Commissioner,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2287, H. B. 2301 and H. B. 2360) were each referred to the Committee on the Judiciary.

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

Your Committee on Judiciary has had under consideration:

H. B. 2048, Relating to juvenile proceedings,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 2048) was referred to the Committee on Finance.

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. 2607, Relating to the violation of interfering with emergency services communications and clarifying penalties,

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

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

Your Committee on the Judiciary has had under consideration:

H. B. 2586, Allowing for an alternative form of service of process in actions against nonresident persons by petitioners seeking domestic violence or personal safety relief,

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

Com. Sub. for H. B. 2586 - "A Bill to amend and reenact §48-27-311 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new section, designated §56-3-33a, all relating to service of process; actions against nonresident persons by petitioners seeking domestic violence or personal safety relief; and authorizing the Secretary of State to receive process against nonresidents,"

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. 2099, Extending the time of meetings of local levying bodies when meetings are delayed,

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

Com. Sub. for H. B. 2099 - “A Bill to amend and reenact §11-8-9 of the Code of West Virginia, 1931, as amended, relating to extending the time of meetings of local levying bodies when meetings are delayed due to circumstances beyond the control of a local levying body; providing the State Auditor is authorized to extend the time of meetings of local levying bodies; authorizing the State Auditor to propose rules to implement this section; requiring that the meeting be held in compliance with chapter six, article nine-a; and authorizing the State Auditor to set the meeting time,”

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 that the Senate had passed, with amendment, to take effect from passage, a bill of the House of Delegates, as follows:

H. B. 2200, Revising, rearranging, consolidating and recodifying the laws of the State of West Virginia relating to child welfare.

On motion of Delegate Cowles, the bill was taken up for immediate consideration.

The following Senate amendments were reported by the Clerk:

On page three, section one hundred three, line three, by striking out the words “on September 1, 2015” and inserting in lieu thereof the words “ninety days from passage”.

On page thirty-nine, section two hundred eight, line twelve, by striking out the words “Department of Public Safety” and inserting in lieu thereof the words “State Police”.

And,

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

H. B. 2200 - “A Bill to amend and reenact chapter forty-nine of the Code of West Virginia, 1931, as amended, all relating to child welfare generally; revising, rearranging, consolidating and recodifying the laws of the State of West Virginia relating to child welfare; and removing outdated language and modifying the code to comply with court decisions concerning child welfare.”

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

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 74**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Ellington, Hamrick, Marcum, McCuskey, Moore, Morgan, L. Phillips and H. White.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2200) passed.

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

On this question, the yeas and nays were taken (**Roll No. 75**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Ellington, Hamrick, Marcum, McCuskey, Moore, Morgan, L. Phillips and H. White.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2200) takes effect from its passage.

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 amendment, to take effect from passage, a bill of the House of Delegates, as follows:

H. B. 2201, Requiring the Public Service Commission to adopt certain net metering and interconnection rules and standards.

On motion of Delegate Cowles, the bill was taken up for immediate consideration.

The following Senate amendments were reported by the Clerk:

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

“ARTICLE 2F. NET METERING OF CUSTOMER-GENERATORS.

§24-2F-8. Net metering and interconnection standards.

(a) ‘Net metering’ means measuring the difference between electricity supplied by an electric utility and electricity generated from a facility owned or leased and operated by a customer generator when any portion of the electricity generated from the facility is used to offset part or all of the electric retail customer’s requirements for electricity.

(b) ‘Customer-generator’ means an electric retail customer who owns or leases and operates a customer-sited generation projected

utilizing an alternative or renewable energy resource or a net metering system in this state.

(c) ‘Cross-subsidization’, for purposes of this section, means the practice of charging costs directly incurred by the electric utility in accommodating a net metering system to electric retail customers to electric retails customers who are not customer generators.

(d) ‘Commission’ means the Public Service Commission of West Virginia as constituted pursuant to section three, article one of this chapter.

(e) The commission shall adopt a rule requiring that all electric utilities provide a rebate or discount at fair value, to be determined by the commission, to customer-generators for any electricity generation that is delivered to the utility under a net metering arrangement. The commission shall assure that any net metering tariff does not create a cross-subsidization between customers within one class of service.

~~(b)~~ (f) The commission shall also consider adopting, by rule, a requirement that all sellers of electricity to retail customers in the state, including rural electric cooperatives, municipally owned electric facilities or utilities serving less than thirty thousand residential electric customers in this state, offer net metering rebates or discounts to customer-generators.

~~(e)~~ (g) The commission shall institute a general investigation for the purpose of adopting rules pertaining to net metering and the interconnection of eligible electric generating facilities intended to operate in parallel with an electric utility’s system. As part of its investigation, the commission shall take into consideration rules of other states within the applicable region of the regional transmission organization, as that term is defined in 18 C.F.R. §35.34, that manages a utility’s transmission system in any part of this state. Furthermore, the commission shall consider increasing the allowed kilowatt capacity for commercial customer-generators to an amount not to exceed five

hundred kilowatts and for industrial customer-generators to an amount not to exceed two megawatts. The commission shall further consider interconnection standards for combined heat and power.

~~(d) The commission shall promulgate these rules within twelve months of the effective date of this article.~~

(h) An electric utility shall offer net metering to a customer-generator that generates electricity on the customer-generator side of the meter using alternative or renewable energy sources, on a first-come, first-served basis, based on the date of application for interconnection as provided in the rules promulgated by the commission and pursuant to a standard tariff. An electric utility may offer net metering to customer-generators, on a first-come, first-served basis, so long as the total generation capacity installed by all customer-generators is no greater than three percent (3%) of the electric utility aggregate customer peak demand in the state during the previous year, of which no less than one-half percent (0.5%) is reserved for residential customer-generators.

(i) The commission shall adopt a rule requiring compliance with the Institute of the Electrical and Electronics Engineers (IEEE), and as the same shall be amended, standards at all times, including having a disconnect readily accessible to the utility between the facilities of the customer-generator and the electric utility.”

And,

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

H. B. 2201 - “A Bill to amend and reenact §24-2F-8 of the Code of West Virginia, 1931, as amended, relating to net metering; defining net metering; defining customer-generator; defining cross-subsidization; requiring the Public Service Commission to prohibit cross-subsidization; requiring the Public Service Commission adopt certain net metering and interconnection rules and standards; striking

deadlines for rulemaking by the Public Service Commission; and capping the amount of generating capacity subject to net metering.”

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

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 76**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Ellington, Hamrick, Marcum, McCuskey, Moore, Morgan, L. Phillips and H. White.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2201) passed.

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

On this question, the yeas and nays were taken (**Roll No. 77**), and there were—yeas 90, nays 2, absent and not voting 8, with the nays and absent and not voting being as follows:

NAYS: Fleischauer and Skinner.

ABSENT AND NOT VOTING: Ellington, Hamrick, Marcum, McCuskey, Moore, Morgan, L. Phillips and H. White.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2201) takes effect from its passage.

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 concurrence in the amendment of the House of Delegates and the passage, as amended, to take effect from passage, of

Com. Sub. for S. B. 237, Creating Captive Cervic Farming Act.

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. 298 - “A Bill to amend and reenact §5-10-28 of the Code of West Virginia, 1931, as amended, relating to the Public Employees Retirement System; and clarifying that members deposit fund, employers accumulation fund, retirement reserve fund, income fund and expense fund all refer to the Public Employees Retirement Fund”; which was referred to the Committee on Finance.

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. 299 - “A Bill to amend and reenact §15-2A-9 and §15-2A-10 of the Code of West Virginia, 1931, as amended, all relating to duty-related disability retirement in the West Virginia State Police Retirement System; and specifying that disability disbursements shall begin the first day of the month following approval by the Consolidated Public Retirement Board and member’s termination of employment”; which was referred to the Committee on Finance.

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. 302 - “A Bill to amend and reenact §5-10A-2 and §5-10A-6 of the Code of West Virginia, 1931, as amended, all relating to disqualification for public retirement plan benefits when a participant

is determined to have rendered less than honorable service; adding the West Virginia Municipal Police Officers and Firefighters Retirement System to definition of ‘retirement plan’; and specifying that former participants of the West Virginia Teachers Defined Contribution Retirement System who elected to transfer to the West Virginia Teachers Retirement System and whose benefits have been terminated for less than honorable service shall not be refunded any transferred vested employer contributions”; which was referred to the Committee on Finance.

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. 315 - “A Bill to amend and reenact §46A-6-101, §46A-6-102, §46A-6-105 and §46A-6-106 of the Code of West Virginia, 1931, as amended, all relating to civil actions filed under the Consumer Protection Act; providing statement of legislative intent that courts be guided by federal court and agency interpretations of similar federal statutes; clarifying who may bring private cause of action; establishing requirement of out-of-pocket loss proximately caused by alleged violation in actions for damages; and providing right to demand a jury trial”; which was referred to the Committee on the Judiciary.

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. 10 - “Designating the month of September every year as U. S. Constitution Month and encouraging the people of West Virginia to remember and study the extraordinary events of 1787, which culminated in the drafting of the U. S. Constitution at the convention in Philadelphia.”

WHEREAS, The U. S. Constitution established America's national government and fundamental laws and guaranteed certain basic rights for its citizens. It was signed on September 17, 1787, by delegates to the Constitutional Convention in Philadelphia and presided over by George Washington. Under America's first governing document, the Articles of Confederation, the national government was weak and states operated like independent countries. At the 1787 convention, delegates devised a plan for a stronger federal government with three branches: Executive, Legislative and Judicial, together with a system of checks and balances to ensure no single branch would have too much power. The Bill of Rights, which are the first ten amendments to the Constitution guaranteeing basic individual protections such as freedom of speech and religion, became part of the Constitution in 1791. There have been a total of twenty-seven constitutional amendments; and

WHEREAS, As Benjamin Franklin said on the closing day of the convention in 1787, "I agree to this Constitution with all its faults, if they are such, because I think a central government is necessary for us... I doubt too whether any other convention we can obtain may be able to make a better Constitution." It is still the most remarkable document of its kind in the political history of mankind; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby designates the month of September every year as U. S. Constitution Month and encourages the people of West Virginia to remember and study the extraordinary events of 1787, which culminated in the drafting of the U. S. Constitution at the convention in Philadelphia.

RESOLUTIONS INTRODUCED

Delegates Eldridge, R. Phillips, Marcum and Moffatt offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 64 - “Requesting the Division of Highways to name the portion of West Virginia Route 36 in Lincoln County, from the intersection of Sheridan Road, continuing 1.4 miles southeast, to the Greystone Branch sign, the ‘U.S. Army PFC Ray Freeman Meade Memorial Road’.”

WHEREAS, Private First Class Ray Freeman Meade of Branchland, West Virginia, was born on November 15, 1929, to Ruth A. Hatfield and Raymond D. Meade; and

WHEREAS, Private First Class Ray Freeman Meade was killed in action in Korea on November 14, 1950; and

WHEREAS, It is fitting that an appropriate memorial recognizing this soldier’s service and sacrifice be established in the area where he lived; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the portion of West Virginia Route 36 in Lincoln County, from the intersection of Sheridan Road, continuing 1.4 miles southeast, to the Greystone Branch sign, the “U.S. Army PFC Ray Freeman Meade Memorial Road”; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the designated roadway containing bold and prominent letters proclaiming the designated roadway the “U.S. Army PFC Ray Freeman Meade Memorial Road”; and, be it

Further Resolved, That the Clerk of the House of Delegates, forward a certified copy of this resolution to the Secretary of Transportation, the Commissioner of Highways, and the family of the late Private First Class Ray Freeman Meade.

Delegates J. Nelson, Moffatt, Gearheart, R. Smith, R. Phillips, Campbell, Hicks, Butler, Eldridge, Manchin and Boggs offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 65 - “Requesting that bridge number 22-119-0.04 (22A103), latitude 38.18215, longitude -81.84941, on United States Route 119, heading southbound, otherwise known as the North Pinnacle Rock Creek Bridge, in Lincoln County, be named the ‘U.S. Army PFC Willie Paul Wilson Bridge’.”

WHEREAS, Private First Class Willie Paul Wilson, known to his family and friends as “Jenkie”, was born on November 11, 1925, in Julian, West Virginia, to John and Elsie Wilson; and

WHEREAS, Private First Class Willie Paul Wilson enlisted in the United States Army on February 29, 1944, and was assigned to Company K, 1st Platoon, 262nd Regiment; and

WHEREAS, Private First Class Willie Paul Wilson was killed on Christmas Eve of 1944 aboard the S. Leopoldville, a Belgian troopship being used in the English Channel to transport troops and supplies for the Allied war effort. On that evening, a German submarine torpedoed the S. Leopoldville when it was only five miles from the shore, killing at least eight hundred and two people in the most deadly tragedy to ever befall an American Infantry Division as the result of an enemy submarine attack; and

WHEREAS, Private First Class Willie Paul Wilson was awarded the Purple Heart on June 30, 1945, for the wounds that resulted in his death; and

WHEREAS, It is fitting that Private First Class Willie Paul Wilson be memorialized and honored for his great sacrifice in the area where he lived; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 22-119-0.04 (22A103), latitude 38.18215, longitude -81.84941, on United States Route 119, heading southbound, otherwise known as the North Pinnacle Rock Creek Bridge, in Lincoln County, the “U.S. Army PFC Willie Paul Wilson Bridge”; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs identifying the bridge, heading southbound, as the “U.S. Army PFC Willie Paul Wilson Bridge”; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Commissioner of the Division of Highways and to the family of Private First Class Willie Paul Wilson.

Delegates Rohrbach, Sobonya, Statler, Stansbury, Hill, Pasdon, Fast, Rowan, A. Evans, Romine and Hamilton offered the following resolution, which was read by its title and referred to the Committee on Industry and Labor then Rules:

H. C. R. 66 - “Requiring the Joint Committee on Government and Finance conduct a comprehensive study of how to develop plans for industrial parks or zones throughout the state to attract new businesses and industry investments in West Virginia and tax incentives to encourage location of businesses in industrial parks or zones.”

WHEREAS, West Virginia’s economy can be strengthened by the development and establishment of industrial zones or parks throughout the state. There are dozens of locations with sufficient attractive areas and sites that could be developed into industrial zones and parks for technology based economic development programs and other businesses that are tailored to West Virginia’s specific markets, opportunities and challenges in establishing innovation driven enterprises; and

WHEREAS, Investment and job incentive tax credits exist and have existed in West Virginia for businesses to locate in this state; and the development of industrial parks or zones as an incentive to create new businesses should also be considered for such tax credits; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby required to make a comprehensive study on how to best develop plans for industrial parks or zones throughout the state to attract new businesses and industry investments in West Virginia and tax incentives to encourage location of businesses in industrial parks or zones; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2016, on its findings, conclusions and recommendations, together with drafts of any legislation necessary 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.

Delegates Rohrbach, Statler, Stansbury, Hill, Pasdon, Howell, Fast, Rowan, A. Evans, Romine and Hamilton offered the following resolution, which was read by its title and referred to the Committee on Energy then Rules:

H. C. R. 67 - "Requesting the Joint Committee on Government and Finance to authorize a study of various industries that use natural gas and how the Legislature can leverage West Virginia's natural gas resources to attract industries to the state and spur economic growth."

WHEREAS, West Virginia contains vast natural gas resources, including a 6,000-foot-deep Marcellus Shale rock formation believed

to contain more than 50 trillion cubic-feet of recoverable natural gas and a Utica Shale rock formation believed to be one of the largest in the country; and

WHEREAS, West Virginia's underground natural gas storage capacity accounts for about 6 percent of the U.S. total, and the state is an important supplier to the Northeast during the winter months when natural gas demand peaks; and

WHEREAS, Industries are increasingly relying on natural gas to meet energy needs; and

WHEREAS, The Legislature should take an active role in studying, formulating and implementing policies that address how to leverage the state's natural gas resources to spur economic growth in the state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to authorize a study on the types of industry that would benefit from locating in West Virginia, because of the state's high natural gas production, and how the state can leverage its natural gas resources to attract businesses and spur economic growth; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2016, on its findings, conclusions and recommendations, together with drafts of any legislation necessary 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.

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

By Delegates Hamilton, O’Neal, Hanshaw, Kessinger, Blair, Weld, Foster, Hill, Ireland, Campbell and Marcum:

H. J. R. 22 - “Proposing an amendment to the Constitution of the State of West Virginia, amending article III thereof by adding thereto a new section, designated section twenty-three, relating to the right to hunt, fish and harvest wildlife; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on the Judiciary.

BILLS INTRODUCED

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

By Delegates Householder, Blair, Espinosa, Folk, Faircloth, Border, Ihle, Hill, Cadle and Miller:

H. B. 2752 - “A Bill to repeal §21-16-1, §21-16-2, §21-16-3, §21-16-4, §21-16-5, §21-16-6, §21-16-7, §21-16-8, §21-16-9 and §21-16-10 of the Code of West Virginia, 1931, as amended; to repeal §29-3D-1, §29-3D-2, §29-3D-3, §29-3D-4, §29-3D-5, §29-3D-6, §29-3D-7 and §29-3D-8, of said code; and to amend and reenact §29-3-12b, of said code, all relating to deregulating persons who perform work on heating, ventilating and cooling systems and fire dampers”; to the Committee on Industry and Labor then the Judiciary.

By Delegates J. Nelson, R. Phillips, McGeehan, P. Smith, Marcum, Longstreth and Weld:

H. B. 2753 - “A Bill to amend and reenact §17A-3-23 of the Code of West Virginia, 1931, as amended, relating to removing the requirement for vehicles operated by the West Virginia Wing of the Civil Air Patrol to display front license plates with white lettering on a green background bearing the words ‘West Virginia’ in one line and the words ‘State Car’ in another line”; to the Committee on Roads and Transportation then the Judiciary.

By Delegates Householder and Butler:

H. B. 2754 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-1-21, relating to uncompensated care”; to the Committee on Health and Human Resources.

By Delegates Boggs, Hartman, D. Evans, Perry, Ashley, Pasdon, Pethtel, Duke and Williams:

H. B. 2755 - “A Bill to amend and reenact §18-5-11a of the Code of West Virginia, 1931, as amended, relating to service and professional employee positions at jointly established schools”; to the Committee on Education.

By Delegates Trecost, Lynch, Marcum, R. Phillips, Sponaule, Statler and Kelly:

H. B. 2756 - “A Bill to amend and reenact §61-7-6 of the Code of West Virginia, 1931, as amended, relating to exceptions to prohibitions against carrying concealed handguns; and authorizing appointees or employees of the Alcohol Beverage Control Commissioner to carry concealed handguns”; to the Committee on the Judiciary.

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

H. B. 2757 - “A Bill supplementing, amending, decreasing, and increasing items of the existing appropriations from the State Road Fund to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2015, organization 0803, for the fiscal year ending June 30, 2015”; to the Committee on Finance.

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

H. B. 2758 - “A Bill making a supplementary appropriation from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2015, to the Department of Administration, Division of Purchasing - Purchasing Improvement Fund, fund 2264, fiscal year

2015, organization 0213, by supplementing and amending the appropriation for the fiscal year ending June 30, 2015”; to the Committee on Finance.

By Mr. Speaker, Mr. Armstead, and Delegate Miley

[By Request of the Executive]:

H. B. 2759 - “A Bill making a supplementary appropriation from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2015, to the Department of Military Affairs and Public Safety, West Virginia Division of Corrections - Parolee Supervision Fees, fund 6362, fiscal year 2015, organization 0608, and to the Department of Military Affairs and Public Safety, West Virginia State Police - Motor Vehicle Inspection Fund, fund 6501, fiscal year 2015, organization 0612, by supplementing and amending the appropriation for the fiscal year ending June 30, 2015”; to the Committee on Finance.

By Mr. Speaker, Mr. Armstead, and Delegate Miley

[By Request of the Executive]:

H. B. 2760 - “A Bill making a supplementary appropriation of Lottery Net Profits from the balance of moneys remaining as an unappropriated balance in Lottery Net Profits to the Bureau of Senior Services - Lottery Senior Citizens Fund, fund 5405, fiscal year 2015, organization 0508, by supplementing and amending the appropriations for the fiscal year ending June 30, 2015”; to the Committee on Finance.

By Mr. Speaker, Mr. Armstead, and Delegate Miley

[By Request of the Executive]:

H. B. 2761 - “A Bill making a supplementary appropriation of federal funds out of the treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2015, to the Department of Military Affairs and Public Safety, West Virginia State Police, fund 8741, fiscal year 2015, organization 0612, by supplementing and amending the appropriations for the fiscal year ending June 30, 2015”; to the Committee on Finance.

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

H. B. 2762 - “A Bill making a supplementary appropriation from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2015, to the Department of Transportation, Division of Motor Vehicles - Motor Vehicle Fees Fund, fund 8223, fiscal year 2015, organization 0802, by supplementing and amending the appropriation for the fiscal year ending June 30, 2015”; to the Committee on Finance.

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

H. B. 2763 - “A Bill making a supplementary appropriation of federal funds out of the treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2015, to the Department of Health and Human Resources, Human Rights Commission, fund 8725, fiscal year 2015, organization 0510, to the Department of Health and Human Resources, Division of Human Services, fund 8722, fiscal year 2015, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2015”; to the Committee on Finance.

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

H. B. 2764 - “A Bill making a supplementary appropriation of Lottery Net Profits from the balance of moneys remaining as an unappropriated balance in Lottery Net Profits to the State Department of Education - School Building Authority - Debt Service Fund, fund 3963, fiscal year 2015, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2015”; to the Committee on Finance.

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

H. B. 2765 - “A Bill making a supplementary appropriation of federal funds out of the treasury from the balance of federal moneys

remaining unappropriated for the fiscal year ending June 30, 2015, to the Department of Environmental Protection, Division of Environmental Protection, fund 8708, fiscal year 2015 organization 0313, by supplementing and amending the appropriations for the fiscal year ending June 30, 2015”; to the Committee on Finance.

By Mr. Speaker, Mr. Armstead, and Delegate Miley

[By Request of the Executive]:

H. B. 2766 - “A Bill expiring funds to the unappropriated balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2015, in the amount of \$5,650,000 from the Joint Expenses, fund 0175, fiscal year 2008, organization 2300, appropriation 64200, and in the amount of \$15,000,000 from the Joint Expenses, fund 0175, fiscal year 2009, organization 2300, appropriation 64200, and in the amount of \$251,657.05 from the Department of Health and Human Resources, Division of Human Services, TRIP Fund, fund 5070, fiscal year 2015, organization 0511”; to the Committee on Finance.

By Mr. Speaker, Mr. Armstead, and Delegate Miley

[By Request of the Executive]:

H. B. 2767 - “A Bill making a supplementary appropriation of federal funds out of the treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2015, to the Department of Agriculture, State Conservation Committee, fund 8783, fiscal year 2015, organization 1400, by supplementing and amending the appropriations for the fiscal year ending June 30, 2015”; to the Committee on Finance.

By Mr. Speaker, Mr. Armstead, and Delegate Miley

[By Request of the Executive]:

H. B. 2768 - “A Bill making a supplementary appropriation of federal funds out of the treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2015, to the Department of Commerce, Workforce West Virginia - Workforce Investment Act, fund 8749, fiscal year 2015, organization 0323, and to the Department of Commerce, Office of the Secretary - Office of

Economic Opportunity - Community Services, fund 8781, fiscal year 2015, organization 0327, by supplementing and amending the appropriation for the fiscal year ending June 30, 2015"; to the Committee on Finance.

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

H. B. 2769 - "A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2015 in the amount of \$1,500,000 from the Department of Military Affairs and Public Safety, Division of Corrections - Correctional Units, fund 0450, fiscal year 2012, organization 0608, appropriation 59200, and in the amount of \$400,103.30 from the Department of Transportation, Division of Public Transit, fund 0510, fiscal year 2013, organization 0805, appropriation 25800, and in the amount of \$1,329.28 from the Department of Health and Human Resources, Division of Health, Uniform Health Professional Data Collection Systems Fund, fund 5109, fiscal year 2015, organization 0506, and in the amount of \$478.81 from the Department of Health and Human Resources, Division of Health, Commonly Based Fetal and Infant Mortality Review Fund, fund 5131, fiscal year 2015, organization 0506, and in the amount of \$18,609.27 from the Department of Health and Human Resources, Division of Health, Claude Worthington Benedum Foundation Fund, fund 5132, fiscal year 2015, organization 0506, and in the amount of \$2,500 from the Department of Health and Human Resources, Division of Health, Behavioral Health Clearing Fund, fund 5151, fiscal year 2015, organization 0506, and in the amount of \$13,193.90 from the Department of Health and Human Resources, Division of Health, Special Education Title I Fund, fund 5161, fiscal year 2015, organization 0506, and in the amount of \$45 from the Department of Health and Human Resources, Division of Health, Rural Health Networking Project Fund, fund 5184, fiscal year 2015, organization 0506, and in the amount of \$1,400,000 from the Department of Health and Human Resources, Division of Health, Vital Statistics

Improvement Fund, fund 5225, fiscal year 2015, organization 0506, and in the amount of \$6,000,000 from the Department of Health and Human Resources, West Virginia Health Care Authority - Health Care Cost Review Fund, fund 5375, fiscal year 2015, organization 0507, and in the amount of \$4,000,000 from the Department of Health and Human Resources, West Virginia Health Care Authority - West Virginia Health Information Network Account, fund 5380, fiscal year 2015, organization 0507, and in the amount of \$4,976.37 from the Department of Health and Human Resources, Division of Human Services, Special County General Relief Fund, fund 5054, fiscal year 2015, organization 0511, and in the amount of \$18,118.01 from the Department of Health and Human Resources, Division of Human Services, Individual and Family Grant Program, fund 5055, fiscal year 2015, organization 0511, and in the amount of \$4,000,000 from the Department of Health and Human Resources, Division of Human Services, Medicaid Fraud Control Fund, fund 5141, fiscal year 2015, organization 0511, and in the amount of \$223,310.69 from the Department of Health and Human Resources, Division of Human Services - Marriage Education Fund, fund 5490, fiscal year 2015, organization 0511, and in the amount of \$12,500,000 from the Department of Revenue, Insurance Commissioner, fund 7152, fiscal year 2015, organization 0704”; to the Committee on Finance.

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

H. B. 2770 - “A Bill making a supplementary appropriation from the State Fund, State Excess Lottery Revenue Fund, to the Division of Human Services, fund 5365, fiscal year 2015, organization 0511, by supplementing and amending the appropriation for the fiscal year ending June 30, 2015”; to the Committee on Finance.

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

H. B. 2771 - “A Bill making a supplementary appropriation from the balance of moneys remaining unappropriated for the fiscal year

ending June 30, 2015, to the Department of Health and Human Resources, Division of Human Services - Health Care Provider Tax - Medicaid State Share Fund, fund 5090, fiscal year 2015, organization 0511, by supplementing and amending the appropriation for the fiscal year ending June 30, 2015”; to the Committee on Finance.

By Mr. Speaker, Mr. Armstead, and Delegate Miley

[By Request of the Executive]:

H. B. 2772 - “A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2015, in the amount of \$1,000,000 from the Auditor’s Office - Purchasing Card Administration Fund, fund 1234, fiscal year 2015, organization 1200”; to the Committee on Finance.

By Delegates Espinosa, Overington, Storch, Skinner, Ashley and Upson:

H. B. 2773 - “A Bill to amend and reenact §11-13X-3 and §11-13X-5 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia Film Industry Investment tax credit; defining terms; specifying the amount of West Virginia Film Industry Investment tax credit authorized as a percentage of qualified expenditures for purposes of calculating the tax credit; decreasing the percentage authorized for expenditures on projects that do not employ ten or more West Virginia residents as part of the full-time employees working on the project in West Virginia or as apprentices working in West Virginia; increasing the percentage authorized for expenditures on projects that do employ ten or more West Virginia residents as part of the full-time employees working on the project in West Virginia or as apprentices working in West Virginia; and specifying effective date”; to the Committee on Finance.

By Delegates Butler, Gearheart, Frich, R. Smith, J. Nelson, Moffatt, Azinger, Cadle and McGeehan:

H. B. 2774 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-1A-1, §18-

1A-2, §18-1A-3, §18-1A-4, §18-1A-5, §18-1A-6, §18-1A-7, §18-1A-8 and §18-1A-9, all relating to public school standards and assessments; prohibiting the school board from ceding authority over standards or student data to the federal government or private entities; prohibiting the use of common core standards and assessments; implementing temporary standards; limiting the use of statewide assessments; prohibiting the sharing of student level data or personally identifiable data; creating the West Virginia Legislative Education Standards Development Commission and Standards Development committees; and prohibiting colleges in the state from denying admission based on participation in common core programs or tests”; to the Committee on Education.

By Delegates Campbell, Eldridge, Perry, Moore, L. Phillips, J. Nelson and Marcum:

H. B. 2775 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9A-1-16, relating to salary increase for Veteran’s Service Officer 1 and Veteran’s Service Officer 2 positions”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

Delegates Gearheart, McCuskey, Storch, Hamrick, Espinosa, E. Nelson, Westfall, Mr. Speaker, Mr. Armstead, O’Neal, Pethtel and Ferro:

H. B. 2778 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17-17B-1, §17-17B-2, §17-17B-3, §17-17B-4 and §17-17B-5, all relating to authorizing West Virginia Division of Highways to enter into cooperative agreements with United States Secretary of Transportation to establish infrastructure revolving funds; creating State Infrastructure Fund Program; creating State Infrastructure Fund; and permitting Commissioner of the Division of Highways to propose rules for legislative approval”; to the Committee on Roads and Transportation then Finance.

SPECIAL CALENDAR**SECOND READING**

Com. Sub. for S. B. 6, Relating to medical professional liability; on second reading, coming up in regular order, was read a second time.

At the request of Delegate Cowles, and by unanimous consent, the bill was advanced to third reading with amendments pending, and the rule was suspended to permit the consideration of the amendments on that reading.

S. B. 389, Relating to Board of Registration for Professional Engineers license renewals and reinstatements; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Government Organization, 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 §30-13-13a, §30-13-17 and §30-13-18 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 13. ENGINEERS.**§30-13-13a. Designations of nonpracticing status.**

The board may designate a professional engineer as ineligible to practice or offer to practice engineering in this state using one of the following terms:

(1) *Professional engineer-retired.* – A registrant may apply for retired status upon certification that he or she is no longer practicing or offering to practice engineering in this state for remuneration.

(2) *Professional engineer-inactive.* – A registrant may request inactive status upon affirmation that he or she is no longer practicing or offering to practice engineering in this state.

(3) *Professional engineer-lapsed.* – A registrant’s license is lapsed when the registrant does not respond to renewal notices or pay the required ~~renewal~~ fees.

(4) *Professional engineer-invalidated.* – A registrant’s license is invalidated when he or she is unable to provide sufficient proof that any condition of renewal set forth in this article or by board rule has been met.

§30-13-17. Certificates of authorization required; naming of engineering firms.

(a) No person or firm is authorized to practice or offer to practice engineering in this state until the person or firm has been issued a certificate of authorization by the board.

(b) A person or firm desiring a certificate of authorization must file all the required information with the board on an application form specified by the board. The required information shall include the sworn statement of the engineer in responsible charge who is a professional engineer registered in this state. The board shall issue a certificate of authorization to an applicant who has met all the requirements and paid the fees set forth in board rules.

(c) No person or firm is relieved of responsibility for the conduct or acts of its agents, employees, officers or partners due to compliance with the provisions of this article. No individual practicing engineering under the provisions of this article is relieved of responsibility for engineering services performed due to his or her employment or other relationship with a person or firm holding a certificate of authorization.

(d) An engineer who renders occasional, part-time or contract engineering services to or for a firm may not be designated as being in responsible charge for the professional activities of the firm unless that engineer is an owner or principal of the firm.

(e) The Secretary of State shall not issue a certificate of authority or business registration or license to an applicant whose business includes, among the objectives for which it is established, the words engineer, engineering or any modification or derivation thereof unless the board of registration for this profession has issued to the applicant a certificate of authorization or a letter indicating eligibility to receive the certificate. The certificate or letter from the board shall be filed with the application filed with the Secretary of State to do business in West Virginia.

(f) The Secretary of State shall decline to register a trade name or service mark which includes the words engineer, engineering or modifications or derivatives thereof in its business name or logotype except those businesses holding a certificate of authorization issued under the provisions of this article.

(g) The certificate of authorization may be renewed or reinstated in accordance with board rule and upon payment of the required ~~renewal fee~~ fees.

(h) Every holder of a certificate of authorization has a duty to notify the board promptly of any change in information previously submitted to the board in an application for a certificate of authorization.

§30-13-18. Renewals and reinstatement.

(a) Certificates of registration and certificates of authorization ~~for firms~~ expire on the last day of ~~the month of June following issuance~~ December of the year indicated on the certificate, and ~~are invalid after~~

that date unless renewed the holder of any certificate that is not timely renewed is ineligible to practice or offer to practice engineering in this state until the certificate has been reinstated in accordance with rules promulgated by the board.

(b) The secretary of the board shall notify every person registered and every firm holding a certification of authorization under this article of the pending expiration of a certificate of registration or certificate of authorization issued to that person or firm, including notice of the fee required to renew the registration or certificate. The notice shall be mailed to the registrant or firm at their last known address at the last mailing address or email address provided to the board, at least one month in advance of the date of the expiration. Certificates may be renewed only in accordance with board rule, which may include payment of a late fee for renewals not postmarked by December 31 of the year in which renewal is required. The board shall notify every person or firm holding an active certificate under this article of the certificate renewal requirements at least one month prior to the renewal date. The notice shall be made by mail or electronic means using the contact information provided to the board.

(c) An expired A certificate that was not timely renewed or for other reason was given a nonpracticing status may be renewed reinstated under rules promulgated by the board and may require reexamination and payment of penalty fees set forth in board rules.

(d) Effective July 1, 2015, the board may renew certificates on a biennial basis.

(e) The board shall promulgate emergency rules pursuant to section fifteen, article three, chapter twenty-nine-a of this code to implement the provisions of this section.”

The bill was then ordered to third reading.

Com. Sub. for H. B. 2157, Relating to absentee ballot fraud; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2160, WV Schools for the Deaf and Blind eligible for School Building Authority funding; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2212, Changing the amount of severance tax revenue annually dedicated to the West Virginia Infrastructure General Obligation Debt Service Fund; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2213, Reducing the distributions to the West Virginia Infrastructure Fund; on second reading, coming up in regular order, was read a second time.

Delegate Cowles asked unanimous consent that the bill be advanced to third reading with amendments pending, which consent was not given, objection by Delegate Sponaugle being heard.

Delegate Cowles then so moved.

On this motion, the yeas and nays were taken (**Roll No. 78**), and there were—yeas 60, nays 31, absent and not voting 9, with the nays and absent and not voting being as follows:

NAYS: Bates, Boggs, Byrd, Campbell, Caputo, Duke, Eldridge, Fleischauer, Fluharty, Guthrie, Hicks, Hornbuckle, Longstreth, Lynch, Manchin, Miley, Moye, E. Nelson, Perdue, Perry, Pethtel, R. Phillips, Pushkin, Reynolds, Rodighiero, Rowe, Skinner, P. Smith, Sponaugle, Trecost and Williams.

ABSENT AND NOT VOTING: Ellington, Ferro, Hamrick, Marcum, McCuskey, Moore, Morgan, L. Phillips and H. White.

So, two thirds of the members present and voting not having voted in the affirmative, the motion did not prevail.

An amendment, offered by Delegates Sponaugle and Perdue, was reported by the Clerk on page three, section one, line thirty-one, following the period, by inserting, “With a minimum of ten percent of the aforementioned fifty percent being used to fund veteran related projects.”

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

The yeas and nays having been ordered, they were taken (**Roll No. 79**), and there were—yeas 88, nays 3, absent and not voting 9, with the nays and absent and not voting being as follows:

NAYS: Foster, Gearheart and McGeehan.

ABSENT AND NOT VOTING: Ellington, Ferro, Hamrick, Marcum, McCuskey, Moore, Morgan, L. Phillips and H. White.

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

The bill was then ordered to engrossment and third reading.

H. B. 2387, Relating to a framework for initiating comprehensive transformation of school leadership; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2606, Clarifying the potential sentence for disorderly conduct; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2608, Cleaning up redundant language in the statute relating to misdemeanor offenses for violation of protective orders; on second

reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

FIRST READING

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

S. B. 262, Transferring CHIP and Children’s Health Insurance Agency from Department of Administration to DHHR,

Com. Sub. for H. B. 2391, Authorizing additional annual waiver to full implementation of five full day early childhood education program,

H. B. 2523, Creating a special revenue account to offset costs for the West Virginia State Police 100th Anniversary in 2019,

Com. Sub. for H. B. 2527, Creating a Task Force on Prevention of Sexual Abuse of Children; “Erin Merryn’s Law”,

H. B. 2675, Reducing certain severance taxes that are dedicated to the Workers’ Compensation Debt Reduction Fund,

H. B. 2776, Relating to prescribing hydrocodone combination drugs for a duration of no more than three days,

And,

H. B. 2777, Relating to licensing of barbers, cosmetologists, and hairstylists, and revising the membership requirements of the Board of Barbers and Cosmetologists.

LEAVES OF ABSENCE

At the request of Delegate Cowles, and by unanimous consent, leaves of absence for the day were granted Delegates Ellington, Hamrick, Marcum, McCuskey, Moore, Morgan, L. Phillips and H. White.

MISCELLANEOUS BUSINESS

Delegates McCuskey, E. Nelson, R. Phillips and Westfall filed forms with the Clerk's Office per House Rule 94b to be added as cosponsors of H. B. 2523.

Delegate Ihle filed forms with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2737 and H. B. 2774.

Delegate Kelly filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2774.

At 12:23 P.M., the House of Delegates adjourned until 11:00 A.M., Tuesday, February 17, 2015.

TUESDAY, FEBRUARY 17, 2015

THIRTY-FIFTH 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 Monday, February 16, 2015, 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. 2726, Clarifying choice of laws issues in product's liability actions,

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

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

Your Committee on Government Organization has had under consideration:

H. B. 2625, Continuing the current hazardous waste management fee,

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

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

Your Committee on Government Organization has had under consideration:

H. B. 2220, Providing a limit on consulting fees,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 2220) was referred to the Committee on Finance.

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

Your Committee on Government Organization has had under consideration:

H. B. 2737, Prohibiting licensure board from hiring or contracting with lobbyist,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2737) was referred to the Committee on the Judiciary.

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

Your Committee on Government Organization has had under consideration:

H. B. 2492, Repealing the requirement that an entity charging admission to view certain closed circuit telecast or subscription television events needs to obtain a permit from the State Athletic Commission,

And,

Com. Sub. for S. B. 255, Eliminating certain boards, councils, committees, panels, task forces and commissions,

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

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

Your Committee on the Judiciary has had under consideration:

H. B. 2461, Relating to delinquency proceedings of insurers,

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

Delegate Gearheart, Chair of the Committee on Roads and Transportation, submitted the following report, which was received:

Your Committee on Roads and Transportation has had under consideration:

H. C. R. 37, The U. S. Army PV2 Eskridge A. Waggoner Memorial Bridge,

H. C. R. 38, The Captain John Bond and the West Virginia State Troops Memorial Bridge,

H. C. R. 46, The U. S. Army SSG James C. Vickers and U. S. Marine Corps PFC Randall Carl Phelps Memorial Bridge,

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

In accordance with the former direction of the Speaker, the resolutions (H. C. R. 37, H. C. R. 38 and H. C. R. 46) were each referred to the Committee on Rules.

Delegate Gearheart, Chair of the Committee on Roads and Transportation, submitted the following report, which was received:

Your Committee on Roads and Transportation has had under consideration:

H. B. 2225, Relating to roof-mounted off-road light bar lighting devices,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2225) was referred to the Committee on the Judiciary.

Delegate Gearheart, Chair of the Committee on Roads and Transportation, submitted the following report, which was received:

Your Committee on Roads and Transportation has had under consideration:

H. B. 2571, Creating a fund for pothole repair contributed to by private businesses or entities,

And,

H. B. 2778, State Infrastructure Fund Program,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2571 and H. B. 2778) were each referred to the Committee on Finance.

Delegate Gearheart, Chair of the Committee on Roads and Transportation, submitted the following report, which was received:

Your Committee on Roads and Transportation has had under consideration:

H. C. R. 20, The Virginia and U. S. Army Major Woodrow Cook Memorial Road,

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

Com. Sub. for H. C. R. 20 - "Requesting the Division of Highways to name U. S. Route 54/6 in Wyoming County the 'U. S. Army Major Woodrow Cook and Virginia Cook Memorial Road',"

And,

H. C. R. 36, The US Army SPC David H. Stamper Memorial Bridge,

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

Com. Sub. for H. C. R. 36 - "Requesting the Division of Highways to name the bridge on Route 119, over WV Route 10 near Chapmanville in Logan County, bridge number 23-119-15.56 (23A095), latitude 37.97487, longitude -82.01675, as the 'U.S. Army SPC David H. Stamper Memorial Bridge',"

With the recommendation that the committee substitutes each be adopted, but that they first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolutions (Com. Sub. for H. C. R. 20 and Com. Sub. for H. C. R. 36) were each referred to the Committee on Rules.

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

Your Committee on Education has had under consideration:

H. B. 2702, Redefining service personnel class titles of early childhood classroom assistant teacher,

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

Com. Sub. for H. B. 2702 – “A Bill to amend and reenact §18-5-18 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18A-4-8, §18A-4-8a and §18A-4-8b of said code, all relating to redefining service personnel class titles of early childhood classroom assistant teacher; protecting certain aides from reduction in force or transfer to create vacancy for less senior early childhood classroom assistant teacher; requiring aide who becomes employed as early childhood classroom assistant teacher to hold certain multiclassification status; and including early childhood assistant classroom assistant teacher in same classification category as aides,”

With the recommendation that the committee substitute do pass.

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

Your Committee on Education has had under consideration:

H. B. 2478, Relating to public school finance,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 2478) was referred to the Committee on Finance.

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. 142 - "A Bill to amend and reenact article 2, chapter 64 of the Code of West Virginia, 1931, as amended, relating generally to promulgation of administrative rules by Department of Administration; legislative mandate or authorization for promulgation of certain legislative rules by various executive or administrative agencies of the state; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing Department of Administration to promulgate a legislative rule relating to Purchasing Division; authorizing Department of Administration to promulgate a legislative rule relating to state-owned vehicles; authorizing Department of Administration to promulgate a legislative rule relating to the state plan for the operation of the West Virginia State Agency for Surplus Property; authorizing Consolidated Public Retirement Board to promulgate a legislative rule relating to refund, reinstatement, retroactive service, loan and employer error interest factors; authorizing Consolidated Public Retirement Board to promulgate a legislative rule relating to Deputy Sheriffs Retirement System; authorizing Consolidated Public Retirement Board to promulgate a legislative rule relating to service credit for accrued and

unused sick and annual leave; and authorizing Office of Technology to promulgate a legislative rule relating to the procedures for sanitization, retirement and disposition of information technology equipment”; 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, to take effect from passage, and request the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 378 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-3B-6, relating to permitting licensing of any electrician who did not renew his or her electrician’s license issued earlier by State Fire Marshal; and renewing license without retesting if earlier license was not revoked and renewal fee is paid for each year lapsed”; which was referred to the Committee on Government Organization.

RESOLUTIONS INTRODUCED

Delegates Hamrick, Waxman, Miley, Trecost, Mr. Speaker, Mr. Armstead, J. Nelson, Gearheart, McCuskey and Espinosa offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 68 - “Requesting the Division of Highways to name Bridge number 17-9-5.09 (17A350) (39.3443, -80.4013) locally known as Gregory Run Bridge carrying CR 9 over TenMile Creek, in Harrison County, the ‘Army SSG Harold “Dean” Baker Memorial Bridge’.”

WHEREAS, Harold ‘Dean’ Baker was born on October 13, 1923, in Salem, West Virginia, the son of William Henry Baker and Mae Davis Baker. He enlisted in the Army Air Force on December 8, 1942 and received an honorable discharge on October 31, 1945. During his service he was a Staff Sergeant with the 15th Air Force of the 737th Bomb Squadron, 454th Bomb Group as an Aerial Gunner and Radio Operator. On April 21, 1944, while on a mission to bomb oil fields in

Romania, the B-24 Bomber he was on developed engine problems and crash landed in Yugoslavia on its return. He was taken prisoner and was in Stalag Luft 3 in Poland and later taken to Nuremberg, Germany. He was liberated on April 25, 1945; and

WHEREAS, Harold ‘Dean’ Baker married Georgia L. Elbon in 1946 and lived in Reynoldsville until his death in September, 2000. He retired as a self-employed carpenter at the age of forty-two, due to disabling arthritis, and other health problems. He was a member of the Veterans of Foreign Wars Post No. 573, Disabled American Veterans Chapter 1, Barb-Wire Mountaineers, West Virginia ex-prisoners of war, and the Reynoldsville Baptist Church. He was survived by sons Kevin Baker and wife, Terri Baker, Sardis, West Virginia, Gary Baker and wife, Cheryl Baker, Reynoldsville, West Virginia, daughter Cathy Wells and husband, William Wells, Salem, West Virginia and a now deceased daughter Vicki Baker Bowers, eight grandchildren, four great-grandchildren and two great-great grandchildren; and

WHEREAS, Naming the Bridge number 17-9-5.09 (17A350) (39.3443, -80.4013) locally known as Gregory Run Bridge carrying CR 9 over TenMile Creek, in Harrison County, the “Army SSG Harold ‘Dean’ Baker Memorial Bridge” is an appropriate recognition of his contributions to his country, state, community and Harrison County; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the Bridge number 17-9-5.09 (17A350) (39.3443, -80.4013) locally known as Gregory Run Bridge carrying CR 9 over TenMile Creek, in Harrison County, the “Army SSG Harold ‘Dean’ Baker 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 “Army SSG Harold ‘Dean’ Baker 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 the surviving relatives of Harold “Dean” Baker.

Delegates Butler, Ambler, Anderson, Ashley, Azinger, Bates, Blair, Boggs, Byrd, Campbell, Canterbury, Cooper, Cowles, Duke, Eldridge, Ellington, Espinosa, A. Evans, D. Evans, Faircloth, Fast, Ferro, Fluharty, Foster, Frich, Gearheart, Hamilton, Hamrick, Hanshaw, Hartman, Hicks, Hill, Hornbuckle, Householder, Ihle, Ireland, Kelly, Kessinger, Kurcaba, Longstreth, Manchin, Marcum, McGeehan, Miley, Miller, Moffatt, Morgan, Moye, E. Nelson, J. Nelson, O’Neal, Overington, Pasdon, Perdue, Pethtel, L. Phillips, R. Phillips, Reynolds, Rodighiero, Shott, R. Smith, Sobonya, Sponaule, Summers, Trecost, Wagner, Walters, Waxman, H. White, Williams and Zatezalo offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 69 - “Urging Congress to change U.S. Environmental Protection Agency standards that make it difficult to complete planning and construction of public projects.”

WHEREAS, The rigid standards of U.S. Environmental Protection Agency as they relate to the planning and construction of many public projects such as road building are overly burdensome and create difficulties that increase the cost and time involved on these projects; and

WHEREAS, Continued imposition of such rigid and unreasonable standards will further impact the financial stability of the State of West Virginia in an unstable economy; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby urges Congress to change and streamline the standards of the U.S. Environmental Protection Agency

to help reduce cost of road construction and other public projects in West Virginia; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the members of the West Virginia Delegation to the Congress of the United States and the President of the United States and the U.S. Environmental Protection Agency.

Delegates Cooper, Ambler, Cadle, O’Neal and Canterbury offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 70 - “Requesting the Division of Highways to name the Indian Creek Bridge #3, bridge number 32-122-8.95 (32A056) (37.52981, -80.65837) carrying WV 122 over Indian Creek, in Fayette County, the ‘Army SPC 4 Everette R. Johnson Memorial Bridge’.”

WHEREAS, Everette R. Johnson was born on November 7, 1947, in Beckley, West Virginia, the son of John C. and Minnie Louise Johnson. He lived most of his life in Monroe County and was educated in Monroe County schools, graduating from Greenville High School in 1965. He was married to Sue G. Loan and they were expecting their first child when Everette was killed in Vietnam on February 7, 1968; and

WHEREAS, Everette R. Johnson was survived by his widow and son, Robert Johnson, Jr., who was born in August, 1968, and his mother and father, sister Darlene Johnson and three brothers, Wayne, David and Maury; and

WHEREAS, Naming the Indian Creek Bridge #3, bridge number 32-122-8.95 (32A056) (37.52981, -80.65837) carrying WV 122 over Indian Creek, in Fayette County, the “Army SPC 4 Everette R. Johnson Memorial Bridge” is an appropriate recognition of his contributions and his supreme sacrifice to his country, state, community and Monroe County; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the Indian Creek Bridge #3, bridge number 32-122-8.95 (32A056) (37.52981, -80.65837) carrying WV 122 over Indian Creek, in Fayette County, the “Army SPC 4 Everette R. Johnson 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 “Army SPC 4 Everette R. Johnson 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 the surviving relatives of Everette R. Johnson.

Delegates Rodighiero, Hicks, Marcum and Eldridge offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 71 - “Requesting the Division of Highways to name the portion of West Virginia Route 10 in Logan County, from latitude 37.952 and longitude -82.013, near the Chafin Bridge, to latitude 37.942 and longitude -82.016, near Godby Bottom Road, the ‘Thomas Owen Perry Sr. Highway’.”

WHEREAS, Thomas Owen Perry Sr. was a Quartermaster of VFW Post 6153, a member of American Legion Post 103, Commander of DAV Post 103, a veteran of the Vietnam War and a 32nd Degree Mason; and

WHEREAS, It is fitting that Thomas Owen Perry Sr. be memorialized in the area where he lived; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Division of Highways to name the portion of West Virginia Route 10 in Logan County, from

latitude 37.952 and longitude -82.013, near the Chafin Bridge, to latitude 37.942 and longitude -82.016, near Godby Bottom Road, the “Thomas Owen Perry Sr. Highway”; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the designated highway containing bold and prominent letters proclaiming the designated portion of West Virginia Route 10 the “Thomas Owen Perry Sr. Highway”; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of Transportation, the Commissioner of Highways, and the family of the late Thomas Owen Perry, Sr.

Delegates Lynch, Rowe, A. Evans, Hamilton, Morgan, Perry, Campbell, H. White, Miley, Caputo and Trecost offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 72 - “Requesting the Division of Highways to name the portion of West Virginia Route 20 from mile marker 7.30 to mile marker 19.94, in Webster County, the ‘Webster County Veterans Highway’.”

WHEREAS, A large number of Webster County men and women have served in the nation’s armed forces; and

WHEREAS, Webster County veterans have been wounded or lost their lives in military service; and

WHEREAS, The citizens of Webster County wish to honor the memory and sacrifices of its many veterans with a fitting memorial; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the portion of West Virginia Route 20 from mile marker 7.30 to mile marker 19.94, in Webster County, the “Webster County Veterans Highway”; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the designated portion of highway containing bold and prominent letters proclaiming the portion of highway the “Webster County Veterans Highway”; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Webster County Commission and a certified copy to the Commissioner of the Division of Highways.

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

By Delegates Sponaugle, Perdue, Hornbuckle, Marcum, Pushkin, L. Phillips, Williams, Lynch, Hartman, R. Phillips and Campbell:

H. J. R. 23 - “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.

And,

By Delegates Sponaugle, Perdue, Fluharty, Hornbuckle, Trecoast, Marcum, Pushkin, L. Phillips, Byrd, Williams and Lynch:

H. J. R. 24 - “Proposing an amendment to the Constitution of the State of West Virginia, amending section 1b, article X thereof, relating to exempting honorably discharged veterans of the armed forces of the

United States from ad valorem property taxation on the first \$30,000 of assessed value of a primary residence; numbering and designating the proposed amendment; and providing a summarized statement of the purpose of the proposed amendment”; to the Committee on the Judiciary then Finance.

Delegates McGeehan, Householder, Hamilton, Storch and Faircloth offered the following resolution, which was read by its title and referred to the Committee on Veterans’ Affairs and Homeland Security then Rules:

H. R. 10 - “Requesting that the President and Congress of the United States of America take no action to call the West Virginia National Guard into active duty combat unless the United States Congress has passed an official declaration of war or has taken an official action pursuant to Article I, § 8, Clause 15 of the United States Constitution to explicitly call forth the state militia to execute the laws of the union, repel an invasion or suppress an insurrection.”

WHEREAS, Article I, Section 8 of the Constitution of the United States vests in the United States Congress the exclusive power of war; and

WHEREAS, In spite of the clear language of the United States Constitution, vesting the power over war exclusively in the United States Congress, the United States Executive branch has unconstitutionally assumed that power while the United States Congress has abdicated its constitutional duty; and

WHEREAS, Although the United States Congress has not declared war in over seventy years, the nation has since gone to war repeatedly at the whim of the Executive branch; and

WHEREAS, When such unconstitutional actions are taken by the federal government, it is the proper role of the states themselves to take action to remedy such situations, as outlined in the Kentucky and Virginia Resolutions of 1798; and

WHEREAS, A founder of this country, George Washington, once wrote “The Constitution vests the power of declaring war in Congress; therefore no offensive expedition of importance can be undertaken until after they shall have deliberated upon the subject and authorized such a measure”; and

WHEREAS, The Father of the Constitution, James Madison, once wrote: “The Constitution supposes, what the History of all Governments demonstrates, that the Executive is the branch of power most interested in war, and most prone to it. It has accordingly with studied care vested the question of war to the Legislature”; and

WHEREAS, The author of the Declaration of Independence, Thomas Jefferson, once wrote “We have already given in example one effectual check to the dog of war by transferring the power of letting him loose from the Executive to the Legislative body. . . ‘and’ Considering that Congress alone is constitutionally invested with the power of changing our condition from peace to war, I have thought it my duty to await their authority for using force in any degree which could be avoided”; and

WHEREAS, Another constitutional framer, Alexander Hamilton, once wrote: “The Congress shall have the power to declare war; the plain meaning of which is, that it is the peculiar and exclusive duty of Congress, when the nation is at peace, to change that state into a state of war. . .”; therefore, be it

Resolved by the House of Delegates:

That the State of West Virginia hereby respectfully urges that the President and Congress of the United States of America take no action to call the West Virginia National Guard into active duty combat unless the United States Congress has passed an official declaration of war or has taken an official action pursuant to Article I, § 8, Clause 15 of the United States Constitution to explicitly call forth the state militia to execute the laws of the union, repel an invasion or suppress an insurrection; and, be it

Further Resolved, That the State of West Virginia forward official copies of the resolution to the President of the United States, to the President of the Senate and Speaker of the House of Representatives of the United States Congress with the request that this resolution be officially entered into the Congressional Record as a memorial to the Congress of the United States of America.

Delegates Williams, H. White, Boggs, Eldridge, Hartman, Longstreth, Pethtel, Campbell, Hicks, Rodighiero, Anderson, Ashley, Bates, Butler, Byrd, Caputo, A. Evans, Faircloth, Ferro, Fleischauer, Fluharty, Guthrie, Hamilton, Hornbuckle, Howell, Lynch, McCuskey, Miley, Morgan, Moye, E. Nelson, J. Nelson, Perry, L. Phillips, Pushkin, Reynolds, Romine, Rowan, Rowe, Shott, Skinner, P. Smith, R. Smith, Sponaugle, Trecost, Wagner, Westfall and Frich offered the following resolution, which was read by its title and referred to the Committee on Finance then Rules:

H. R. 11 - “Expressing the support of the House of Delegates for the Lottery Commission to implement creative methods for selling Veteran Lottery tickets to help fund the West Virginia Veterans Home, and for the Lottery Commission to investigate the feasibility of implementing the methodology proposed by this resolution as a new alternative to promote their sales.”

WHEREAS, The West Virginia Veterans Home is reserved and designed for veterans in need of a convenient and comfortable home; and

WHEREAS, West Virginia continues to support veterans and recognizes their service as well as their needs; and

WHEREAS, The West Virginia Veterans Home receives funds from the sale of designated veterans lottery tickets through the West Virginia Lottery; and

WHEREAS, In order to enhance sales and generate much needed revenue for the Veterans Home, the Lottery Commission should

consider authorizing and promoting the sale by retailers of bulk bundles or packets of Veterans Lottery tickets to veterans groups, implementing any necessary rule or other requirements to assure these sales are lawful and consistent with lottery requirements; and

WHEREAS, When lottery retailers distributing these tickets to veterans groups for sales to their members, and providing a method for payout from these additional sales, would help sales by having these groups vested in instigating these sales; and

WHEREAS, Enhancement of the revenue received by the West Virginia Veterans Home would be greatly beneficial to the resident veterans; therefore, be it

Resolved by the House of Delegates:

That the House of Delegates hereby expresses its support of veterans and the West Virginia Veterans Home by reviewing these proposals to further address the funding needs and provide avenues to promote and enhance lottery sales that directly benefit veterans programs; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy to the West Virginia Department of Veterans Assistance and the West Virginia Lottery Commission.

BILLS INTRODUCED

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

By Delegates Pasdon, Statler, Kurcaba, Sobonya, Espinosa, Rohrbach, Fleischauer, Miller, Perry and Morgan:

H. B. 2779 - "A Bill to amend and reenact §47-2-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto four new sections, designated §47-2-14a, §47-2-14b, §47-2-14c and §47-2-14d, all relating to trademark counterfeiting and forfeiture;

creating the crime of trademark counterfeiting; and providing penalties”; to the Committee on the Judiciary.

By Delegates Pasdon, Statler, Kurcaba, Duke, Sobonya, Espinosa, Rohrbach, Fleischauer, Miller and Morgan:

H. B. 2780 - “A Bill to amend and reenact §18B-4-5 of the Code of West Virginia, 1931, as amended, and to amend and reenact §30-29-8 of said code, all relating to enhancing the ability of campus police officers at state institutions of higher education to perform their duties; authorizing certain higher education campus police officers to receive compensation for attending law-enforcement training academies; authorizing governing boards to apply for certain funds available to law-enforcement agencies; authorizing governing boards to compensate campus police officers for attending law-enforcement training academies; and providing for agreements to reimburse employers for wages and expenses of employees trained but not continuing employment”; to the Committee on Education then Finance.

By Delegates Westfall, Cowles, Ellington, Summers, Foster, Waxman, Williams, Shott, Hanshaw, Campbell and Sobonya:

H. B. 2781 - “A Bill to amend and reenact §16-30-6 of the Code of West Virginia, 1931, as amended, relating to allowing a medical power of attorney representative or surrogate to waive the incapacitated person’s right to a trial by jury and bind them to arbitration”; to the Committee on the Judiciary.

By Delegate Skinner:

H. B. 2782 - “A Bill to amend and reenact §51-2-1 of the Code of West Virginia, 1931, as amended, relating to adjusting the judicial circuits of West Virginia; removing Jefferson County from the twenty-third judicial circuit; creating a new thirty-second judicial circuit consisting of Jefferson County; and assigning two judges to the thirty-second circuit”; to the Committee on the Judiciary then Finance.

By Delegate Sponaule:

H. B. 2783 - “A Bill to amend and reenact §20-2-22a of the Code of West Virginia, 1931, as amended, relating to procedures available

to persons to address bears causing property damage or destruction”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates Lynch, Moore and Ashley:

H. B. 2784 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-3-33, relating to liquefied petroleum gas-consuming equipment and appliances and the business of selling at retail, supplying, handling or transporting certain types of liquefied petroleum gas; requiring certification of correctness as to design, construction and performance of domestic and commercial liquefied petroleum gas-consuming equipment and appliances; requiring installation of liquefied petroleum gas-consuming appliances, equipment or other components of a liquefied petroleum gas delivery system in accordance with the instructions of the manufacturer of the appliance, equipment or component; and prohibiting the alteration, modification, maintenance or repair of liquefied petroleum gas-consuming appliances, equipment or other components of a liquefied petroleum gas delivery system unless done in accordance with the instructions of the manufacturer; providing protections from liability for persons engaged in the business of selling at retail, supplying, handling or transporting liquefied petroleum gas, unless they are negligent or act intentionally, and the negligence or intentional act causes or partially causes injury or damage”; to the Committee on Industry and Labor then the Judiciary.

By Delegates Lynch, Rowe, D. Evans, Ambler, Marcum, L. Phillips, Sponaugle, Arvon, Anderson, Hanshaw and Eldridge:

H. B. 2785 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designed §15-14-1, §15-14-2, §15-14-3, §15-14-4, §15-14-5, §15-14-6, §15-14-7, §15-14-8, §15-14-9, §15-14-10, §15-14-11 and §15-14-12, all relating to creating the Statewide Interoperable Radio Network; establishing a short title; defining terms; establishing objectives and a purpose; creating the Statewide Interoperable Radio Network; creating the Statewide Interoperable Coordinator; prescribing duties for the

Statewide Interoperability Coordinator; creating the Statewide Interoperability Executive Committee; prescribing duties for the Statewide Interoperability Executive committee; creating the Regional Interoperability Committees; providing for disposition of assets and staffing of the Statewide Interoperable Radio Network; establishing a special revenue account for the Statewide Interoperable Radio Network; and authorizing emergency and legislative rule-making”; to the Committee on the Judiciary then Finance.

By Delegates Pasdon, Statler, Kurcaba, Duke, Cooper, Sobonya, Espinosa, D. Evans and Upson:

H. B. 2786 - “A Bill to amend and reenact §18A-2-7 of the Code of West Virginia, 1931, as amended, relating to prohibiting transfers of employed and assigned service persons to other positions after twenty days prior to and during the instructional term; exceptions”; to the Committee on Education.

By Delegate Rowe:

H. B. 2787 - “A Bill to amend and reenact §17C-5A-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §17C-5C-4c and §17C-5C-4d, all relating to hearings before the Office of Administrative Hearings; deleting the provision that provide the OAH cannot be made a party to an appeal; requiring parties appealing a decision of the OAH to serve the Petition for Appeal on the OAH; establishing procedures for the recusal of the Chief Hearing Examiner; providing appeal procedures for petitioners denied entry into the alcohol test and lock program described in §17C-5A-3(e); allowing OAH to enter orders nunc pro tunc to correct clerical mistakes or omissions; and providing that OAH has jurisdiction to decide cases in which substantial prejudice is asserted due to alleged constitutional violations”; to the Committee on the Judiciary.

By Delegates Rowe, Guthrie, Moore, McCuskey, Pushkin and Fleischauer:

H. B. 2788 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-15g,

relating to requiring county boards of education to provide days prior to early voting during primary and general elections for registering eligible students to vote and being transported to vote”; to the Committee on Education then the Judiciary.

By Delegates Ihle, McGeehan, Hill, Householder, Cadle, Ashley and Westfall:

H. B. 2789 - “A Bill to amend and reenact §11-13J-4a of the Code of West Virginia, 1931, as amended, relating to neighborhood investment program advisory boards; prohibiting the consideration of a proposed project if an applicant is directly or indirectly affiliated with a board member”; to the Committee on the Judiciary.

By Delegates Westfall, Waxman and Shott:

H. B. 2790 - “A Bill to amend and reenact §17D-4-2, §17D-4-7 and §17D-4-12 of the Code of West Virginia, 1931, as amended; to amend and reenact §33-6-31 and §31-6-31d of said code; and to amend said code by adding thereto a new section, designated §33-6-31h, all relating to minimum responsibility limits of car insurance and insurance coverage required under the provisions of a restrictive endorsement for an excluded driver”; to the Committee on Banking and Insurance then the Judiciary.

By Delegates P. Smith, Boggs, Trecoast, Perry, Campbell, Moye, Williams, L. Phillips, Eldridge, Rodighiero and Hicks:

H. B. 2791 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10-22i; to amend said code by adding thereto a new section, designated §15-2A-23; and to amend said code by adding thereto a new section, designated §18-7A-26w, all relating to increasing benefits of retired state personnel and retired teachers by five percent a year for the next three consecutive years”; to the Committee on Pensions and Retirement then Finance.

By Delegate R. Phillips:

H. B. 2792 - “A Bill to amend and reenact §11-13-1 of the Code of West Virginia, 1931, as amended, relating to the business and

occupation tax; definitions; and including photography activities for the gain or economic benefit of any person in the definition of “business”; to the Committee on Finance.

By Delegates Kurcaba, Statler, Ellington, Pasdon, Cooper, Ambler and Kelly:

H. B. 2793 - “A Bill to amend and reenact §18-8-1 of the Code of West Virginia, 1931, as amended, relating generally to home schooling; clarifying that a student who is home schooled may not be classified as habitually absent; requiring the parent of a child who is to be home schooled to notify a county superintendent of intent to home school, not the person providing the home schooling along with an assurance that certain subjects will be taught; removing the requirement that the person providing the home schooling instruction have a high school diploma; removing the requirement that the person providing the home schooling instruction have an outline of a plan for the home schooling instruction for the ensuing year; permitting a parent to administer the required nationally normed standardized test; providing that a student has made acceptable academic progress if it is within or above the national average range, or if below that average then the student must show improvement from the previous year; removing the requirement that a certified teacher and the parent of a home schooled child must mutually agree on an alternative academic assessment of proficiency; requiring home schooled students who fail to make acceptable academic progress for two consecutive years be evaluated for learning disabilities; and requiring academic assessments be kept for three years”; to the Committee on Education.

By Delegates Eldridge and Hicks:

H. B. 2794 - “A Bill to amend and reenact §21-11-3 of the Code of West Virginia, 1931, as amended, relating to making changes to the definition of contractor for purposes of the West Virginia Contractor Licensing Act”; to the Committee on Industry and Labor then Government Organization.

By Delegates Westfall, B. White and McCuskey:

H. B. 2795 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §56-4-72, relating to rules and pleading; and providing that when a party's health condition is at issue in a civil action medical records and releases for medical information may be requested and required without court order; prohibiting unilateral restrictions on the receipt or use of the medical records; and providing right to object to request for records and effect of court order relating to the use of such records"; to the Committee on the Judiciary.

SPECIAL CALENDAR

THIRD READING

Com. Sub. for S. B. 6, Relating to medical professional liability; on third reading, coming up in regular order, with amendments pending, was reported by the Clerk.

An amendment to the bill, recommended by the Committee on the Judiciary, was reported by the Clerk on page two, immediately following the enacting section, by striking out the remainder of the bill and inserting in lieu thereof the following:

"ARTICLE 7B. MEDICAL PROFESSIONAL LIABILITY.

§55-7B-1. Legislative findings and declaration of purpose.

The Legislature ~~hereby~~ finds and declares that:

The citizens of this state are entitled to the best medical care and facilities available and that health care providers offer an essential and basic service which requires that the public policy of this state encourage and facilitate the provision of such service to our citizens;

~~That~~ As in every human endeavor the possibility of injury or death from negligent conduct commands that protection of the public served by health care providers be recognized as an important state interest;

That Our system of litigation is an essential component of this state's interest in providing adequate and reasonable compensation to those persons who suffer from injury or death as a result of professional negligence, and any limitation placed on this system must be balanced with and considerate of the need to fairly compensate patients who have been injured as a result of negligent and incompetent acts by health care providers;

That Liability insurance is a key part of our system of litigation, affording compensation to the injured while fulfilling the need and fairness of spreading the cost of the risks of injury;

That A further important component of these protections is the capacity and willingness of health care providers to monitor and effectively control their professional competency, so as to protect the public and insure to the extent possible the highest quality of care;

That It is the duty and responsibility of the Legislature to balance the rights of our individual citizens to adequate and reasonable compensation with the broad public interest in the provision of services by qualified health care providers and health care facilities who can themselves obtain the protection of reasonably priced and extensive liability coverage;

That In recent years, the cost of insurance coverage has risen dramatically while the nature and extent of coverage has diminished, leaving the health care providers, the health care facilities and the injured without the full benefit of professional liability insurance coverage;

That Many of the factors and reasons contributing to the increased cost and diminished availability of professional liability insurance arise from the historic inability of this state to effectively and fairly regulate the insurance industry so as to guarantee our citizens that rates are appropriate, that purchasers of insurance coverage are not treated arbitrarily and that rates reflect the competency and experience of the insured health care providers and health care facilities;

~~That~~ The unpredictable nature of traumatic injury health care services often result in a greater likelihood of unsatisfactory patient outcomes, a higher degree of patient and patient family dissatisfaction and frequent malpractice claims, creating a financial strain on the trauma care system of our state, increasing costs for all users of the trauma care system and impacting the availability of these services, requires appropriate and balanced limitations on the rights of persons asserting claims against trauma care health care providers, this balance must guarantee availability of trauma care services while mandating that these services meet all national standards of care, to assure that our health care resources are being directed towards providing the best trauma care available; ~~and~~

~~That~~ The cost of liability insurance coverage has continued to rise dramatically, resulting in the state's loss and threatened loss of physicians, which, together with other costs and taxation incurred by health care providers in this state, have created a competitive disadvantage in attracting and retaining qualified physicians and other health care providers;

~~The Legislature further finds that~~ Medical liability issues have reached critical proportions for the state's long-term health care facilities, as: (1) Medical liability insurance premiums for nursing homes in West Virginia continue to increase and the number of claims per bed has increased significantly; (2) the cost to the state Medicaid program as a result of such higher premiums has grown considerably in this period; (3) current medical liability premium costs for some nursing homes constitute a significant percentage of the amount of coverage; (4) these high costs are leading some facilities to consider dropping medical liability insurance coverage altogether; and (5) the medical liability insurance crisis for nursing homes may soon result in a reduction of the number of beds available to citizens in need of long-term care; and

The modernization and structure of the health care delivery system necessitate an update of provisions of this article in order to facilitate

and continue the objectives of this article which are to control the increase in the cost of liability insurance and to maintain access to affordable health care services for our citizens.

Therefore, the purpose of this article is to provide for a comprehensive resolution of the matters and factors which the Legislature finds must be addressed to accomplish the goals set forth in this section. In so doing, the Legislature has determined that reforms in the common law and statutory rights of our citizens must be enacted together as necessary and mutual ingredients of the appropriate legislative response relating to:

(1) Compensation for injury and death;

(2) The regulation of rate making and other practices by the liability insurance industry, including the formation of a physicians' mutual insurance company and establishment of a fund to assure adequate compensation to victims of malpractice; and

(3) The authority of medical licensing boards to effectively regulate and discipline the health care providers under such board.

§55-7B-2. Definitions.

(a) 'Board' means the State Board of Risk and Insurance Management.

(b) 'Collateral source' means a source of benefits or advantages for economic loss that the claimant has received from:

(1) Any federal or state act, public program or insurance which provides payments for medical expenses, disability benefits, including workers' compensation benefits, or other similar benefits. Benefits payable under the Social Security Act and Medicare are not considered payments from collateral sources except for Social Security disability benefits directly attributable to the medical injury in question;

(2) Any contract or agreement of any group, organization, partnership or corporation to provide, pay for or reimburse the cost of medical, hospital, dental, nursing, rehabilitation, therapy or other health care services or provide similar benefits, but excluding any amount that a group, organization, partnership, corporation or health care provider agrees to reduce, discount or write off of a medical bill;

(3) Any group accident, sickness or income disability insurance, any casualty or property insurance (including automobile and homeowners' insurance) which provides medical benefits, income replacement or disability coverage, or any other similar insurance benefits, except life insurance, to the extent that someone other than the insured, including the insured's employer, has paid all or part of the premium or made an economic contribution on behalf of the plaintiff; or

(4) Any contractual or voluntary wage continuation plan provided by an employer or otherwise or any other system intended to provide wages during a period of disability.

(c) 'Consumer Price Index' means the most recent Consumer Price Index for All Consumers published by the United States Department of Labor.

(d) 'Emergency condition' means any acute traumatic injury or acute medical condition which, according to standardized criteria for triage, involves a significant risk of death or the precipitation of significant complications or disabilities, impairment of bodily functions or, with respect to a pregnant woman, a significant risk to the health of the unborn child.

(e) 'Health care' means:

(1) Any act, service or treatment provided under, pursuant to or in the furtherance of a physician's plan of care, a health care facility's plan of care, medical diagnosis or treatment;

(2) Any act, service or treatment performed or furnished, or which should have been performed or furnished, by any health care provider or person supervised by or acting under the direction of a health care provider or licensed professional for, to or on behalf of a patient during the patient's medical care, treatment or confinement, including, but not limited to, staffing, medical transport, custodial care or basic care, infection control, positioning, hydration, nutrition and similar patient services; and

(3) The process employed by health care providers and health care facilities for the appointment, employment, contracting, credentialing, privileging and supervision of health care providers.

(f) 'Health care facility' means any clinic, hospital, pharmacy, nursing home, or assisted living facility, including personal care home, residential care community, and residential board and care home, or end-stage renal disease facility, home health agency, child welfare agency, group residential facility, behavioral health care facility or comprehensive community mental health/mental retardation center, in and licensed health center intellectual/developmental disability center or program, or other ambulatory health care facility, in and licensed, regulated or certified by the State of West Virginia under state or federal law and any state-operated institution or clinic providing health care and any related entity to the health care facility.

(g) 'Health care provider' means a person, partnership, corporation, professional limited liability company, health care facility, entity or institution licensed by, or certified in, this state or another state, to provide health care or professional health care services, including, but not limited to, a physician, osteopathic physician, physician assistant, advanced practice registered nurse, hospital, health care facility, dentist, registered or licensed practical nurse, optometrist, podiatrist, chiropractor, physical therapist, psychologist, speech-language pathologist and audiologist, occupational therapist, psychologist, pharmacist, technician, certified nursing assistant, emergency medical service personnel, emergency medical services

authority or agency, any person supervised by or acting under the direction of a licensed professional, any person taking actions or providing service or treatment pursuant to or in furtherance of a physician's plan of care, a health care facility's plan of care, medical diagnosis or treatment; or an officer, employee or agent ~~thereof~~ of a health care provider acting in the course and scope of ~~such~~ the officer's, employee's or agent's employment.

(h) 'Medical injury' means injury or death to a patient arising or resulting from the rendering of or failure to render health care.

(i) 'Medical professional liability' means any liability for damages resulting from the death or injury of a person for any tort or breach of contract based on health care services rendered, or which should have been rendered, by a health care provider or health care facility to a patient. It also means other claims that may be contemporaneous to or related to the alleged tort or breach of contract or otherwise provided, all in the context of rendering health care services.

(j) 'Medical professional liability insurance' means a contract of insurance or any actuarially sound self-funding program that pays for the legal liability of a health care facility or health care provider arising from a claim of medical professional liability. In order to qualify as medical professional liability insurance for purposes of this article, a self-funding program for an individual physician must meet the requirements and minimum standards set forth in section twelve of this article.

(k) 'Noneconomic loss' means losses, including, but not limited to, pain, suffering, mental anguish and grief.

(l) 'Patient' means a natural person who receives or should have received health care from a licensed health care provider under a contract, expressed or implied.

(m) 'Plaintiff' means a patient or representative of a patient who brings an action for medical professional liability under this article.

(n) ‘Related entity’ means any corporation, foundation, partnership, joint venture, professional limited liability company, limited liability company, trust, affiliate or other entity under common control or ownership, whether directly or indirectly, partially or completely, legally, beneficially or constructively, with a health care provider or health care facility; or which owns directly, indirectly, beneficially or constructively any part of a health care provider or health care facility.

~~(m)~~ (o) ‘Representative’ means the spouse, parent, guardian, trustee, attorney or other legal agent of another.

§55-7B-7. Testimony of expert witness on standard of care.

(a) The applicable standard of care and a defendant’s failure to meet the standard of care, if at issue, shall be established in medical professional liability cases by the plaintiff by testimony of one or more knowledgeable, competent expert witnesses if required by the court. ~~Expert testimony may only be admitted in evidence~~ A proposed expert witness may only be found competent to testify if the foundation therefor ~~for his or her testimony is first laid establishing that:~~ (1) The opinion is actually held by the expert witness; (2) the opinion can be testified to with reasonable medical probability; (3) the expert witness possesses professional knowledge and expertise coupled with knowledge of the applicable standard of care to which his or her expert opinion testimony is addressed; (4) the expert witness’ opinion is grounded on scientifically valid peer reviewed studies if available; (5) the expert witness maintains a current license to practice medicine with the appropriate licensing authority of any state of the United States: Provided, That the expert witness’ license has not been revoked or suspended in the past year in any state; and ~~(5)~~ (6) the expert witness is engaged or qualified in a medical field in which the practitioner has experience and/or training in diagnosing or treating injuries or conditions similar to those of the patient. If the witness meets all of these qualifications and devoted, at the time of the medical injury, sixty percent of his or her professional time annually to the active clinical

practice in his or her medical field or specialty, or to teaching in his or her medical field or specialty in an accredited university, there shall be a rebuttable presumption that the witness is qualified as an expert. The parties shall have the opportunity to impeach any witness' qualifications as an expert. Financial records of an expert witness are not discoverable or relevant to prove the amount of time the expert witness spends in active practice or teaching in his or her medical field unless good cause can be shown to the court.

(b) Nothing contained in this section ~~may be construed to limit~~ limits a trial court's discretion to determine the competency or lack of competency of a witness on a ground not specifically enumerated in this section.

§55-7B-7a. Admissibility and use of certain information.

(a) In an action brought, there is a rebuttable presumption that the following information may not be introduced unless it applies specifically to the injured person or it involves substantially similar conduct that occurred within one year of the particular incident involved:

(1) A state or federal survey, audit, review or other report of a health care provider or health care facility;

(2) Disciplinary actions against a health care provider's license, registration or certification;

(3) An accreditation report of a health care provider or health care facility; and

(4) An assessment of a civil or criminal penalty.

(b) In any action brought, if the health care facility or health care provider demonstrates compliance with the minimum staffing requirements under state law, the health care facility or health care provider is entitled to a rebuttable presumption that appropriate staffing was provided.

(c) Information under this section may only be introduced in a proceeding if it is otherwise admissible under the West Virginia Rules of Evidence.

§55-7B-8. Limit on liability for noneconomic loss.

(a) In any professional liability action brought against a health care provider pursuant to this article, the maximum amount recoverable as compensatory damages for noneconomic loss ~~shall~~ may not exceed \$250,000 ~~per~~ for each occurrence, regardless of the number of plaintiffs or the number of defendants or, in the case of wrongful death, regardless of the number of distributees, except as provided in subsection (b) of this section.

(b) The plaintiff may recover compensatory damages for noneconomic loss in excess of the limitation described in subsection (a) of this section, but not in excess of \$500,000 for each occurrence, regardless of the number of plaintiffs or the number of defendants or, in the case of wrongful death, regardless of the number of distributees, where the damages for noneconomic losses suffered by the plaintiff were for: (1) Wrongful death; (2) permanent and substantial physical deformity, loss of use of a limb or loss of a bodily organ system; or (3) permanent physical or mental functional injury that permanently prevents the injured person from being able to independently care for himself or herself and perform life-sustaining activities.

(c) On January 1, 2004, and in each year thereafter, the limitation for compensatory damages contained in subsections (a) and (b) of this section shall increase to account for inflation by an amount equal to the Consumer Price Index published by the United States Department of Labor, not to exceed one hundred fifty percent of the amounts specified in said subsections.

(d) The limitations on noneconomic damages contained in subsections (a), (b), (c) and (e) of this section are not available to any defendant in an action pursuant to this article which does not have medical professional liability insurance in the aggregate amount of at

least \$1 million ~~per~~ for each occurrence covering the medical injury which is the subject of the action.

(e) If subsection (a) or (b) of this section, as enacted during the 2003 regular session of the Legislature, or the application thereof to any person or circumstance, is found by a court of law to be unconstitutional or otherwise invalid, the maximum amount recoverable as damages for noneconomic loss in a professional liability action brought against a health care provider under this article shall thereafter not exceed \$1 million.

§55-7B-9. Several liability.

(a) In the trial of a medical professional liability action under this article involving multiple defendants, the trier of fact shall report its findings on a form provided by the court which contains each of the possible verdicts as determined by the court. Unless otherwise agreed by all the parties to the action, the jury shall be instructed to answer special interrogatories, or the court, acting without a jury, shall make findings as to:

(1) The total amount of compensatory damages recoverable by the plaintiff;

(2) The portion of the damages that represents damages for noneconomic loss;

(3) The portion of the damages that represents damages for each category of economic loss;

(4) The percentage of fault, if any, attributable to each plaintiff; and

(5) The percentage of fault, if any, attributable to each of the defendants.

(b) In assessing percentages of fault, the trier of fact shall consider only the fault of the parties in the litigation at the time the verdict is

rendered and ~~shall~~ may not consider the fault of any other person who has settled a claim with the plaintiff arising out of the same medical injury: *Provided*, That, upon the creation of the Patient Injury Compensation Fund provided for in article twelve-c, chapter twenty-nine of this code, or of some other mechanism for compensating a plaintiff for any amount of economic damages awarded by the trier of fact which the plaintiff has been unable to collect, the trier of fact shall, in assessing percentages of fault, consider the fault of all alleged parties, including the fault of any person who has settled a claim with the plaintiff arising out of the same medical injury.

(c) If the trier of fact renders a verdict for the plaintiff, the court shall enter judgment of several, but not joint, liability against each defendant in accordance with the percentage of fault attributed to the defendant by the trier of fact.

(d) To determine the amount of judgment to be entered against each defendant, the court shall first, after adjusting the verdict as provided in section nine-a of this article, reduce the adjusted verdict by the amount of any preverdict settlement arising out of the same medical injury. The court shall then, with regard to each defendant, multiply the total amount of damages remaining, with interest, by the percentage of fault attributed to each defendant by the trier of fact. The resulting amount of damages, together with any post-judgment interest accrued, shall be the maximum recoverable against the defendant.

(e) Upon the creation of the Patient Injury Compensation Fund provided for in article twelve-c, chapter twenty-nine of this code, or of some other mechanism for compensating a plaintiff for any amount of economic damages awarded by the trier of fact which the plaintiff has been unable to collect, the court shall, in determining the amount of judgment to be entered against each defendant, first multiply the total amount of damages, with interest, recoverable by the plaintiff by the percentage of each defendant's fault and that amount, together with any post-judgment interest accrued, is the maximum recoverable against said defendant. Prior to the court's entry of the final judgment order

as to each defendant against whom a verdict was rendered, the court shall reduce the total jury verdict by any amounts received by a plaintiff in settlement of the action. When any defendant's percentage of the verdict exceeds the remaining amounts due plaintiff after the mandatory reductions, each defendant shall be liable only for the defendant's pro rata share of the remainder of the verdict as calculated by the court from the remaining defendants to the action. The plaintiff's total award may never exceed the jury's verdict less any statutory or court-ordered reductions.

(f) Nothing in this section is meant to eliminate or diminish any defenses or immunities which exist as of the effective date of this section, except as expressly noted in this section.

(g) Nothing in this article is meant to preclude a health care provider from being held responsible for the portion of fault attributed by the trier of fact to any person acting as the health care provider's agent or servant or to preclude imposition of fault otherwise imputable or attributable to the health care provider under claims of vicarious liability. A health care provider may not be held vicariously liable for the acts of a nonemployee pursuant to a theory of ostensible agency unless the alleged agent does not maintain professional liability insurance covering the medical injury which is the subject of the action in the aggregate amount of at least \$1 million for each occurrence.

§55-7B-9a. Reduction in compensatory damages for economic losses for payments from collateral sources for the same injury.

(a) In any action arising after the effective date of this section, a defendant who has been found liable to the plaintiff for damages for medical care, rehabilitation services, lost earnings or other economic losses may present to the court, after the trier of fact has rendered a verdict, but before entry of judgment, evidence of payments the plaintiff has received for the same injury from collateral sources.

(b) In ~~any~~ a hearing held pursuant to subsection (a) of this section, the defendant may present evidence of future payments from collateral sources if the court determines that:

(1) There is a preexisting contractual or statutory obligation on the collateral source to pay the benefits;

(2) The benefits, to a reasonable degree of certainty, will be paid to the plaintiff for expenses the trier of fact has determined the plaintiff will incur in the future; and

(3) The amount of the future expenses is readily reducible to a sum certain.

(c) In ~~the~~ a hearing held pursuant to subsection (a) of this section, the plaintiff may present evidence of the value of payments or contributions he or she has made to secure the right to the benefits paid by the collateral source.

(d) After hearing the evidence presented by the parties, the court shall make the following findings of fact:

(1) The total amount of damages for economic loss found by the trier of fact;

(2) The total amount of damages for each category of economic loss found by the trier of fact;

(3) The total amount of allowable collateral source payments received or to be received by the plaintiff for the medical injury which was the subject of the verdict in each category of economic loss; and

(4) The total amount of any premiums or contributions paid by the plaintiff in exchange for the collateral source payments in each category of economic loss found by the trier of fact.

(e) The court shall subtract the total premiums the plaintiff was found to have paid in each category of economic loss from the total

collateral source benefits the plaintiff received with regard to that category of economic loss to arrive at the net amount of collateral source payments.

(f) The court shall then subtract the net amount of collateral source payments received or to be received by the plaintiff in each category of economic loss from the total amount of damages awarded the plaintiff by the trier of fact for that category of economic loss to arrive at the adjusted verdict.

(g) The court ~~shall~~ may not reduce the verdict rendered by the trier of fact in any category of economic loss to reflect:

(1) Amounts paid to or on behalf of the plaintiff which the collateral source has a right to recover from the plaintiff through subrogation, lien or reimbursement;

(2) Amounts in excess of benefits actually paid or to be paid on behalf of the plaintiff by a collateral source in a category of economic loss;

(3) The proceeds of any individual disability or income replacement insurance paid for entirely by the plaintiff;

(4) The assets of the plaintiff or the members of the plaintiff's immediate family; or

(5) A settlement between the plaintiff and another tortfeasor.

(h) After determining the amount of the adjusted verdict, the court shall enter judgment in accordance with the provisions of section nine of this article.

§55-7B-9c. Limit on liability for treatment of emergency conditions for which patient is admitted to a designated trauma center; exceptions; emergency rules.

(a) In any action brought under this article for injury to or death of a patient as a result of health care services or assistance rendered in good faith and necessitated by an emergency condition for which the patient enters a health care facility designated by the Office of Emergency Medical Services as a trauma center, including health care services or assistance rendered in good faith by a licensed EMS emergency medical services authority or agency, certified emergency medical service personnel or an employee of a licensed EMS emergency medical services authority or agency, the total amount of civil damages recoverable ~~shall~~ may not exceed \$500,000 for each occurrence, exclusive of interest computed from the date of judgment, and regardless of the number of plaintiffs or the number of defendants or, in the case of wrongful death, regardless of the number of distributees.

(b) The limitation of liability in subsection (a) of this section also applies to any act or omission of a health care provider in rendering continued care or assistance in the event that surgery is required as a result of the emergency condition within a reasonable time after the patient's condition is stabilized.

(c) The limitation on liability provided under subsection (a) of this section does not apply to any act or omission in rendering care or assistance which:

(1) Occurs after the patient's condition is stabilized and the patient is capable of receiving medical treatment as a nonemergency patient; or

(2) Is unrelated to the original emergency condition.

(d) In the event that: (1) A physician provides follow-up care to a patient to whom the physician rendered care or assistance pursuant to subsection (a) of this section; and (2) a medical condition arises during the course of the follow-up care that is directly related to the original emergency condition for which care or assistance was rendered pursuant to said subsection, there is rebuttable presumption that the

medical condition was the result of the original emergency condition and that the limitation on liability provided by said subsection applies with respect to that medical condition.

(e) There is a rebuttable presumption that a medical condition which arises in the course of follow-up care provided by the designated trauma center health care provider who rendered good faith care or assistance for the original emergency condition is directly related to the original emergency condition where the follow-up care is provided within a reasonable time after the patient's admission to the designated trauma center.

(f) The limitation on liability provided under subsection (a) of this section does not apply where health care or assistance for the emergency condition is rendered:

(1) In willful and wanton or reckless disregard of a risk of harm to the patient; or

(2) In clear violation of established written protocols for triage and emergency health care procedures developed by the office of emergency medical services in accordance with subsection (e) of this section. In the event that the office of emergency medical services has not developed a written triage or emergency medical protocol by the effective date of this section, the limitation on liability provided under subsection (a) of this section does not apply where health care or assistance is rendered under this section in violation of nationally recognized standards for triage and emergency health care procedures.

(g) The Office of Emergency Medical Services shall, prior to the effective date of this section, develop a written protocol specifying recognized and accepted standards for triage and emergency health care procedures for treatment of emergency conditions necessitating admission of the patient to a designated trauma center.

(h) In its discretion, the Office of Emergency Medical Services may grant provisional trauma center status for a period of up to one

year to a health care facility applying for designated trauma center status. A facility given provisional trauma center status is eligible for the limitation on liability provided in subsection (a) of this section. If, at the end of the provisional period, the facility has not been approved by the Office of Emergency Medical Services as a designated trauma center, the facility ~~will~~ is no longer ~~be~~ eligible for the limitation on liability provided in subsection (a) of this section.

(i) The Commissioner of the Bureau for Public Health may grant an applicant for designated trauma center status a one-time only extension of provisional trauma center status, upon submission by the facility of a written request for extension, accompanied by a detailed explanation and plan of action to fulfill the requirements for a designated trauma center. If, at the end of the six-month period, the facility has not been approved by the Office of Emergency Medical Services as a designated trauma center, the facility ~~will~~ no longer ~~have~~ has the protection of the limitation on liability provided in subsection (a) of this section.

(j) If the Office of Emergency Medical Services determines that a health care facility no longer meets the requirements for a designated trauma center, it shall revoke the designation, at which time the limitation on liability established by subsection (a) of this section ~~shall~~ ~~cease~~ ceases to apply to that health care facility for services or treatment rendered thereafter.

(k) The Legislature hereby finds that an emergency exists compelling promulgation of an emergency rule, consistent with the provisions of this section, governing the criteria for designation of a facility as a trauma center or provisional trauma center and implementation of a statewide trauma/emergency care system. The Legislature therefore directs the Secretary of the Department of Health and Human Resources to file, on or before July 1, 2003, emergency rules specifying the criteria for designation of a facility as a trauma center or provisional trauma center in accordance with nationally accepted and recognized standards and governing the implementation

of a statewide trauma/emergency care system. The rules governing the statewide trauma/emergency care system shall include, but not be limited to:

(1) System design, organizational structure and operation, including integration with the existing emergency medical services system;

(2) Regulation of facility designation, categorization and credentialing, including the establishment and collection of reasonable fees for designation; and

(3) System accountability, including medical review and audit to assure system quality. Any medical review committees established to assure system quality shall include all levels of care, including emergency medical service providers, and both the review committees and the providers shall qualify for all the rights and protections established in article three-c, chapter thirty of this code.

(1) On January 1, 2016, and in each year after that, the limitation for civil damages contained in subsection (a) of this section shall increase to account for inflation by an amount equal to the Consumer Price Index published by the United States Department of Labor, not to exceed one hundred fifty percent of said subsection.

§55-7B-9d. Adjustment of verdict for past medical expenses.

A verdict for past medical expenses is limited to:

(1) The total amount of past medical expenses paid by or on behalf of the plaintiff; and

(2) The total amount of past medical expenses incurred but not paid by or on behalf of the plaintiff for which the plaintiff or another person on behalf of the plaintiff is obligated to pay.

§55-7B-10. Effective date; applicability of provisions.

(a) The provisions of House Bill 149, enacted during the first extraordinary session of the Legislature, 1986, shall be effective at the same time that the provisions of Enrolled Senate Bill 714, enacted during the Regular session, 1986, become effective, and the provisions of said House Bill 149 shall be deemed to amend the provisions of Enrolled Senate Bill 714. The provisions of this article shall not apply to injuries which occur before the effective date of this said Enrolled Senate Bill 714.

The amendments to this article as provided in House Bill 601, enacted during the sixth extraordinary session of the Legislature, two thousand one, apply to all causes of action alleging medical professional liability which are filed on or after the first day of March, two thousand two.

The amendments to this article provided in Enrolled Committee Substitute for House Bill No. 2122 during the regular session of the Legislature, two thousand three, apply to all causes of action alleging medical professional liability which are filed on or after the first day of July, two thousand three.

(b) The amendments to this article provided in Enrolled Committee Substitute for Senate Bill No. 6 during the regular session of the Legislature, two thousand fifteen, apply to all causes of action alleging medical professional liability which arise on or after the first day of July, two thousand fifteen.

§55-7B-11. Severability.

(a) If any provision of this article as enacted during the First Extraordinary Session of the Legislature, 1986, in House Bill 149, or as enacted during the regular session of the Legislature, 1986, in Senate Bill 714, or as enacted during the regular session of the Legislature, 2015, or the application thereof to any person or circumstance is held

invalid, ~~such the~~ invalidity ~~shall~~ does not affect other provisions or applications of this article, and to this end, the provisions of this article are declared to be severable.

(b) If any provision of the amendments to section five of this article, any provision of ~~new~~ section six-d of this article or any provision of the amendments to section eleven, article six, chapter fifty-six of this code as provided in House Bill 601, enacted during the Sixth Extraordinary Session of the Legislature, 2001, is held invalid, or the application thereof to any person is held invalid, then, notwithstanding any other provision of law, every other provision of said House Bill 601 shall be deemed invalid and of no further force and effect.

(c) If any provision of the amendments to section six or ten of this article or any provision of ~~new~~ section six-a, six-b or six-c of this article as provided in House Bill 601, enacted during the Sixth Extraordinary Session of the Legislature, 2001, is held invalid, ~~such the~~ invalidity ~~shall~~ does not affect other provisions or applications of this article, and to this end, such provisions are deemed severable.”

Delegate Campbell requested to be excused from voting on the passage of Com. Sub. for S. B. 6 and related amendments under the provisions of House Rule 49.

The Speaker replied that the Delegate was a member of a class of persons possibly to be affected by the passage of the bill but exhibited no direct personal or pecuniary interest therein, and refused to excuse the Member from voting.

An amendment to the amendment, offered by Delegate Fast, was reported by the Clerk on page five, section two, line six, by changing the period to a colon and inserting the following proviso: “Provided, That, and in order to avoid trends of understaffing, failure of said process to comply with staffing standards under state law either at a minimum of 85 percent of the time for the 20 day period preceding an

injury event, or 85 percent of the time during which an injury developed, except for unforeseen circumstances beyond the control of the healthcare facility including, but not limited to labor disputes, acts of terrorism, widespread illness, adverse weather conditions, declared states of emergency, and natural or man-made disasters, then the amount recoverable for noneconomic damages under the limits of this article shall be doubled.”

Whereupon,

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

Delegates Manchin and Skinner moved to amend the amendment, on page nine, section eight, line fifteen, following the period, by inserting a new subsection (f) to read as follows:

“(f) The limitations on noneconomic damages provided under this section shall not apply when a sexual assault or a violation of misdemeanor or felony statute is committed while rendering healthcare or assistance.”

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

The yeas and nays having been ordered, they were taken (**Roll No. 80**), and there were—yeas 32, nays 65, absent and not voting 3, with the yeas and absent and not voting being as follows:

YEAS: Boggs, Byrd, Caputo, Eldridge, Fast, Ferro, Fleischauer, Fluharty, Frich, Guthrie, Hicks, Hornbuckle, Longstreth, Lynch, Manchin, Marcum, Miley, Moore, Morgan, Moye, Perdue, Perry, Pushkin, Reynolds, Rodighiero, Rowe, Skinner, P. Smith, Sponaugle, Walters, H. White and Williams.

ABSENT AND NOT VOTING: Hamrick, McCuskey and L. Phillips.

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

Delegates Manchin and Skinner moved to amend the amendment on page five, section two, line three, by striking out the word “and”, and in section two, line six, by striking out the period, and inserting a semi-colon and the following: “and

(4) A healthcare provider, whose routine violation of federal or state regulatory requirements for minimum required staffing levels at a health care facility that is a proximate cause of harm to a patient, is exempt from the provisions of this article.”

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

The yeas and nays having been ordered, they were taken (**Roll No. 81**), and there were—yeas 30, nays 67, absent and not voting 3, with the yeas and absent and not voting being as follows:

YEAS: Boggs, Byrd, Caputo, Eldridge, Fast, Ferro, Fleischauer, Fluharty, Guthrie, Hicks, Hornbuckle, Longstreth, Lynch, Manchin, Marcum, Miley, Moore, Morgan, Perdue, Perry, Pethtel, Pushkin, Rodighiero, Rowe, Skinner, P. Smith, Sponaugle, Summers, Walters and H. White.

ABSENT AND NOT VOTING: Hamrick, McCuskey and L. Phillips.

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

Delegates Manchin and Skinner moved to amend the amendment on page nine, section eight, line fifteen, following the period, by inserting a new subsection (f) to read as follows:

“(f) Notwithstanding the foregoing limitations provided in this section, the limitation on damages are not available to any defendant

in any action pursuant to this article where a medical provider has committed fraud or falsified records relating to the care of a patient.”

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

The yeas and nays having been ordered, they were taken (**Roll No. 82**), and there were—yeas 34, nays 63, absent and not voting 3, with the yeas and absent and not voting being as follows:

YEAS: Anderson, Bates, Boggs, Byrd, Caputo, Eldridge, Ferro, Fleischauer, Fluharty, Frich, Guthrie, Hicks, Hornbuckle, Longstreth, Lynch, Manchin, Marcum, Miley, Moore, Morgan, Moye, Perdue, Pethtel, Pushkin, Reynolds, Rodighiero, Rohrbach, Rowe, Skinner, P. Smith, Sponaugle, Walters, H. White and Williams.

ABSENT AND NOT VOTING: Hamrick, McCuskey and L. Phillips.

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

There being no further amendments, the amendment recommended by the Committee on the Judiciary was then adopted.

The bill was read a third time.

The question being on the passage of the bill, the yeas and Nays were taken (**Roll No. 83**), and there were—yeas 76, nays 21, absent and not voting 3, with the nays and absent and not voting being as follows:

NAYS: Byrd, Caputo, Eldridge, Fast, Fleischauer, Fluharty, Guthrie, Hicks, Longstreth, Lynch, Manchin, Miley, Moore, Perdue, Pushkin, Rodighiero, Rowe, Skinner, P. Smith, Walters and H. White.

ABSENT AND NOT VOTING: Hamrick, McCuskey and Romine.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 6) passed.

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

Com. Sub. for S. B. 6 - “A Bill to amend and reenact §55-7B-1, §55-7B-2, §55-7B-7, §55-7B-8, §55-7B-9, §55-7B-9a, §55-7B-9c, §55-7B-10, and §55-7B-11 of the Code of West Virginia, 1931; and to amend said code by adding thereto two new sections, designated §55-7B-7a and §55-7B-9d, all relating to medical professional liability generally; providing additional legislative findings and purposes related to medical professional liability; providing definitions; modifying the qualifications for the competency of experts who testify in medical professional liability actions; providing rebuttable presumptions and evidentiary requirements related to the admission of certain government, healthcare provider or healthcare facility information; modifying the maximum amount of recovery for, and availability of, noneconomic damages; clarifying that a health care provider is not vicariously liable unless the alleged agent does not maintain certain insurance; clarifying eligibility for, and application of, emergency medical services caps; providing a methodology for determining the amount of trauma care caps to account for inflation; providing certain limitations of verdicts for past medical expenses of the plaintiff; establishing effective date; and, providing for severability.”

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

On this question, the yeas and nays were taken (**Roll No. 84**), and there were—yeas 81, nays 15, absent and not voting 4, with the nays and absent and not voting being as follows:

NAYS: Caputo, Eldridge, Fast, Fleischauer, Guthrie, Hornbuckle, Longstreth, Manchin, Marcum, Miley, Moore, Rodighiero, Skinner, Sponaugle and Walters.

ABSENT AND NOT VOTING: Hamrick, McCuskey, Romine and Zatezalo.

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. 6) takes effect from its passage.

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

Delegate Eldridge asked and obtained unanimous consent that the remarks of Delegates Campbell, Manchin, Perdue, Skinner and Sobonya regarding Com. Sub. for S. B. 6 be printed in the Appendix to the Journal.

S. B. 389, Relating to Board of Registration for Professional Engineers license renewals and reinstatements; 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. 85**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Fleischauer, Hamrick, McCuskey, Romine and Zatezalo.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 389) passed.

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

S. B. 389 - “A Bill to amend and reenact §30-13-13a, §30-13-17 and §30-13-18 of the Code of West Virginia, 1931, as amended, all relating to the Board of Registration for Professional Engineers; changing time period for renewal from fiscal year to calendar year; authorizing renewal notification by mail or electronically; requiring

reinstatement of nonrenewed licenses; authorizing annual or biennial renewal periods.”

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

On this question, the yeas and Nays were taken (**Roll No. 86**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Hamrick, McCuskey and Romine.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 389) takes effect from its passage.

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

Com. Sub. for H. B. 2157, Relating to absentee ballot fraud; 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. 87**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Hamrick, McCuskey and Romine.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2157) 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. 2160, WV Schools for the Deaf and Blind eligible for School Building Authority funding; 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. 88**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Gearheart, Hamrick, McCuskey, Romine and Skinner.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2160) passed.

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

On this question, the yeas and Nays were taken (**Roll No. 89**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Gearheart, Hamrick, McCuskey and Romine.

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 H. B. 2160) takes effect from its passage.

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

H. B. 2212, Changing the amount of severance tax revenue annually dedicated to the West Virginia Infrastructure General Obligation Debt Service Fund; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 90**), and there were—yeas 95, nays 2, absent and not voting 3, with the nays and absent and not voting being as follows:

NAYS: Fluharty and Trecost.

ABSENT AND NOT VOTING: Hamrick, McCuskey and Romine.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2212) passed.

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

On this question, the yeas and nays were taken (**Roll No. 91**), and there were—yeas 95, nays 2, absent and not voting 3, with the nays and absent and not voting being as follows:

NAYS: Marcum and Trecost.

ABSENT AND NOT VOTING: Hamrick, McCuskey and Romine.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2212) takes effect from its passage.

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

H. B. 2213, Reducing the distributions to the West Virginia Infrastructure Fund; on third reading, coming up in regular order, was read a third time.

Delegates Ihle, Perdue and L. Phillips requested to be excused from voting on the passage of H. B. 2213 under the provisions of House Rule 49.

The Speaker replied that the Delegates were members of a class of persons possibly to be affected by the passage of the bill but exhibited no direct personal or pecuniary interest therein, 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. 92**), and there were—yeas 67, nays 30, absent

and not voting 3, with the nays and absent and not voting being as follows:

NAYS: Arvon, Border, Cadle, Caputo, Deem, Duke, Eldridge, Faircloth, Ferro, Fluharty, Folk, Foster, Hicks, Hill, Howell, Ihle, Lynch, Manchin, Marcum, McGeehan, Moore, Moye, J. Nelson, Perdue, L. Phillips, Rodighiero, Skinner, Storch, Trecost and Upson.

ABSENT AND NOT VOTING: Hamrick, McCuskey and Romine.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2313) 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:

H. B. 2213 - “A Bill to amend and reenact §29-22-18d of the Code of West Virginia, 1931, as amended, relating to the West Virginia Infrastructure Fund; reducing the distributions to the West Virginia Infrastructure Fund from the State Excess Lottery Revenue Fund to \$30 million for fiscal year 2016; and increasing the percentage of funds available annually for grants from the West Virginia Infrastructure Fund.”

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

On this question, the yeas and nays were taken (**Roll No. 93**), and there were—yeas 76, nays 21, absent and not voting 3, with the nays and absent and not voting being as follows:

NAYS: Arvon, Border, Cadle, Caputo, Deem, Duke, Faircloth, Ferro, Fluharty, Folk, Foster, Hill, Howell, Ihle, Manchin, Miley, Moore, Rodighiero, Skinner, Storch and Trecost.

ABSENT AND NOT VOTING: Hamrick, McCuskey and Romine.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2213) takes effect from its passage.

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

H. B. 2387, Relating to a framework for initiating comprehensive transformation of school leadership; 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. 94**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Hamrick, McCuskey and Romine.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2387) passed.

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

H. B. 2606, Clarifying the potential sentence for disorderly conduct; 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. 95**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Hamrick, McCuskey and Romine.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2606) passed.

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

H. B. 2608, Cleaning up redundant language in the statute relating to misdemeanor offenses for violation of protective orders; 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. 96**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Hamrick, McCuskey and Romine.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2608) passed.

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

SECOND READING

S. B. 262, Transferring CHIP and Children’s Health Insurance Agency from Department of Administration to DHHR; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for H. B. 2391, Authorizing additional annual waiver to full implementation of five full day early childhood education program; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2523, Creating a special revenue account to offset costs for the West Virginia State Police 100th Anniversary in 2019; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2527, Creating a Task Force on Prevention of Sexual Abuse of Children; “Erin Merryn’s Law”; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2675, Reducing certain severance taxes that are dedicated to the Workers' Compensation Debt Reduction Fund; on second reading, coming up in regular order, was read a second time.

At the request of Delegate Cowles, and by unanimous consent, the bill was advanced to third reading with amendments pending, and the rule was suspended to permit the consideration of the amendment on that reading.

H. B. 2776, Relating to prescribing hydrocodone combination drugs for a duration of no more than three days; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2777, Relating to licensing of barbers, cosmetologists, and hairstylists, and revising the membership requirements of the Board of Barbers and Cosmetologists; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Howell, the bill was amended on page one, after the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

“That the Code of West Virginia, 1931, as amended, be amended by repealing §30-27-11a and §30-27-12; that §30-27-1, §30-27-3, §30-27-4, §30-27-5, §30-27-6, §30-27-8, §30-27-8a, §30-27-10, §30-27-11, §30-27-13 and §30-27-16 of said code be amended and reenacted; and that said code be amended by adding thereto two new sections, designated §30-27-8b and §30-27-8c, all to read as follows:

CHAPTER 30. PROFESSIONS AND OCCUPATIONS.

ARTICLE 27. BOARD OF BARBERS AND COSMETOLOGISTS.

§30-27-1. Unlawful acts.

(a) It is unlawful for any person to practice or offer to practice barbering, ~~barber permanent waving~~, cosmetology, hair styling,

aesthetics, or nail care in this state without a license issued under the provisions of this article, or advertise or use any title or description tending to convey the impression that the person is a licensed aesthetician, barber, ~~barber crossover, barber permanent wivist,~~ cosmetologist, ~~cosmetologist crossover~~ nail technician or hairstylist, unless the person has been licensed under the provisions of this article, and the license has not expired, been suspended or revoked.

(b) No salon, except through a licensee, may render any service or engage in any activity which if rendered or engaged in by an individual, would constitute the practices licensed under the provisions of this article.

(c) No school, except through a licensee, may instruct, render any service or engage in any activity which if taught, rendered or engaged in by an individual, would constitute the practices licensed under the provisions of this article.

§30-27-3. Definitions.

As used in this article, the following words and terms have the following meanings, unless the context clearly indicates otherwise:

(a) ‘Aesthetics’ or ‘esthetics’ means any one or any combination of the following acts when done on the human body for compensation and not for the treatment of disease:

(1) Administering cosmetic treatments to enhance or improve the appearance of the skin, including cleansing, toning, performing effleurage or other related movements, stimulating, exfoliating or performing any other similar procedure on the skin of the human body or scalp;

(2) Applying, by hand or with a mechanical or electrical apparatus, any cosmetics, makeups, oils, powders, clays, antiseptics, tonics, lotions, creams or chemical preparations necessary for the practice of

aesthetics to another person's face, neck, back, shoulders, hands, elbows and feet up to and including the knee;

(3) The rubbing, cleansing, exercising, beautifying or grooming of another person's face, neck, back, shoulders, hands, elbows and feet up to and including the knee;

(4) The waxing, tweezing and threading of hair on another person's body;

(5) The wrapping of another person's body in a body wrap;

(6) Applying artificial eyelashes and eyebrows; and

(7) The lightening of hair on the body except the scalp.

(b) 'Aesthetician' or 'esthetician' means a person licensed under the provisions of this article who engages in the practice of aesthetics.

(c) 'Applicant' means a person making application for a professional license, license, certificate, registration, permit or renewal under the provisions of this article.

(d) 'Barber' means a person licensed under the provisions of this article who engages in the practice of barbering and has completed 1500 clock hours of training at a licensed school approved by the West Virginia Council for Community and Technical College Education.

(e) 'Barbering' means any one or any combination of the following acts when done on the human body for compensation and not for the treatment of disease:

(1) Shaving, shaping and trimming the beard, or both;

(2) Cutting, singeing, shampooing, arranging, dressing, tinting, bleaching, or applying lotions or tonics on human hair, or a wig or hairpiece; and

(3) Applications, treatments or rubs of the scalp, face, or neck with oils, creams, lotions, cosmetics, antiseptics, powders, or other preparations in connection with the shaving, cutting or trimming of the hair or beard.

~~(f) 'Barber crossover' or 'cosmetologist crossover' is a person who is licensed to perform barbering and cosmetology. who has completed 1500 clock hours of training, is licensed as a barber, and completes an additional 600 hours of training to perform cosmetology.~~

~~(g) 'Barber permanent waving' means the following acts done on the human body for compensation and not for the treatment of disease:~~

~~(1) The bleaching or tinting of hair; and~~

~~(2) The permanent waving of hair.~~

~~(h) 'Barber permanent waviest' means a person licensed to perform barbering and barber permanent waving.~~

~~(i) (g) 'Board' means the West Virginia Board of Barbers and Cosmetologists.~~

~~(j) (h) 'Certificate' means an instructor certificate to teach in a school under the provisions of this article a document issued by the board for additional training received through a school licensed in this state or through an industry recognized program.~~

~~(k) 'Certificate holder' means a person certified as an instructor to teach in a school under the provisions of this article.~~

~~(l) (i) 'Cosmetologist' means a person licensed under the provisions of this article who engages in the practice of cosmetology and who has completed 1800 clock hours of training at a licensed school approved by the West Virginia Council for Community and Technical College Education.~~

(m) (j) 'Cosmetology' means any one or any combination of the following acts when done on the human body for compensation and not for the treatment of disease:

(1) Cutting, styling, shaping, arranging, ~~braiding, weaving,~~ dressing, adding extensions, curling, waving, permanent waving, relaxing, straightening, shampooing, cleansing, singeing, bleaching, tinting, coloring, waxing, tweezing, or similarly work on human hair, or a wig or hairpiece, by any means, including hands, mechanical or electrical devices or appliances;

(2) Nail care;

(3) Applying by hand or with a mechanical or electrical device or appliance, any cosmetics, makeups, oils, powders, clays, antiseptics, tonics, lotions, creams or chemical preparations necessary for the practice of aesthetics to another person's face, neck, shoulders, hands, elbows and feet up to and including the knee;

(4) The rubbing, cleansing, exercising, beautifying or grooming of another person's face, neck, shoulders, hands, elbows and feet up to and including the knee;

(5) The wrapping of another person's body in a body wrap; and

(6) Performing aesthetics.

(m) (k) 'Cosmetology crossover' is a person who has completed 1800 clock hours of training, is licensed as a cosmetologist, and completes an additional 300 hours of training to perform barbering.

(m) (l) 'General supervision' means:

(1) For schools, a master or certified instructor is on the premises and is quickly and easily available; or

(2) For salons, a professional licensee is on the premises and is quickly and easily available.

(m) 'Hair braiding' means any one or any combination of the following acts when done on the human body for compensation and not for the treatment of disease: Braiding, plaiting, twisting, wrapping, threading, weaving, interweaving, extending or locking of natural human hair or manufactured materials around human hair by hand or mechanical device.

(n) 'Hair Styling' means any one or any combination of the following acts when done on the human body for compensation and not for the treatment of disease:

(1) Cutting, styling, shaping, arranging, ~~braiding, weaving~~, dressing, adding extensions, curling, waving, permanent waving, relaxing, straightening, shampooing, cleansing, singeing, bleaching, tinting, coloring, waxing, tweezing, threading or similarly work on human hair, or a wig or hairpiece, by any means, including hands, mechanical or electrical devices or appliances;

(2) The rubbing, cleansing, exercising, beautifying or grooming of another person's face, neck, shoulders, hands, elbows and feet up to and including the knee.

(o) 'Hair Stylist' means a person licensed under the provisions of this article who engages in the practice of hair styling.

(p) 'Hair stylist crossover' is a person who has completed 1200 clock hours of training, is licensed as a hairstylist, and completes 300 hours of training to perform barbering.

(q) 'License' means a professional license, a salon license or a school license.

(r) 'Licensed school' means a facility which has been approved by the West Virginia Council for Community and Technical College Education pursuant to section nine, article two-b, chapter eighteen-b of this code, to educate persons to be licensed or issued certain permits under the provisions of this article.

(†) (s) ‘Licensee’ means a person, corporation or firm holding a license issued under the provisions of this article.

(†) (t) ‘Nail care’ means any one or any combination of the following acts when done on the human body for compensation and not for the treatment of disease:

(1) The cleansing, dressing, or polishing of nails of a person;

(2) Performing artificial nail service; and

(3) The cosmetic treatment of the feet up to the knee and the hands up to the elbow.

(†) (u) ‘Nail technician’ or ‘manicurist’ means a person licensed under the provisions of this article who engages in the practice of nail care.

(†) (v) ‘Permit’ means a work permit.

(†) (w) ‘Permitee’ means a person holding a work permit.

(†) (x) ‘Professional license’ means a license to practice as a ~~aesthetician, barber, barber crossover, barber permanent wavist, cosmetologist, cosmetologist crossover or nail technician~~ hair stylist.

(†) (y) ‘Registration’ means a registration issued by the board to a person who rents or leases a booth or chair from a licensed salon owner and operator, ~~or both, or a registration issued by the board to a person who is a student in a school~~

(†) (z) ‘Registrant’ means a person who holds a registration under the provisions of this article.

(†) (aa) ‘Salon’ means a shop or other facility where a person practices under a professional license.

(†) (bb) ‘Salon license’ means a license to own and operate a salon.

~~(dd) 'Student registration' means a registration issued by the board to a student to study at a school licensed under the provisions of this article.~~

(cc) 'Shampoo assistant' means a person who performs only the following services:

(1) Shampooing and rinsing hair;

(2) Removing rollers or permanent rods; and

(3) Cleansing or other sink-related functions not requiring the skill of a basic barber.

§30-27-4. Board of Barbers and Cosmetologists.

(a) The West Virginia Board of Barbers and Cosmetologists is continued. The members of the board in office on July 1, ~~2014~~ 2015, shall, unless sooner removed, continue to serve until their respective terms expire and until their successors have been appointed and qualified.

(b) The Governor, by and with the advice and consent of the Senate, shall appoint:

(1) One licensed cosmetologist or crossover cosmetologist;

(2) One licensed barber or barber crossover;

~~(3) One licensed barber crossover or licensed barber permanent waviest;~~

~~(4) One licensed aesthetician;~~

~~(5) One licensed nail technician;~~

~~(6)~~ (3) One representative from a privately owned beauty school licensed by the West Virginia Council for Community and Technical College Education; and

~~(7)~~ (4) One Four citizen member members representing the general public.

(c) After the initial appointment term, the term shall be for five years. All appointments to the board shall be made by the Governor by and with the advice and consent of the Senate.

(d) Each licensed member of the board, at the time of his or her appointment, must have held a professional license in this state for a period of not less than three years immediately preceding the appointment.

(e) Each member of the board must be a resident of this state during the appointment term.

(f) A member may not serve more than two consecutive full terms. A member may continue to serve until a successor has been appointed and has qualified. A member serving on the board on June 30, ~~2014~~ 2015, may be reappointed in accordance with the provisions of this section.

(g) A vacancy on the board shall be filled by appointment by the Governor for the unexpired term of the member whose office is vacant and the appointment shall be made within sixty days of the vacancy.

(h) The Governor may remove any member from the board for neglect of duty, incompetencye or official misconduct.

(i) A member of the board immediately and automatically forfeits membership to the board if his or her license to practice is suspended or revoked, is convicted of a felony under the laws of any jurisdiction or becomes a nonresident of this state.

(j) The board shall elect annually one of its members as chairperson who serves at the will of the board.

(k) Each member of the board is entitled to compensation and expense reimbursement in accordance with article one of this chapter.

(l) A majority of the members of the board constitutes a quorum.

(m) The board shall hold at least two annual meetings. Other meetings may be held at the call of the chairperson or upon the written request of two members, at the time and place as designated in the call or request.

(n) Prior to commencing his or her duties as a member of the board, each member shall take and subscribe to the oath required by section five, article four of the Constitution of this state.

§30-27-5. Powers and duties of the board.

(a) The board has all the powers and duties set forth in this article, by rule, in article one of this chapter and elsewhere in law.

(b) The board shall:

(1) Hold meetings, conduct hearings and administer examinations;

(2) Establish requirements for licenses, permits, certificates and registrations;

(3) Establish procedures for submitting, approving and rejecting applications for licenses, permits, certificates and registrations;

~~(4) Determine the qualifications of any applicant for licenses, permits, certificates and registrations;~~

~~(5)~~ (4) Prepare, conduct, administer and grade examinations for professional licenses and certificates; Provided, That the examinations meet national standards.

~~(6)~~ (5) Determine the passing grade for the examinations;

~~(7)~~ (6) Maintain records of the examinations the board or a third party administers, including the number of persons taking the examinations and the pass and fail rate;

~~(8)~~ (7) Set operational standards and requirements for licensed schools; Provided, That a licensed school shall have a minimum of one chair per student; Provided further, That should the number of students exceed twenty, no more than twenty chairs shall be required.

~~(9)~~ (8) Hire, discharge, and establish the job requirements and fix the compensation of the executive director;

~~(10)~~ (9) Maintain an office, and hire, discharge, establish the job requirements and fix the compensation of employees, investigators/inspectors and contracted employees necessary to enforce the provisions of this article: *Provided, That any investigator/inspector employed by the board on July 1, 2009, shall retain their coverage under the classified service, including job classification, job tenure and salary, until that person retires or is dismissed: Provided, however, That nothing may prohibit the disciplining or dismissal of any investigator/inspector for cause;*

~~(11)~~ (10) Investigate alleged violations of the provisions of this article, legislative rules, orders and final decisions of the board;

~~(12)~~ (11) Establish the criteria for the training of investigators/inspectors;

~~(13)~~ (12) Set the requirements for investigations and inspections; Provided, That inspections shall be conducted annually by either the board or the local health department.

~~(14)~~ (13) Conduct disciplinary hearings of persons regulated by the board;

~~(15)~~ (14) Determine disciplinary action and issue orders;

~~(16)~~ (15) Institute appropriate legal action for the enforcement of the provisions of this article;

~~(17)~~ (16) Report violations of the provisions of this article, and legislative rules promulgated pursuant to this article, alleged to have been committed by a licensed school to the West Virginia Council for Community and Technical College Education.—~~The board may continue to investigate any alleged violation that it receives by May 1, 2013, and shall conclude any such investigation by July 1, 2013.~~ If the board determines that probable cause exists that a violation occurred, the board immediately shall advise and provide its investigation file to the West Virginia Council for Community and Technical College Education;

~~(18)~~ (17) Maintain an accurate registry of names and addresses of all persons regulated by the board;

~~(19)~~ (18) Keep accurate and complete records of its proceedings, and certify the same as may be necessary and appropriate;

~~(20)~~ (19) Establish the continuing education requirements for professional licensees and certificate holders;

~~(21)~~ (20) Issue, renew, ~~combine~~, deny, suspend, revoke or reinstate licenses, permits, certificates and registrations;

~~(22)~~ (21) Establish a fee schedule;

~~(23)~~ (22) Propose rules in accordance with the provisions of article three, chapter twenty-nine-a of this code to implement the provisions of this article; and

~~(24)~~ (23) Take all other actions necessary and proper to effectuate the purposes of this article.

(c) The board may:

~~(1)~~ Establish joint licenses;

(2) (1) Contract with third parties to administer the examinations required under the provisions of this article;

(3) (2) Sue and be sued in its official name as an agency of this state;

(4) (3) Confer with the Attorney General or his or her assistant in connection with legal matters and questions.

§30-27-6. Rulemaking.

(a) The board shall propose rules for legislative approval, in accordance with article three, chapter twenty-nine-a of this code, to implement the provisions of this article, including:

(1) Standards and requirements for licenses, permits, certificates and registrations;

(2) Procedures for examinations and reexaminations: *Provided*, That the board shall offer examinations in all languages other than English if available to the board and requested by the applicant;

(3) Requirements for third parties to prepare and/or administer examinations and reexaminations;

(4) Educational and experience requirements;

(5) The passing grade on the examinations;

(6) Standards for approval of courses ~~and curriculum~~; *Provided*, That the board may only recommend topics of study for each area of practice to be licensed, registered or certified, not the specific curriculum or hours devoted to each area of study.

(7) Procedures for the issuance and renewal of licenses, permits, certificates and registrations;

(8) A fee schedule;

(9) Continuing education requirements for professional licensees and certificate holders;

(10) The procedures for denying, suspending, revoking, reinstating or limiting the practice of licensees, permittees, certificate holders and registrants;

(11) Designating the regions for investigators/inspectors;

(12) Criteria for the training of investigators/inspectors;

(13) Requirements for investigations and inspections;

(14) Requirements for inactive or revoked licenses, permits, certificates and registrations;

~~(15) Establishing the training program and requirements for instructors for schools licensed under this article;~~

~~(16)~~ (15) Establishing operating procedures for salons; and

~~(17)~~ (16) Any other rules necessary to effectuate the provisions of this article.

(b) The legislative rules relating to barber apprenticeship; qualifications, training, examination and certification of instructors in barbering and cosmetology shall expire upon the enactment to the provisions of this article in 2015. The board shall promulgate legislative rules pursuant to article three, chapter twenty-nine-a consistent with the provisions of this article as amended in 2015.

§30-27-8. Professional license requirements.

(a) An applicant for a professional license to practice as an aesthetician, barber, ~~barber crossover, barber permanent waviest,~~ cosmetologist, hair stylist, ~~cosmetologist crossover~~ or nail technician shall present satisfactory evidence that he or she:

(1) Is at least eighteen years of age;

(2) Is of good moral character;

(3) Has a high school diploma, a GED, or has passed the ‘ability to benefit test’ approved by the United States Department of Education;

(4) Has graduated from a licensed school which has been approved by the West Virginia Council for Community and Technical College Education or has completed education requirements in another state and meets the licensure provisions of the board;

(5) Has passed an examination that tests the applicant’s knowledge of subjects specified by the board: *Provided*, That the board may recognize a certificate or similar license in lieu of the examination or part of the examination that the board requires: *Provided further*, That any examination shall meet national standards;

(6) Has paid the applicable fee;

(7) Presents a certificate of health from a licensed physician;

(8) Is a citizen of the United States or is eligible for employment in the United States; and

~~(9) Has fulfilled any other requirement specified by the board.~~

(b) A license to practice issued by the board prior to July 1, ~~2009~~ 2015, shall for all purposes be considered a professional license issued under this article: *Provided*, That a person holding a license issued prior to July 1, ~~2009~~ 2015, must renew the license pursuant to the provisions of this article. After July 1, 2015, the Board shall issue both barber and cosmetologist renewal licenses in the case of a barber crossover or cosmetologist crossover and shall issue a barber license renewal in the case of barber permanent waviest.

§30-27-8a. Barber apprentice.

(a) ~~The board may establish an apprenticeship program to become a barber.~~ A person wishing to become a barber through an apprenticeship shall apply with the board and receive a permit. A barber apprentice shall work at all times under the direct supervision of a licensed barber and any permit issued by the board to work as a barber apprentice does not allow a person to practice individually as a barber.

(b) An applicant for a barber apprenticeship shall present satisfactory evidence that he or she:

(1) Is at least eighteen years of age;

(2) Is of good moral character;

(3) Has a high school diploma, a GED, or has passed the 'ability to benefit test' approved by the United States Department of Education;

(4) Has paid the applicable fee;

(5) Has a certificate of health from a licensed physician; and

(6) Is a citizen of the United States or is eligible for employment in the United States; ~~and;~~

(7) ~~Has fulfilled any other requirement specified by the board.~~

(c) ~~An applicant for a sponsor of a barber apprentice shall present satisfactory evidence that he or she:~~

(1) ~~Is licensed as a barber under the provisions of this article;~~

(2) ~~Has paid the applicable fee; and~~

(3) ~~Has fulfilled any other requirement specified by the board.~~

(c) A sponsor of a barber apprentice shall be a licensed barber with at least five years experience.

(d) A barber apprentice program shall consist of up to two years of supervised training by a sponsor who shall advise the board in writing that the barber apprentice is ready to take the examination for licensure: *Provided*, That at the end of two years of supervised training, a barber apprentice may take the examination for licensure without the recommendation of the sponsor.

~~(d) The board may propose emergency rules and rules for legislative approval, in accordance with the provisions of article three, chapter twenty-nine-a of this code, to implement the provisions of this section, including:~~

~~(1) The requirements for:~~

~~(A) The barber apprenticeship program;~~

~~(B) The barber apprentice permit; and~~

~~(C) A licensed barber to sponsor a barber apprentice;~~

~~(2) Procedures for an examination;~~

~~(3) A fee schedule; and~~

~~(4) Any other rules necessary to effectuate the provisions of this section.~~

§30-27-8b. Certifications.

(a) The Board shall issue a certification to an applicant licensed under this article who obtains additional training at a licensed school that has been approved by the West Virginia Council for Community and Technical College Education or an industry recognized training program in the following areas:

- (1) Waxing;
- (2) Permanent waving;
- (3) Barber crossover;
- (4) Cosmetology crossover;
- (5) Hairstylist crossover;

§30-27-8c. Shampoo Assistant and Hair Braiding; exemptions from licensure.

(a) Notwithstanding any provision of this code, a person may practice hair braiding without obtaining a license or any other authorization from a professional board of this state and is not subject to educational or training requirements. A person practicing hair braiding may work at or be employed by a salon or other place of business or may practice hair braiding individually.

(b) Notwithstanding any provision of this code, a shampoo assistant is not required to obtain a permit or any other authorization from a professional board of this state and is not subject to education or training requirements. A shampoo assistant may work at or be employed by a salon or other place of business or may practice individually as a shampoo assistant.

(c) Notwithstanding any provision of this code, the board has no authority to propose legislative rules to implement the provisions of this section or to exercise any jurisdiction or authority over the practice of or any shampoo assistant or acts of hair braiding or the qualifications for a person to practice hair braiding.

§30-27-10. Professional license and certificate renewal requirements.

(a) A professional licensee and certificate holder shall annually or biennially on or before January 1, renew his or her professional license

or certificate by completing a form prescribed by the board, paying the renewal fee and submitting any other information required by the board.

(b) The board shall charge a fee for each renewal of a license or certificate, and a late fee for any renewal not paid by the due date.

(c) The board shall require as a condition of renewal of a professional license or certificate that each licensee or certificate holder complete continuing education: *Provided*, That a licensed barber who has been licensed for twenty years or more is exempt from the continuing education requirement of this subsection: *Provided, however*, That beginning January 1, 2016, licensed barbers shall take a sanitation course through a program approved by the board each year for the first five years after becoming licensed and once every five years thereafter for fifteen years: *Provided, further*, That cosmetologists and hair stylists must take four hours of continuing education training annually for the first fifteen years after becoming licensed: *And provided further*, That the Board shall approve for credit for continuing education any education course providing instruction in any curriculum, subject matter or discipline included in the education required for licensure that is submitted to the board or offered by:

(1) A licensed school or instructor;

(2) A manufacturer or distributor of barbering or cosmetology products;

(3) A barber or cosmetology trade organization; or

(4) Any course offered at an accredited private or public university, college or community college in this state.

(d) The board may deny an application for renewal for any reason which would justify the denial of an original application for a license or certificate.

§30-27-11. Work permit.

(a) The board may issue a work permit to practice to an applicant who meets the following conditions:

(1) Has graduated from a licensed school approved by the West Virginia Council for Community and Technical College Education or has completed education requirements in another state and meets the licensure provisions of the board;

(2) Is waiting to take the examination;

(3) Has employment in the field in which he or she applied to take the examination and is working under the general supervision of a professional licensee;

(4) Has paid the work permit fee;

(5) Has presented a certificate of health issued by a licensed physician; and

(6) Is a citizen of the United States or is eligible for employment in the United States; ~~and~~

~~(7) Meets all the other requirements specified by the board.~~

(b) A work permit expires at the end of the month after issuance following the next examination in the specific field. A work permit may be renewed once.

(c) While in effect, a work permittee is subject to the restrictions and requirements imposed by this article.

§30-27-13. Display of professional license and permits.

(a) The board shall prescribe the form for a professional license and work and student permits, including a photograph, and may issue a duplicate license or permit, upon payment of a fee.

(b) Every professional licensee and work permittee shall display his or her license or permit in a conspicuous place at his or her work station.

~~(c) Every student shall have available his or her student permit and be able to produce it upon request.~~

~~(d)~~ (c) Every professional licensee, work permittee ~~or student~~ must present such license, permit or registration to an investigator/inspector or a board member upon request.

§30-27-16. Certification requirements to be an instructor in a school.

~~(a) The board may issue a certificate to be an instructor in a school to an applicant who meets the following requirements:~~

~~(1) Meets the educational requirements established by the board;~~

~~(2) Has completed the required instructor's training;~~

~~(3) Has passed the instructor examination;~~

~~(4) Has paid the appropriate fees;~~

~~(5) Presents a certificate of health from a licensed physician;~~

~~(6) Is a citizen of the United States or is eligible for employment in the United States; and~~

~~(7) Has fulfilled any other requirement specified by the board.~~

(a) The Board shall issue a certificate to be an instructor in a school for barbering, cosmetology, hairstyling, nail technician or aesthetics if a person:

(1) Completes an application prescribed by the Board;

(2) Holds a current West Virginia license in the field in which the person seeks to teach or equivalent from another state as determined by the Board;

(3) Completes a one year instructor training course in a school that is licensed by the West Virginia Council for Community and Technical College Education;

(4) Passes the instructor training final examination; and

(5) Passes a national written examination in instructor training.

(b) All instructor certifications must be renewed annually or biennially on or before January 1, and pay a renewal fee.

(c) A certification to be an instructor issued by the board prior to ~~January 1, 2009~~, the effective date of this section shall for all purposes be considered a certification issued under this article: *Provided*, That a person holding a certification issued prior to ~~January 1, 2009~~, the effective date of this section must renew the certification pursuant to the provisions of this article.

(d) An instructor with an expired certificate must comply with the following to renew his or her certificate:

(1) Notify the board that he or she wants to be placed on inactive status; or

(2) Pay all lapsed renewal fees;

(3) Present a new certificate of health; and

(4) Meet the qualifications for certification set out in this article.

(e) A certified instructor is not required to have an active professional license, unless the instructor is in fact practicing outside the scope of his or her employment as an instructor.”

The bill was then ordered to engrossment and third reading.

FIRST READING

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

Com. Sub. for H. B. 2098, Authorizing those health care professionals to provide services to patients or residents of state-run veterans' facilities without obtaining an authorization to practice,

Com. Sub. for H. B. 2099, Extending the time of meetings of local levying bodies when meetings are delayed,

H. B. 2100, Caregiver Advise, Record and Enable Act,

H. B. 2535, Relating generally to suicide prevention training,

Com. Sub. for H. B. 2586, Allowing for an alternative form of service of process in actions against nonresident persons by petitioners seeking domestic violence or personal safety relief,

And,

H. B. 2607, Relating to the violation of interfering with emergency services communications and clarifying penalties.

LEAVES OF ABSENCE

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

MISCELLANEOUS BUSINESS

Delegate Ihle filed forms with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2376 and H. B. 2561.

Delegate Eldridge filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2776.

Delegate Frich filed forms with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2779 and H. B. 2780.

Delegate Moffatt filed forms with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2021 and H. B. 2116.

Delegates Sobonya and Summers filed forms with the Clerk's Office per House Rule 94b to be removed as cosponsors of H. B. 2586.

Delegate Gearheart announced that he was absent when the votes were taken on Roll Nos. 88 and 89, and that had he been present, he would have voted "YEA" thereon.

Delegate Sobonya asked and obtained unanimous consent that the remarks of Delegate Campbell regarding her opposition to the second amendment offered by Delegates Manchin and Skinner on Com. Sub. for S. B. 6 be printed in the Appendix to the Journal.

Delegate Skinner announced that he was absent when the vote was taken on Roll No. 88, and that had he been present, he would have voted "YEA" thereon.

Delegate Marcum announced that he was absent when the votes were taken on Roll Nos. 74 through 79, and that had he been present, he would have voted "YEA" on Roll Nos. 74, 75, 76, 77 and 79, and that he would have voted "NAY" on Roll No. 78.

Delegate H. White announced that he was absent when the votes were taken on Roll Nos. 74 through 79, and that had he been present, he would have voted "YEA" on Roll Nos. 74, 75, 76, 77 and 79, and that he would have voted "NAY" on Roll No. 78.

Delegate Perdue asked and obtained unanimous consent that the remarks of Delegates Boggs and Ireland regarding In-Home Care be printed in the Appendix to the Journal.

Delegate L. Phillips filed a written notice that she was absent when the votes were taken on Roll Nos. 74 through 79, and that had she been present, she would have voted “YEA” on Roll Nos. 74, 75, 76, 77 and 79, and that she would have voted “NAY” on Roll No. 78.

Delegate Duke asked and obtained unanimous consent that the remarks of Delegate Sobonya regarding Com. Sub. for S. B. 6 be printed in the Appendix to the Journal.

At 1:55 P.M., the House of Delegates adjourned until 11:00 A.M., Wednesday, February 18, 2015.

WEDNESDAY, FEBRUARY 18, 2015

THIRTY-SIXTH 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, February 17, 2015, being the first order of business, when the further reading thereof was dispensed with and the same approved.

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

RESOLUTIONS INTRODUCED

Delegates Kelly, Border, Espinosa, Kessinger, Butler, Sobonya, Stansbury, Hill, Azinger, Deem and Anderson offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 73 - "Requesting the Division of Highways to have made and place signs identifying the 'Navy Chief Petty Officer Nicholas Heath Null Memorial Bridge' on West Virginia Route 68, over US Route 50, bridge number 54-68-14.60, on the bridge so that motorists traveling on US Route 50 are able to identify the bridge as the 'Navy Chief Petty Officer Nicholas Heath Null Memorial Bridge'."

WHEREAS, During the 2013 Regular Session the House of Delegates passed House Concurrent Resolution No. 62 naming the

bridge the “Navy Chief Petty Officer Nicholas Heath Null Memorial Bridge”; and

WHEREAS, The Division of Highways named the bridge the “Navy Chief Petty Officer Nicholas Heath Null Memorial Bridge” and made and placed signs on Route 68 identifying the bridge, but not on US Route 50; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to have made and place signs identifying the “Navy Chief Petty Officer Nicholas Heath Null Memorial Bridge” on West Virginia Route 68, over US Route 50, bridge number 54-68-14.60, on the bridge so that motorists traveling on US Route 50 are able to identify the bridge as the “Navy Chief Petty Officer Nicholas Heath Null Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and place signs reading “Navy Chief Petty Officer Nicholas Heath Null Memorial Bridge” on the bridge in both directions of US Route 50; 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 to the family of Chief Petty Officer Nicholas Null.

Mr. Speaker, Mr. Armstead, and Delegates Morgan, Romine, Miller, Sobonya, Campbell, Perry, L. Phillips, Rohrbach, Reynolds, R. Phillips, Hicks, H. White, Hornbuckle, Perdue, Ashley, Anderson, B. White and Arvon offered the following resolution, which was read by the Clerk as follows:

H. R. 12 - “Recognizing and honoring Stephen J. Kopp, Ph.D., President of Marshall University.”

WHEREAS, Stephen J. Kopp, Ph.D., became Marshall University’s 36th President on July 1, 2005; and

WHEREAS, Dr. Kopp, during his nine and one-half years as president, led Marshall to unprecedented growth and expansion; and

WHEREAS, Under Dr. Kopp's guidance, more than \$300 million was wisely spent on construction of new buildings and renovations on Marshall University campuses; and

WHEREAS, The undergraduate engineering degree, under Dr. Kopp's leadership, returned to Marshall after a more than 30-year absence, when the Board of Governors approved the Bachelor of Science in Engineering degree program; and

WHEREAS, President Kopp's accomplishments are well documented, but, to name a few, in addition to reviving the engineering program, Marshall University built the much-needed and long-promised Marshall Recreation Center, new freshman dorms, a new parking garage, the Rural Health and Clinical Education Center in Chapmanville, the Indoor Athletic Facility and the Chris Cline Athletic Complex, the Edwards Comprehensive Cancer Center, the Robert C. Byrd Biotechnology Science Center, the Erma Ora Byrd Clinical Center, the Veterans Memorial Soccer Complex, the Visual Arts Center and the Marshall University Foundation Hall; and

WHEREAS, Dr. Kopp kept his word by fulfilling the promise of a better future for Marshall's students, while challenging each of us to "dream boldly, plan well, and dedicate ourselves individually and collectively to fulfilling this promise"; and

WHEREAS, Dr. Kopp and his wife, Jane Kopp, both of whom fell in love with not only Marshall University, but also the Marshall and Huntington communities, were named Citizens of the Year in 2011 by The Herald-Dispatch, an honor richly deserved; and

WHEREAS, Dr. Kopp died suddenly on December 17, 2014, leaving a huge void at not only Marshall University but the state as a whole as well, and it is fitting that we celebrate his life and legacy, and his

university that he worked so hard to make so great on a special day at the Capitol; therefore, be it

Resolved by the House of Delegates:

That the House of Delegates hereby designates February 18, 2015, as “Marshall University Day at the Capitol”; and, be it

Further Resolved, That the House of Delegates hereby recognizes the late Marshall University President Dr. Stephen J. Kopp for his incredible contributions to Marshall University, where he served from July 1, 2005, to December 17, 2014; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to Dr. Kopp’s widow, Jane Kopp, and Gary White, Interim President of Marshall University.

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the resolution (H. R. 12) to a committee was dispensed with, and it was taken up for immediate consideration.

The yeas now being on the adoption of the resolution, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 97**), 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: Fleischauer and McCuskey

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the resolution (H. R. 12) adopted.

COMMITTEE REPORTS

Delegate Evans, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

H. B. 2714, Altering the method of determining when the Department of Agriculture must deposit into the General Revenue Fund funds it collects,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 2714) was referred to the Committee on Finance.

Delegate Hamilton, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

H. B. 2515, Relating to elk restoration,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 2515) was referred to the Committee on Finance.

Delegate Evans, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

H. B. 2657, Allowing members of the Livestock Care Standards Board to be reimbursed for expenses consistent with the West Virginia Department of Agriculture Travel Policy and Procedure,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 2657) was referred to the Committee on Finance.

Delegate Evans, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

H. B. 2658, Relating to the inspection and slaughter of nontraditional agriculture,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Health and Human Resources.

In accordance with the former direction of the Speaker, the bill (H. B. 2658) was referred to the Committee on Health and Human Resources.

Delegate McCuskey, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the day 17th of February, 2015, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

(H. B. 2138), Adding aircraft operations on private airstrips and farms to the definition of recreational purpose,

And,

(Com. Sub. for H. B. 2227), Relating to the National Coal Heritage Area Authority.

Delegate Overington, Chair of the Committee on Industry and Labor, submitted the following report, which was received:

Your Committee on Industry and Labor has had under consideration:

H. B. 2554, Relating to protection of utility workers from crimes against the person,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2554) was referred to the Committee on the Judiciary.

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

Your Committee on Energy has had under consideration:

H. B. 2627, Providing protection against property crimes committed against coal mines, utilities and other industrial facilities,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2627) was referred to the Committee on the Judiciary.

Delegate Ellington, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2727, Exempting certain health care professionals from licensure requirements while performing charity care,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 2727) was referred to the Committee on the Judiciary.

Delegate Ellington, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

Com. Sub. for S. B. 60, Requiring food handler examinations and cards,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Government Organization.

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 60) was referred to the Committee on Government Organization.

Delegate Ellington, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

Com. Sub. for S. B. 175, Authorizing DHHR promulgate legislative rules,

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

recommendation that second reference of the bill to the Committee on Government Organization be dispensed with.

In the absence of objection, reference of the bill (Com. Sub. for S. B. 175) to the Committee on Government Organization was abrogated.

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

Your Committee on the Judiciary has had under consideration:

H. B. 2466, Exempting valid nonprofit organizations from licensing requirements of the West Virginia Alcoholic Beverage Control Authority during certain events,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 2466) was referred to the Committee on Finance.

MESSAGES FROM THE SENATE

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates as follows:

H. B. 2114, Updating the meaning of federal adjusted gross income and certain other terms used in the West Virginia Personal Income Tax Act.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates as follows:

H. B. 2115, Updating the meaning of the term “federal taxable income” and certain other terms used in the West Virginia Corporation Net Income Tax Act.

A message from the Senate, by

The Clerk of the Senate, announced the adoption of the report of the Committee of Conference on, and the passage, as amended by said report, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 13, Reinstating open and obvious doctrine for premises liability.

CONFERENCE COMMITTEE REPORT

Delegate Shott, from the Committee of Conference on matters of disagreement between the two houses, as to

Com. Sub. for S. B. 13, Reinstating the open and obvious doctrine of premises liability,

Submitted the following report, which was received:

Your Committee of Conference on the disagreeing votes of the two houses as to the amendments of the House to Engrossed Committee Substitute for Senate Bill No. 13 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That both houses recede from their respective positions as to the amendment of the House on page two, section seven, line seven.

That both houses agree to an amendment as follows:

On pages two and three, section seven, by striking out all of subsection (c) and agreeing to the same as follows:

(c) It is the intent and policy of the Legislature that this section reinstates and codifies the open and obvious hazard doctrine in actions seeking to assert liability against an owner, lessee or other lawful occupant of real property to its status prior to the decision of the West Virginia Supreme Court of Appeals in the matter of *Hersh v. E-T Enterprises, Limited Partnership*, 232 W. Va. 305 (2013). In its application of the doctrine, the court as a matter of law shall appropriately apply the doctrine considering the nature and severity, or lack thereof, of violations of any statute relating to a cause of action.

And,

That both houses recede from their respective positions as to the title of the bill and agree to a new title as follows:

Com. Sub. for S. B. 13 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-27, relating to the liability of a possessor of real property for injuries caused by open and obvious hazards; reinstating and codifying the open and obvious doctrine of common law as it existed prior to judicial abolition; clarifying that this section does not create, recognize or ratify claim or cause of action; stating legislative intent; and providing for judicial application.”

Respectfully submitted,

CHARLES S. TRUMP, IV,

JOHN H. SHOTT,

MITCH CARMICHAEL,

ROGER HANSHAW,

COREY PALUMBO,

LARRY ROWE,

*Conferees on the part of
the Senate.*

*Conferees on the part of
the House of Delegates.*

On motion of Delegate Shott, the report of the Committee of Conference was adopted.

The bill, as amended by said report, was then put upon its passage.

The yeas and nays having been ordered, they were taken (**Roll No. 98**), and there were—yeas 82, nays 17, absent and not voting 1, with the nays and absent and not voting being as follows:

NAYS: Byrd, Caputo, Eldridge, Ferro, Fleischauer, Fluharty, Guthrie, Hicks, Hornbuckle, Manchin, Marcum, Miley, Moore, Pushkin, Rodighiero, Skinner and H. White.

ABSENT AND NOT VOTING: McCuskey.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 13) passed.

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

On this question, the yeas and nays were taken (**Roll No. 99**), and there were—yeas 88, nays 11, absent and not voting 1, with the nays and absent and not voting being as follows:

NAYS: Caputo, Ferro, Fleischauer, Fluharty, Guthrie, Manchin, Miley, Moore, Pushkin, Rodighiero and Skinner.

ABSENT AND NOT VOTING: McCuskey.

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. 13) takes effect from its passage.

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

MESSAGES FROM THE SENATE

A message from the Senate, by

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

Com. Sub. for S. B. 274 - “A Bill to amend and reenact §9-9-11 of the Code of West Virginia, 1931, as amended, relating to Temporary Assistance for Needy Families program; directing Secretary of Department of Health and Human Resources promulgate emergency and legislative rules setting forth schedule of sanctions; identifying certain factors and goals that secretary is to consider when setting schedule of sanctions; directing secretary promulgate legislative rules governing what constitutes de minimis violations and those violations subject to sanctions and maximum penalties; setting forth reporting requirement to Legislative Oversight Commission on Health and Human Resources Accountability regarding sanctions; and providing copies of reports be provided to President of the Senate and Speaker of the House”; 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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 382 - “A Bill finding and declaring certain claims against the state and its agencies to be moral obligations of the state; and directing the Auditor to issue warrants for the payment thereof”; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 429 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-16-11b; and to amend and reenact §60-8-3 of said code, all relating to creating a one-day special license for charitable events to sell nonintoxicating beer and wine”; which was referred to the Committee on the Judiciary then Finance.

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 further consideration of a committee report.

COMMITTEE REPORTS

At the request of Delegate Cowles, and by unanimous consent, **Com. Sub. for S. B. 175**, Authorizing DHHR promulgate legislative rules, was referred to the Committee on the Judiciary.

MOTIONS

Delegate Miley filed a written motion that H. B. 2675 be transferred from the House Calendar to the Special Calendar.

Delegate Miley also filed a written motion calling for the previous question to the foregoing motion.

The Speaker inquired if the motion for the previous question was sustained, and a requisite number of members having raised their hands, the Speaker stated, “Shall the question be now put?”

On this question, Delegate Miley demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 100**), and there were—yeas 34, nays 65, absent and not voting 1, with the yeas and absent and not voting being as follows:

YEAS: Bates, Boggs, Campbell, Caputo, Eldridge, Ferro, Fleischauer, Fluharty, Guthrie, Hartman, Hicks, Hornbuckle, Longstreth, Lynch, Manchin, Marcum, Miley, Moore, Morgan, Moye, Perdue, Perry, Pethtel, L. Phillips, Pushkin, Reynolds, Rodighiero, Rowe, Skinner, P. Smith, Sponaugle, Trecost, H. White and Williams.

ABSENT AND NOT VOTING: McCuskey.

So, a majority of the members present and voting not having voted in the affirmative, the motion did not prevail.

The question before the House now being the motion that H. B. 2675 be transferred from the House Calendar to the Special Calendar, Delegate Miley demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 101**), and there were—yeas 33, nays 66, absent and not voting 1, with the yeas and absent and not voting being as follows:

YEAS: Bates, Boggs, Byrd, Campbell, Caputo, Eldridge, Ferro, Fleischauer, Fluharty, Guthrie, Hartman, Hicks, Hornbuckle, Longstreth, Lynch, Manchin, Miley, Moore, Moye, Perdue, Perry, Pethtel, L. Phillips, Pushkin, Reynolds, Rodighiero, Rowe, Skinner, P. Smith, Sponaugle, Trecost, H. White and Williams.

ABSENT AND NOT VOTING: McCuskey.

So, a majority of the members elected to the House not having voted in the affirmative, the motion did not prevail.

BILLS INTRODUCED

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

By Mr. Speaker, Mr. Armstead:

H. B. 2796 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-5-15b, relating to providing that certain state employees may be granted a leave of absence with pay while providing assistance as an essential member of an emergency aid provider during a declared state of emergency”; to the Committee on the Judiciary.

By Delegates Campbell, Perry, Moye, Fleischauer, Bates, Guthrie, Ellington, Householder, Ashley and P. Smith:

H. B. 2797 - “A Bill to amend and reenact §17A-3-4 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-20-1a

of said code; to amend and reenact §28-1-2 of said code; and to amend and reenact §28-5-31 of said code, all relating to changing the term ‘mentally retarded’ to ‘intellectually disabled’; and changing the term ‘handicapped’ to ‘disabled’; to the Committee on Health and Human Resources.

By Delegates Miller, E. Nelson, Sobonya, Border and Folk:

H. B. 2798 - “A Bill to amend and reenact §3-1-34 of the Code of West Virginia, 1931, as amended, relating to voting procedures; and requiring a voter to present an identifying document which contains the name, address and a photograph of that person; and providing that if a voter is unable to produce that document he or she may cast a provisional ballot”; to the Committee on the Judiciary then Finance.

By Delegates Miller, Sobonya, Border, Rohrbach, Folk and Eldridge:

H. B. 2799 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-7d, relating to requiring all high schools to teach fetal development; and stating that the requirement may not be construed as approving abortion”; to the Committee on Education then the Judiciary.

By Delegates Miller, Ferro, Sobonya, Border, Rohrbach, Folk and Eldridge:

H. B. 2800 - “A Bill to amend and reenact §29B-1-4 of the Code of West Virginia, 1931, as amended, relating to adding law-enforcement officers’ contact information and names of family members to the list of exemptions from public records requests”; to the Committee on the Judiciary.

By Delegates Rowe, Pushkin, Lynch, Guthrie and Byrd:

H. B. 2801 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-3pp; and to amend said code by adding thereto a new section, designated §8-12-16d, all relating to permitting county commissions and municipalities to designate areas of special interest which will not

affect the use of property in those areas; and setting forth their additional powers and responsibilities”; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Folk, Howell, McGeehan, Faircloth, Rowe and Reynolds:

H. B. 2802 - “A Bill to amend and reenact §16-13A-9 of the Code of West Virginia, 1931, as amended, relating to public sewage services; requiring that individuals receiving public sewage services who do not also receive public water services are charged based on the mean or median of monthly water consumption in their customer class, whichever is lower”; to the Committee on the Judiciary.

By Delegates Espinosa, Skinner, Caputo, Ferro, Manchin, Westfall, Upson, Miller, Pasdon and E. Nelson:

H. B. 2803 - “A Bill to amend and reenact §60-4-3a and §60-4-3b of the Code of West Virginia, 1931, as amended; and to amend and reenact §60-7-11 of said code, all relating to the sale of alcohol by licensed manufacturers; authorizing licensed wineries, farm wineries, distilleries and mini-distilleries to make retail sales of wine and alcoholic liquors manufactured by the winery, farm-winery, distillery or mini-distillery for consumption off the premises on Sundays, beginning at ten thirty a.m.; authorizing licensed wineries, farm wineries, distilleries and mini-distilleries to offer complimentary samples for consumption on the premises on Sundays, beginning at ten thirty a.m.; and authorizing mini-distilleries which manufacture less than fifty thousand gallons of alcoholic liquor per year to seek and hold a separate license to operate a private club on the premises of the distillery or mini-distillery”; to the Committee on the Judiciary.

By Delegates Espinosa, Manchin, Skinner, Miller, Caputo, Longstreth, Ferro, Campbell, Westfall, Hartman and Upson:

H. B. 2804 - “A Bill to amend and reenact §60-7-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §60-8-34 of said code, all relating to the sale of alcoholic beverages on Sundays by private licensees; authorizing licensed private clubs to sell nonintoxicating beer, wine and alcoholic liquors between the hours of

ten thirty a.m. and one p.m. on Sundays; and authorizing a licensed private bed and breakfast, private wine restaurant or private wine spa to sell wine for consumption on the licensed premises between the hours of ten thirty a.m. and one p.m. on Sundays”; to the Committee on the Judiciary.

By Delegates Eldridge, Hamilton, Rodighiero, Canterbury, H. White, Williams, Trecoast, Perry, Moye and Campbell:

H. B. 2805 - “A Bill to amend and reenact §49-5-16 of the Code of West Virginia, 1931, as amended, relating to requiring the Division of Juvenile Services to transfer to a correctional facility any juvenile in its custody whose sentence runs beyond his or her eighteenth birthday”; to the Committee on the Judiciary.

By Delegates Householder, Ellington, Arvon, Cooper, Gearheart, Hill, Kurcaba, Rohrbach, Stansbury, Summers and Westfall:

H. B. 2806 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-12A-1, §15-12A-2 and §15-12A-3, all relating to establishing a registry; requiring that certain persons be added to registry; requiring certain drug products be obtained by prescription only; preventing certain registered persons from obtaining drug products”; to the Committee on Health and Human Resources.

By Delegates Eldridge, Williams, Skinner, Butler, Marcum and Perdue:

H. B. 2807 - “A Bill to amend and reenact §19-12E-5 of the Code of West Virginia, 1931, as amended, relating to expanding the list of persons the Commissioner of Agriculture may license to grow or cultivate industrial hemp”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates Overington, Hamrick, Waxman, Shott, Pasdon, McCuskey, Hicks, Gearheart, Miley, D. Evans and E. Nelson:

H. B. 2808 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §1-2-2c, relating

to election of members of the House of Delegates in districts having more than one delegate; and providing that the delegates be elected from numbered divisions”; to the Committee on Government Organization.

By Delegates Storch, Ferro, H. White, R. Phillips, Householder, Anderson, Walters, Bates, Boggs and Westfall:

H. B. 2809 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-22B-1108a, relating to creating a preference for certain limited video lottery current permit holders in bid process”; to the Committee on the Judiciary then Finance.

By Delegates Guthrie, Pushkin, Byrd, Rowe, McCuskey, B. White, Stansbury and Walters:

H. B. 2810 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §31-18-28, relating to implementing the West Virginia Property Rescue Initiative to reduce the number of properties posing a threat to public health and safety and the vitality of neighborhoods and communities throughout the state”; to the Committee on the Judiciary then Finance.

By Delegates Westfall and McCuskey:

H. B. 2811 - “A Bill to amend and reenact §33-20F-4 of the Code of West Virginia, 1931, as amended, relating to deleting obsolete provisions regarding the Physicians’ Mutual Insurance Company; and providing that the company need not be organized as a nonprofit corporation if the company remains a domestic mutual insurance company owned by its policyholders”; to the Committee on Banking and Insurance then Finance.

By Delegates Canterbury and O’Neal:

H. B. 2812 - “A Bill to amend and reenact §20-7-1 of the Code of West Virginia, 1931, as amended, relating to certain subsistence allowance considered compensation for purposes of calculating pension benefits for natural resources police officers”; to the Committee on Pensions and Retirement then Finance.

SPECIAL CALENDAR**THIRD READING**

S. B. 262, Transferring CHIP and Children's Health Insurance Agency from Department of Administration 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. 102**), and there were—yeas 62, nays 37, absent and not voting 1, with the nays and absent and not voting being as follows:

NAYS: Anderson, Byrd, Cadle, Canterbury, Caputo, Eldridge, Ferro, Fleischauer, Fluharty, Folk, Guthrie, Hicks, Hill, Hornbuckle, Kelly, Lane, Longstreth, Lynch, Manchin, Miley, Morgan, Moye, Perdue, Perry, L. Phillips, Pushkin, Reynolds, Rodighiero, Rowe, Skinner, P. Smith, Sponaugle, Storch, Trecost, Wagner, Walters and Weld.

ABSENT AND NOT VOTING: McCuskey.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 262) passed.

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

Com. Sub. for H. B. 2391, Reducing early childhood education program requirements from five days per week to four days per week and imposing minimum instructional hours per week and minimum instructional days per year; 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. 103**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: McCuskey.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2391) passed.

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

H. B. 2523, Creating a special revenue account to offset costs for the West Virginia State Police 100th Anniversary in 2019; 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. 104**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: McCuskey.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2523) 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. 2527, Creating a Task Force on Prevention of Sexual Abuse of Children; “Erin Merryn’s Law”; 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. 105**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: McCuskey.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2527) passed.

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

H. B. 2776, Relating to prescribing hydrocodone combination drugs for a duration of no more than three days; 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. 106**), and there were—yeas 96, nays 3, absent and not voting 1, with the nays and absent and not voting being as follows:

NAYS: Marcum, Pushkin and Reynolds.

ABSENT AND NOT VOTING: McCuskey.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2776) passed.

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

H. B. 2777, Relating to licensing of barbers, cosmetologists, and hairstylists, and revising the membership requirements of the Board of Barbers and Cosmetologists; 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. 107**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: McCuskey.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2777) passed.

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

H. B. 2777- “A Bill to amend the Code of West Virginia, 1931, as amended, by repealing §30-27-11a and §30-27-12; to amend and reenact §30-27-1, §30-27-3, §30-27-4, §30-27-5, §30-27-6, §30-27-8, §30-27-8a, §30-27-10, §30-27-11, §30-27-13 and §30-27-16 of the code; and to amend said code by adding thereto two new sections, designated §30-27-8b and §30-27-8c, all relating to licensing of aestheticians, barbers, cosmetologists, hairstylists and nail technicians; revising the membership requirements of the Board of Barbers and Cosmetologists; exempting shampoo assistants and hair braiding from licensure by the Board of Barbers and Cosmetologists; creating certifications; modifying barber apprentice program; limiting continuing education requirements for barbers and cosmetologists; and modifying the requirements to be an instructor in a school.”

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

SECOND READING

Com. Sub. for H. B. 2098, Authorizing those health care professionals to provide services to patients or residents of state-run veterans’ facilities without obtaining an authorization to practice; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Delegate Deem arose to a point of inquiry to request that Rules Committee action to move bills between the House and Special Calendar be announced on the Floor of the House.

The Speaker stated the point was well taken, and the Majority Leader can announce future changes.

Com. Sub. for H. B. 2099, Extending the time of meetings of local levying bodies when meetings are delayed; on second reading, coming up in regular order, was read a second time.

On motion of Delegates Rowe, Lynch and Shott, the bill was amended on page two, line nine, by striking out all of section (c), and inserting in lieu thereof the following:

“(c) The State Auditor shall propose rules for legislative approval in accordance with article three, chapter twenty-nine-a of this code to implement the purposes of this subsection. The proposed rules shall include a procedure for a local levying body to apply for permission to extend the time to meet as a levying body, requiring the local levying body to cite the reason a timely meeting was not held and that the meeting, if approved by the State Auditor, be held in compliance with article nine-a, chapter six of this code relating to open governmental proceedings at a time set by the State Auditor.

(1) The State Auditor shall require all levying bodies to file a report of their meetings as required in this article with the State Auditor on or before the first day of April.

(2) The State Auditor shall notify any levying body, which has not filed a report of their meetings to the State Auditor by the first day of April, that the levying body must meet and file a report of that meeting no later than the fifteenth day of April.

(3) For any meeting after the fifteenth day of April, the State Auditor, may allow a late meeting and late report on or before the first day of May, if the State Auditor finds good cause to so allow a meeting and report to be filed after the fifteenth day of April and not later than the first day of May.”

The bill was then ordered to engrossment and third reading.

H. B. 2100, Caregiver Advise, Record and Enable Act; 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 two, line one, by striking out everything after the enacting section and inserting in lieu thereof the following:

“ARTICLE 5X. CAREGIVER ADVISE, RECORD AND ENABLE ACT.

§16-5X-1. Definitions.

For purpose of this article:

(1) ‘Aftercare’ means any assistance provided by a designated lay caregiver to an individual under this article after the patient’s discharge from a hospital. Assistance may include tasks that are limited to the patient’s condition at the time of discharge that do not require a licensed professional;

(2) ‘Discharge’ means a patient’s exit or release from a hospital to the patient’s residence following an inpatient stay;

(3) ‘Hospital’ means a facility licensed pursuant to article five-b, chapter sixteen of this code and any acute care facility operated by state government;

(4) ‘Lay caregiver’ means any individual eighteen years of age or older designated as a lay caregiver pursuant to the provisions of this article who provides aftercare assistance to a patient in the patient’s residence; and

(5) ‘Residence’ means a dwelling considered by a patient to be his or her home, not including a hospital or, a nursing home or group home, as defined by section two, article five-c, chapter sixteen of this code.

§16-5X-2. Caregiver designation.

(a) (1) A hospital shall provide a patient or the patient’s legal guardian with an opportunity to designate one lay caregiver following the patient’s admission into a hospital.

(2) If the patient is unconscious or otherwise incapacitated upon admission to the hospital, the hospital shall provide the patient's legal guardian with an opportunity to designate a lay caregiver following the patient's recovery of consciousness or capacity, so long as the designation or lack of a designation does not interfere with, delay or otherwise affect the medical care provided to the patient.

(3) If the patient or the patient's legal guardian declines to designate a lay caregiver under this article, the hospital shall promptly document that in the patient's medical record, and the hospital is considered to have complied with the provisions of this article.

(4) If the patient or the patient's legal guardian designates an individual as a lay caregiver under this article, the hospital shall promptly request the written consent of the patient or the patient's legal guardian to release medical information to the patient's designated lay caregiver pursuant to the hospital's established procedures for releasing personal health information and in compliance with applicable state and federal law.

(5) If the patient or the patient's legal guardian declines to consent to the release of medical information to the patient's designated lay caregiver, the hospital shall promptly document that in the patient's medical record, and the hospital is considered to have complied with the provisions of this article.

(6) The hospital shall record the patient's designation of a lay caregiver, the relationship of the lay caregiver to the patient, and the name and contact information of the patient's designated lay caregiver in the patient's medical record.

(b) A patient may elect to change his or her designated lay caregiver in the event that the originally designated lay caregiver becomes unavailable, unwilling or unable to care for the patient.

(c) Designation of a lay caregiver by a patient or a patient's legal guardian pursuant to the provisions of this article does not obligate any individual to perform any aftercare tasks for the patient.

(d) This article does not require a patient or a patient's legal guardian to designate any individual as a lay caregiver as defined by this article.

§16-5X-3. Notification.

If a patient has designated a lay caregiver, a hospital shall notify the patient's designated lay caregiver of the patient's discharge to the patient's residence as soon as possible. If the hospital is unable to contact the designated lay caregiver, the lack of contact may not interfere with, delay or otherwise affect the medical care provided to the patient, or an appropriate discharge of the patient. The hospital shall promptly document that in the patient's medical record, and the hospital is considered to have complied with the provisions of this section.

§16-5X-4. Discharge.

(a) As soon as possible and, in any event, upon issuance of a discharge order by the patient's attending physician, the hospital shall consult with the designated lay caregiver along with the patient regarding the lay caregiver's capabilities and limitations and issue a discharge plan that describes a patient's after-care needs at his or her residence. At minimum, a discharge plan shall include:

(1) The name and contact information of the lay caregiver designated under this article;

(2) A description of all after-care tasks necessary to maintain the patient's ability to reside at home, taking into account the capabilities and limitations of the lay caregiver; and

(3) Contact information for any health care, community resources and long-term services and supports necessary to successfully carry out the patient's discharge plan.

(b) The hospital issuing the discharge plan shall provide the lay caregiver with instruction in all after-care tasks described in the discharge plan. At minimum, the instruction shall include:

(1) Education and instruction of the lay caregiver by a hospital employee or individual with whom the hospital has a contractual relationship authorized to perform the after care task in a manner that is consistent with current accepted practices and is based on an assessment of the lay caregiver's learning needs;

(2) An opportunity for the lay caregiver and patient to ask questions about the after-care tasks; and

(3) Answers to the lay caregiver's and patient's questions provided in a competent manner and in accordance with the hospital's requirements to provide language access services under state and federal law.

(c) Any instruction required under this article shall be documented in the patient's medical record, including, at minimum, the date, time, and contents of the instruction.

§16-5X-5. Exceptions and immunity.

(a) This article may not be construed to interfere with the rights of a person legally authorized to make health care decisions as provided in article thirty, chapter sixteen of this code.

(b) A hospital, hospital employee, or a duly authorized agent of the hospital who acts pursuant to this article is immune from liability for any civil action arising out of an act or omission resulting from his or her actions unless the act or omission was the result of gross negligence or willful misconduct.

§16-5X-6. Funding.

State or federal dollars may not be used for payment to any lay caregiver as defined in this article after discharge from a hospital. No state or federal program funding shall be impacted by this article.”

The bill was then ordered to engrossment and third reading.

H. B. 2535, Relating generally to suicide prevention training; 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 three, 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 §18-2-40; that said code be amended by adding thereto a new section, designated §18B-1B-7; that said code be amended by adding thereto a new article, designated §27-6-1, all to read as follows:

CHAPTER 18. EDUCATION.**ARTICLE 2. STATE BOARD OF EDUCATION.****§18-2-40. Suicide prevention awareness training; dissemination of information.**

On or before September 1, 2015 and each year thereafter, a public middle and high school administrator shall disseminate and provide opportunities to discuss suicide prevention awareness information to all middle and high school students. The information may be obtained from the Bureau for Behavioral Health and Health Facilities or from a commercially developed suicide prevention training program approved by the State Board of Education in consultation with the bureau to assure the accuracy and appropriateness of the information.

CHAPTER 18B. HIGHER EDUCATION.**ARTICLE 1B. HIGHER EDUCATION POLICY COMMISSION.****§18B-1B-7. Student mental health policies; suicide prevention.**

(a) Each public and private institution of higher education shall develop and implement a policy to advise students and staff on suicide prevention programs available on and off campus that includes, but is not limited to:

(1) Crisis intervention access, which includes information for national, state and local suicide prevention hotlines;

(2) Mental health program access, which provides information on the availability of local mental health clinics, student health services and counseling services;

(3) Multimedia application access, which includes crisis hotline contact information, suicide warning signs, resources offered and free-of-cost applications;

(4) Student communication plans, which consist of creating outreach plans regarding educational and outreach activities on suicide prevention; and

(5) Post intervention plans which include creating a strategic plan to communicate effectively with students, staff and parents after the loss of a student to suicide.

(b) Each public and private institution of higher education shall provide all incoming students with information about depression and suicide prevention resources available to students. The information provided to students shall include available mental health services and other support services, including student-run organizations for individuals at risk of or affected by suicide.

(c) The information prescribed by subsection (a), subdivisions (1) through (4) of this section shall be posted on the website of each institution of higher education in this state.

(d) Any applicable free-of-cost prevention materials or programs shall be posted on the websites of the public and private institutions of higher education, the Higher Education Policy Commission, and the West Virginia Council for Community and Technical College Education.

CHAPTER 27. MENTALLY ILL PERSONS.

ARTICLE 6. SUICIDE PREVENTION AND AWARENESS.

§27-6-1. Dissemination of information.

(a) The Bureau for Behavioral Health and Health Facilities shall, on or before August 1, 2015, post on its website suicide prevention awareness information, to include recognizing the warning signs of a suicide crisis. The website shall include information related to suicide prevention training opportunities offered by the bureau or an agency recognized by the bureau as a training provider.

(b) The bureau may assist the public middle and high school administrators in providing suicide prevention information to students in the public middle and high schools.

(c) The bureau shall annually review, for adequacy and completeness, the materials or programs posted on the websites of the institutions of higher education as required by section seven, article one-b, chapter eighteen-b of this code.”

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 2586, Allowing for an alternative form of service of process in actions against nonresident persons by petitioners seeking domestic violence or personal safety relief; on second reading,

coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2607, Relating to the violation of interfering with emergency services communications and clarifying penalties; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

FIRST READING

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

Com. Sub. for S. B. 255, Eliminating certain boards, councils, committees, panels, task forces and commissions,

H. B. 2461, Relating to delinquency proceedings of insurers,

H. B. 2492, Repealing the requirement that an entity charging admission to view certain closed circuit telecast or subscription television events needs to obtain a permit from the State Athletic Commission,

H. B. 2625, Continuing the current hazardous waste management fee,

Com. Sub. for H. B. 2702, Redefining service personnel class titles of early childhood classroom assistant teacher,

And,

H. B. 2726, Clarifying choice of laws issues in product's liability actions.

LEAVES OF ABSENCE

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

At 12:49 P.M., on motion of Delegate Cowles, the House of Delegates recessed until 6:00 P.M.

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EVENING SESSION

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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 Storch, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

H. B. 2189, Permitting counties to adopt certain ordinances relating to dogs and cats,

And,

H. B. 2524, Changing the Martinsburg Public Library to the Martinsburg-Berkeley County Public Library,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2189 and H. B. 2524) were each referred to the Committee on the Judiciary.

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

Your Committee on Government Organization has had under consideration:

H. B. 2432, Relating to the licensure requirements to practice pharmacist care,

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

Com. Sub. for H. B. 2432 - "A Bill to amend and reenact §30-5-9 of the Code of West Virginia, 1931, as amended, relating to the licensure requirements to practice pharmacist care."

With the recommendation that the committee substitute do pass.

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

Your Committee on Government Organization has had under consideration:

H. B. 2272, Relating to the authority of the Board of Pharmacy,

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

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

Your Committee on Government Organization has had under consideration:

Com. Sub. for S. B. 378, Relicensing electricians without retesting under certain circumstances,

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

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

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

H. B. 2118, Relating to school nutrition standards during a state of emergency or state of preparedness,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Education.

In accordance with the former direction of the Speaker, the bill (H. B. 2118) was referred to the Committee on Education.

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

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

H. B. 2179, Providing a discount on state campground rentals for veterans,

And,

H. B. 2597, Exempting all monetary benefits derived from military retirement from personal income tax obligations,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2179 and H. B. 2597) were each referred to the Committee on Finance.

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:

Com. Sub. for H. C. R. 20, The Virginia and U.S. Army Major Woodrow Cook Memorial Road,

H. C. R. 30, The Baisden Family Memorial Bridge,

Com. Sub. for H. C. R. 36, The US Army SPC David H. Stamper Memorial Bridge,

H. C. R. 37, The US Army PV2 Eskridge A. Waggoner Memorial Bridge,

H. C. R. 38, The Captain John Bond and the West Virginia State Troopers Memorial Bridge,

And,

H. C. R. 46, The U.S. Army SSG James C. Vickers and U.S. Marine Corps PFC Randall Carl Phelps Memorial Bridge,

With the recommendation that they each be adopted.

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. 298, Clarifying funds within Public Employees Retirement Fund,

S. B. 302, Relating to state retirement plans,

H. B. 2545, Relating to reimbursement of certification fee for National Board for Professional Teaching Standards certification,

H. B. 2626, Relating to use of the Abandoned Land Reclamation Fund,

And,

H. B. 2663, Creating the Rehabilitation Services Vending Program Fund,

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

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

Your Committee on Finance has had under consideration:

S. B. 299, Clarifying start date of State Police duty-related disability payments,

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

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

Your Committee on the Judiciary has had under consideration:

H. B. 2054, Relating to the right of the landlord of commercial premises to terminate the lease under certain circumstances,

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

Delegate McCuskey, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 18th day of February, 2015, presented to His

Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

(H. B. 2201), Requiring the Public Service Commission to adopt certain net metering and interconnection rules and standards.

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

Your Committee on Finance has had under consideration:

H. B. 2139, Relating to employment of retired teachers as substitutes in areas of critical need and shortage for substitutes,

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

Com. Sub. for H. B. 2139 - "A Bill to amend and reenact §18A-2-3 of the Code of West Virginia, 1931, as amended, relating to employment of retired teachers as substitutes in areas of critical need and shortage for substitutes; requiring days of retirement before instructional term employed as substitute; requiring electronic posting of vacancy; requiring preemployment submission of information to, and verification of compliance by, state board prior to submission to retirement board; resetting expiration date of provisions; and making other technical improvements,"

H. B. 2187, Encouraging public officials to display the national motto on all public property and public buildings,

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

Com. Sub. for H. B. 2187 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-6-17, relating to patriotic displays at public buildings; allowing for the national motto, 'In God We Trust', to be displayed on

public buildings; allowing for the display of the POW-MIA flag at public buildings; and requiring the State Building Commission to develop guidelines for appropriate display of the motto and flag.”

H. B. 2505, Relating to retirement system participation and concurrent employment provisions,

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

Com. Sub. for H. B. 2505 - “A Bill to amend and reenact §5-10-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §7-14D-5 of said code; to amend and reenact §8-22A-6 of said code; to amend and reenact §15-2A-3 of said code; to amend and reenact §16-5V-6 of said code; and to amend and reenact §18-7A-13 of said code, all relating to retirement system participation; clarifying that police officers and firefighters hired after a certain date are members of the West Virginia Municipal Police and Firefighters Retirement System; clarifying that members first employed in covered employment in the West Virginia Deputy Sheriffs Retirement System, West Virginia Municipal Police Officers and Firefighters Retirement System or the West Virginia Emergency Medical Services Retirement System shall participate in only one retirement system administered by the Consolidated Public Retirement Board in which the member has the earliest date of hire; and specifying that members of the Public Employees Retirement System, the State Police Retirement System and the Teachers’ Retirement System who are employed in an additional job that requires membership in the West Virginia Deputy Sheriff Retirement System, the West Virginia Municipal Police Officers and Firefighters Retirement System or the West Virginia Emergency Medical Services Retirement System shall abide by the concurrent employment provisions of said system and participate in only one system administered by the Consolidated Public Retirement Board,”

H. B. 2507, Relating to membership provisions in the West Virginia Municipal Police and Firefighters Retirement System,

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

Com. Sub. for H. B. 2507 – “A Bill to amend and reenact §8-22A-2 and §8-22A-6 of the Code of West Virginia, 1931, as amended, all relating to membership provisions in the West Virginia Municipal Police and Firefighters Retirement System,”

And,

H. B. 2562, Relating to sales tax increment financing,

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

Com. Sub. for H. B. 2562 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-22-7a, relating to sales tax increment financing; authorizing recalculation of the base tax revenue amount, subject to specified limitations; specifying that, upon written request of the county commission, filed not later than April 30, 2015, with the Development Office, base tax revenue amounts greater than \$1 million for a given district may be recalculated; specifying limitations on changes to the base tax revenue amount; specifying that the recalculated base tax revenue amount shall be used to determine the net annual district tax revenue amount for the district beginning on July 1, 2015; specifying that decrease to base tax revenue amount upon recalculation is limited to \$1 million dollars; specifying that no adjustment, refund, payment or repayment of special district excise tax, or consumers sales and service tax and use tax, or net annual district tax revenue amount, or accrual thereof, attributable to periods prior to July 1, 2015, shall change the base tax revenue amount as recalculated; providing for the sharing of certain information respecting the district; defining terms; specifying that, if tax revenues in a sales tax increment financing district are deficient, such that the amount withheld in any month is insufficient to fully recover the base tax revenue amount

attributable to that month, that such deficit shall be carried forward to subsequent months until the base tax revenue amount deficit is paid; and specifying that any unpaid deficit carried forward shall be discharged and set at zero on the first day of each fiscal year,”

With the recommendation that the committee substitutes each do pass.

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

Your Committee on Finance has had under consideration:

H. B. 2770, Making a supplementary appropriation from the State Fund, State Excess Lottery Revenue Fund, to the Division of Human Services,

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

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

Your Committee on Finance has had under consideration:

H. B. 2291, Enterprise Resource Planning Board to promulgate a legislative rule relating to the enterprise resource planning system user fee,

And,

H. B. 2357, Secretary of State, relating to a schedule of fees for notaries public,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2291 and H. B. 2357) were each referred to the Committee on the Judiciary.

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

Your Committee on Education has had under consideration:

H. B. 2140, Building governance and leadership capacity of county board during period of state intervention,

And,

H. B. 2632, Exempting the procurement of certain instructional materials for use in and in support of public schools from the Division of Purchasing requirements,

And reports the same back with the recommendation that they each do pass, and with the recommendation that second reference of the bills to the Committee on Finance be dispensed with.

In the absence of objection, reference of the bills (H. B. 2140 and H. B. 2632) to the Committee on Finance was abrogated.

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

Your Committee on Education has had under consideration:

H. B. 2598, Ensuring that teachers of students with disabilities receive complete information about the school's plan for accommodating the child's disabilities,

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

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

Your Committee on Education has had under consideration:

H. B. 2669, Relating to compulsory tuberculosis testing,

And reports the same back with the recommendation that it do pass, and with the recommendation that second reference of the bill to the Committee on Health and Human Resources be dispensed with.

In the absence of objection, reference of the bill (H. B. 2669) to the Committee on Health and Human Resources was abrogated.

MESSAGES FROM THE SENATE

A message from the Senate, by

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

Com. Sub. for S. B. 277 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5-20a, relating to a certificate of birth resulting in stillbirth”; 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. 286 - “A Bill to amend and reenact §16-3-4 and §16-3-5 of the Code of West Virginia, 1931, as amended, all relating generally to mandatory immunizations; setting forth immunization dosage levels; adding required immunizations; providing medical and religious exemptions from mandatory immunizations for school children; requiring parents and guardians to assert their beliefs in affidavit; providing that affidavit be provided before exemption applies; allowing removal of students who are not immunized from school in times of emergency or epidemic; granting legislative rule-

making authority to the Secretary of the Department of Health and Human Resources to add or delete diseases for which vaccines are required for school attendance, to develop necessary forms and to create process for reviewing any verification of affidavits for completeness; nullifying an interpretive rule and any action taken pursuant to the interpretive rule; modifying the Immunization Advisory Committee; and establishing a chair of the committee"; which was referred to the Committee on Health and Human Resources then the Judiciary.

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

RESOLUTIONS INTRODUCED

Delegates McCuskey and Shott offered the following resolution, which was read by the Clerk as follows:

H. C. R. 74 - "Extending the Committee of Conference relating to consideration of Com. Sub. for H. B. 2002, Predicating actions for damages upon principles of comparative fault."

Resolved by the Legislature of West Virginia:

That pursuant to Rule No. 3 of the Joint Rules of the Senate and House of Delegates, the Committee of Conference is hereby extended for a period of three days for the express purpose of consideration of matters of disagreement between the two houses as to Com. Sub. for H. B. 2002.

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the resolution (H. C. R. 74) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

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

MISCELLANEOUS BUSINESS

Delegate Frich filed forms with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2626 and H. B. 2663.

Delegate Ihle filed forms with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2021 and H. B. 2116.

Delegate Pasdon filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2496.

Delegate Zatezalo filed a written notice with the Clerk's Office that he was absent when the votes were taken on Roll Nos. 84 and 85, and that had he been present, he would have voted "YEA" thereon.

At 6:20 P.M., the House of Delegates adjourned until 11:00 A.M., Thursday, February 19, 2015.

THURSDAY, FEBRUARY 19, 2015

THIRTY-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 Wednesday, February 18, 2015, being the first order of business, when the further reading thereof was dispensed with and the same approved.

REORDERING OF THE CALENDAR

Delegate Cowles announced that the Committee on Rules had transferred H. B. 2646, on second reading, House Calendar, to the Special Calendar.

COMMITTEE REPORTS

Delegate Ellington, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2493, Relating to requirements for insurance policies and contracts providing accident and sickness insurance or direct health care services that cover anti-cancer medications,

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

Com. Sub. for H. B. 2493 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-15-4l; to amend said code by adding thereto a new section, designated §33-16-3x; to amend said code by adding thereto a new section, designated §33-24-7m; to amend said code by adding thereto a new section, designated §33-25-8j; and to amend said code by adding thereto a new section, designated §33-25A-8l, all relating to anti-cancer medications; providing accident and sickness insurance cover anti-cancer medications; providing direct health care services that cover anti-cancer medications; prohibiting certain copayments, deductibles or coinsurance for orally administered anti-cancer medications; prohibiting certain acts to comply with the requirements; defining terms; providing an effective date; and allowing cost containment measures,”

And,

H. B. 2662, Eye Care Consumer Protection Law,

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

Com. Sub. for H. B. 2662 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-8a-1; §30-8a-2; §30-8a-3; §30-8a-4 and §30-8a-5, all relating to the practice of optometry; defining certain terms; providing that contact lenses require a prescription that must be performed by a licensee; providing that spectacles require a prescription that must be performed by a licensee; requiring certain actions to be taken with regard to prescriptions; prohibiting the dissemination of contact lenses without a prescription from a licensee; prohibiting the dissemination of spectacles without a prescription from a licensee; providing the board to enforce this article; allowing the board to promulgate rules; and providing criminal penalties,”

With the recommendation that the committee substitutes each do pass.

Delegate Ellington, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

S. B. 267, Repealing code relating to Governor's Office of Health Enhancement and Lifestyle Planning,

And,

H. B. 2047, Continuing the fraud control unit in the Medicaid Fraud Control Unit,

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

In accordance with the former direction of the Speaker, the bills (S. B. 267 and H. B. 2047) were each referred to the Committee on the Judiciary.

Delegate Overington, Chair of the Committee on Industry and Labor, submitted the following report, which was received:

Your Committee on Industry and Labor has had under consideration:

Com. Sub. for S. B. 12, Relating to payment of separated employee's outstanding wages,

And reports the same back, as amended, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 12) was referred to the Committee on Finance.

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. 2457, Prohibiting the use of the name or likeness of elected or appointed officials on publicly-owned vehicles,

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

Com. Sub. for H. B. 2457 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §6B-2-5c, relating to prohibiting the use of the name or likeness of a public official on publicly-owned vehicles; prohibiting a public official from placing his or her name or likeness on trinkets paid for with public funds; prohibiting a public official from using public funds to distribute certain advertising materials bearing his or her name or likeness; prohibiting a public official from using public funds or public employees for entertainment purposes within forty-five days of a primary, general, or special election in which the public official is a candidate; defining terms; making exceptions; and permitting the Ethics Commission to promulgate rules.”

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. 2240, Providing that an act of domestic violence or sexual offense by strangling is an aggravated felony offense,

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

Com. Sub. for H. B. 2240 - “A Bill to amend and reenact §61-2-9 of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-8B-1 and §61-8B-3 of said code, all relating to crimes

against the person; providing that strangling is an aggravated felony offense; defining strangling; providing that a sexual offense by strangling is an aggravated felony offense; and providing criminal penalties,”

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

In accordance with the former direction of the Speaker, the bill (Com. Sub. for H. B. 2240) was referred to the Committee on Finance.

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. 2648, Allowing authorized entities to maintain a stock of epinephrine auto-injectors to be used for emergency,

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

Com. Sub. for H. B. 2648 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-46-1, §16-46-2, §16-46-3, §16-46-4 and §16-46-5, all relating to availability and use of epinephrine auto-injectors; providing definitions; providing for legislative rules; providing for training; providing prescriptive authority to health care practitioners in certain circumstances; providing authority to pharmacists to dispense epinephrine auto-injectors in certain circumstances; providing for the storage and emergency use of epinephrine auto-injectors; providing that in certain circumstances the use of epinephrine auto-injectors is not the practice of medicine; providing that in certain circumstances one authorized to prescribe, possess or train regarding epinephrine auto-injectors are not liable for civil damages; and further providing that certain individuals who administer an epinephrine auto-injector to

a person is immune from liability for civil action unless the act or omission was grossly negligent or willful misconduct,”

With the recommendation that the committee substitute do pass.

Delegate Ellington, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2733, Removing certain combinations of drugs containing hydrocodone from Schedule III of the Controlled Substances Law,

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

In the absence of objection, reference of the bill (H. B. 2733) to the Committee on the Judiciary was abrogated.

MESSAGES FROM THE EXECUTIVE

Mr. Speaker, Mr. Armstead, presented a communication from His Excellency, the Governor, advising that on February 18, 2015, he approved **H. B. 2138**, **Com. Sub. for H. B. 2217** and **Com. Sub. for H. B. 2227**.

MESSAGES FROM THE SENATE

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, to take effect from passage, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 2004, Providing a procedure for the development of a state plan under section 111(d) of the Clean Air Act.

On motion of Delegate Cowles, the bill was taken up for immediate consideration.

The following Senate amendments were reported by the Clerk:

On page five, section twenty, line sixty, after the word “practicable” and the period, by adding the following:

“Such state plan shall be on a unit-specific performance basis and shall be based upon either a rate-based model or a meter-based model.”

And,

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

Com. Sub. for H. B. 2004 - “A Bill to amend and reenact §22-5-20 of the Code of West Virginia, 1931, as amended, relating to the development of a state plan under Section 111(d) of the Clean Air Act; setting forth legislative findings; prohibiting submission of a state plan without authority; requiring the Department of Environmental Protection to study the feasibility of a state plan; requiring the Department of Environmental Protection to submit a report to the Legislature determining whether a state plan is feasible; allowing for the development of a proposed state plan; requiring the state plan to be on a unit-specific basis; allowing for the plan to be on either a rate-based or meter-based standard; allowing for legislative review and consideration prior to submission of a state plan to the Environmental Protection Agency; and creating exceptions to the legal effect of the state plan.”

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

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 108**), and there were—yeas 93, nays 4, absent and not voting 3, with the nays and absent and not voting being as follows:

NAYS: Fleischauer, Guthrie, Pushkin and Skinner.

ABSENT AND NOT VOTING: Hanshaw, McCuskey and Moore.

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. 2004) passed.

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

On this question, the yeas and nays were taken (**Roll No. 109**), and there were—yeas 93, nays 4, absent and not voting 3, with the nays and absent and not voting being as follows:

NAYS: Fleischauer, Guthrie, Pushkin and Skinner.

ABSENT AND NOT VOTING: McCuskey, Moore and Shott.

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 H. B. 2004) takes effect from its passage.

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 adopted, without amendment, a resolution of the House of Delegates as follows:

H. C. R. 74, Extending the Committee of Conference relating to consideration of Com. Sub. for H. B. 2002.

RESOLUTIONS INTRODUCED

Delegates J. Nelson, Statler, R. Phillips, McGeehan, R. Smith, Marcum, Wagner, P. Smith, Ihle, Eldridge and H. White offered the following resolution, which was read by its title and referred to the Committee on Industry and Labor then Rules:

H. C. R. 75 - “Urging Joe Main, the Assistant Secretary for the Mine Safety and Health Administration (‘MSHA’) to reverse the agency’s practice of requiring dust scrubbers on continuous mining machines be turned off in certain circumstances.”

WHEREAS, A recent study by National Institute of Safety and Health (“NIOSH”) concluded coal miners could be unnecessarily exposed to higher levels of respirable dust in a section in which a scrubber is not operating; and

WHEREAS, MSHA has not provided justification for the requirement to turn off scrubbers in certain circumstances; and

WHEREAS, MSHA should take immediate and concrete steps to make the issue of scrubbers an immediate priority for the sake of miners’ health; and

WHEREAS, Miners deserve access to the cleanest air that technology can provide; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature urges Joe Main, the Assistant Secretary for Mine Safety & Health (“MSHA”) to reverse the agency’s practice of requiring dust scrubbers on continuous mining machines be turned off in certain circumstances and for the West Virginia Office of Health Safety and Training to additionally urge MSHA to allow machine mounted scrubbers to be used without restriction; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to Joe Main, the Assistant Secretary for MSHA, Eugene White, Director of the Office of Miners’ Health, Safety and Training, the President of the United States, members of the West Virginia congressional delegation, the Majority Leader of the United States Senate and the Speaker of the United States House of Representatives.

Delegates Eldridge, R. Phillips, Marcum, Moffatt, Rodighiero, Perdue, H. White and Hicks offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 76 - “Requesting the Division of Highways to name bridge on Route 37, bridge number 22-37-4.35 (22A059) latitude 38.10346, longitude -82.17775, in Lincoln County, locally known as East Fork Bridge, as the ‘U.S. Army PFC Cornelious Wiley Memorial Bridge’.”

WHEREAS, Cornelious Wiley was born May 24, 1921, in Ranger, Lincoln County, West Virginia; and

WHEREAS, Cornelious Wiley served in the Army 80th Division, 905th Field Artillery Battalion; and

WHEREAS, Cornelious Wiley died serving his country on September 1, 1944; and

WHEREAS, It is fitting to honor Cornelious Wiley’s life and service by naming the bridge at the mouth of Barberry Road after him; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Division of Highways to name bridge on Route 37, bridge number 22-37-4.35 (22A059) latitude 38.10346, longitude -82.17775, in Lincoln County, locally known as East Fork Bridge, as the “U.S. Army PFC Cornelious Wiley Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U.S. Army PFC Cornelious Wiley 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 Cornelious Wiley's surviving relatives.

Delegates Howell, Mr. Speaker, Mr. Armstead, Anderson, Arvon, Blair, Border, Butler, Cadle, Canterbury, Cooper, Cowles, Duke, D. Evans, Folk, Frich, Hamilton, Hamrick, Hartman, Householder, Ihle, Kelly, Kessinger, Longstreth, McGeehan, Miley, Miller, Morgan, Overington, Pasdon, Perry, R. Phillips, Pushkin, Reynolds, Rowan, P. Smith, Stansbury, Statler, Walters, Weld, Westfall and Williams offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 77 - "Designating the second Friday in July as West Virginia Collector Car Appreciation Day."

WHEREAS, The collection and restoration of historic and classic cars is an important part of preserving the technological achievements and cultural heritage of West Virginia. Many people in this state maintain classic automobiles as a pastime and do so with great passion and as a means of individual expression; and

WHEREAS, It is important to recognize the effect that the more than 100-year history of the automobile has had on the economic progress of the United States and to support wholeheartedly all activities involved in the restoration and exhibition of classic automobiles. The collection, restoration and preservation of automobiles is an activity shared across generations and across all segments of society. Hundreds of local car clubs and related businesses have been instrumental in preserving a historic part of the heritage of West Virginia by encouraging the restoration and exhibition of such vintage works of art; and

WHEREAS, Automotive restoration provides well-paying, high-skilled jobs for people throughout West Virginia as well as providing the inspiration for music, photography, cinema, fashion and other artistic pursuits that have become part of the culture of West Virginia; therefore, be it

Resolved by the Legislature of West Virginia:

That the second Friday in July be designated as West Virginia Collector Car Appreciation Day.

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

H. C. R. 78 - "Requesting the Division of Highways to name the stretch of road beginning at the Town of Wayne, mile post 16.0, and running to the Lincoln County line in Wayne County, mile post 38.0, the 'Darrell W. Sanders Memorial Highway'."

WHEREAS, Darrell W. Sanders was born in Wayne, West Virginia on October 6, 1945, where he grew up and was educated in the local schools. He held the rank of SP4 in the United States Army when he was killed in Vietnam on November 17, 1965, at the age of twenty years; and

WHEREAS, His service and ultimate sacrifice to his country, state and county should not go unnoticed; and

WHEREAS, Naming the stretch of road in Wayne County, the "Darrell W. Sanders Memorial Highway" is an appropriate recognition of his service and sacrifice; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the stretch of road beginning at the Town of Wayne, mile post 16.0, and running to the Lincoln County line in Wayne County, mile post 38.0, the "Darrell W. Sanders Memorial Highway"; and, be it

Further Resolved, That the Division of Highways is requested to have made and be placed signs identifying the road running to the Lincoln County line in Wayne County, the "Darrell W. Sanders Memorial Highway"; 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 the surviving family of Darrell W. Sanders.

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

H. C. R. 79 - "Requesting the Division of Highways to name bridge number 52-15-8.43 (39.579426, -80.591794), locally known as the Willey Fork Bridge, carrying county Route 15/17 over Willey Fork in Wetzel County, the 'U.S. Army PFC Junior David Starkey Memorial Bridge'."

WHEREAS, Junior David Starkey was born on August 24, 1932, to David D. and Myrtle Dulaney Starkey in Wetzel County, West Virginia, and was a lifelong resident of Pine Grove, West Virginia; and

WHEREAS, Junior David Starkey entered the United States Army and served in the Second Infantry Division of the 15th Field Artillery in the Korean Conflict, with the rank of Private First Class; and

WHEREAS, PFC Junior David Starkey was killed in action in service to his country at the age of eighteen years, five months and nineteen days; and

WHEREAS, PFC Junior David Starkey received numerous medals and citations for his service including the Korean Presidential Unit Citation, United Nations Service Medal, Korean Service Medal, National Defense Medal and the award of the Purple Heart; and

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

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 52-15-8.43 (39.579426, -80.591794), locally known as the Willey Fork Bridge, carrying county Route 15/17 over Willey Fork in Wetzel County, the “U.S. Army PFC Junior David Starkey 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 PFC Junior David Starkey Memorial Bridge”; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Commissioner of the Division of Highways and to the family of the late PFC Junior David Starkey.

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

By Delegate Cowles:

H. J. R. 25 - “Proposing an amendment to the Constitution of the State of West Virginia, amending section one-b, article ten thereof, relating to exempting veterans who are one hundred percent disabled from paying ad valorem real property taxes; 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.

By Delegates Lane and Shott:

H. J. R. 26 - “Proposing an amendment to the Constitution of the State of West Virginia, amending section three, article VI thereof; and amending section one, article VII thereof; and amending section two, article VIII thereof, all relating to limiting the terms of office of Senators and Delegates, Governor, Secretary of State, Auditor, Treasurer, Commissioner of Agriculture and Attorney General; numbering and designating such proposed amendment; and providing

a summarized statement of the purpose of such proposed amendment”; to the Committee on the Judiciary.

BILLS INTRODUCED

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

By Delegates Miller, Sobonya, Border, Rohrbach, Folk and Eldridge:

H. B. 2813 - “A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to motor vehicle registration generally; providing for the issuance of a special ‘Family of an Officer Killed in the Line of Duty’ license plate; and assessing a special initial application fee and an annual fee”; to the Committee on Roads and Transportation then Finance.

By Delegates Pasdon, Statler, Kurcaba, Reynolds, Miller, Morgan, Westfall, Walters, Ashley and McCuskey:

H. B. 2814 - “A Bill to amend and reenact §5-16-4 of the Code of West Virginia, 1931, as amended, relating to expanding membership of the Public Employees Insurance Agency Finance Board”; to the Committee on Finance.

By Delegates Pasdon, Statler, Duke, Reynolds, Sobonya, Ellington, Rohrbach, Fleischauer, Miller, Morgan and Kurcaba:

H. B. 2815 - “A Bill to amend and reenact §12-1-12d of the Code of West Virginia, 1931, as amended, relating to authorizing certain state institutions of higher education to invest unlimited funds with their respective nonprofit foundations”; to the Committee on Education then Finance.

By Delegates R. Phillips, Stansbury, R. Smith, Bates, Walters, H. White, Reynolds, Eldridge, Moffatt, J. Nelson and Perdue:

H. B. 2816 - “A Bill to amend and reenact §22-3-11 of the Code of West Virginia, 1931, as amended, relating to the eligibility of a mine

operator to receive a tax credit for performing reclamation or remediation at a bond forfeiture site which otherwise would have been reclaimed using funds from the Special Reclamation Fund or Special Reclamation Water Trust Fund”; to the Committee on Energy then Finance.

By Delegates Hicks, Rodighiero, Pushkin, Fleischauer, Lynch, Perdue, Eldridge, Morgan, Perry, Campbell and Byrd:

H. B. 2817 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-5-14b, relating to providing for security of private, employer-sponsored insurance and/or retirement plans”; to the Committee on the Judiciary then Finance.

By Delegate Walters:

H. B. 2818 - “A Bill to amend and reenact §6-6-7 of the Code of West Virginia, 1931, as amended, relating to increasing the threshold of signatures of named petitioners required to bring a petition seeking removal of a public official”; to the Committee on the Judiciary.

By Delegates Rowe, Miley, Guthrie, Lynch and Shott:

H. B. 2819 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29A-5-6, relating generally to contested cases under the Administrative Procedures Act; providing authority to waive penalties for violations of administrative rules determined to be *de minimis*; providing for self-reporting; providing that self-reporting may obviate findings or mitigate penalties; providing for advance ruling by an agency to clarify whether a specific action would be considered a violation of a rule; providing immunity to the person in receipt of an advance ruling who relies on the ruling in good faith; defining ‘*de minimis*’”; to the Committee on the Judiciary then Finance.

By Delegates Shott, Manchin and Foster:

H. B. 2820 - “A Bill to amend and reenact §38-2-21 and §38-2-34 of the Code of West Virginia, 1931, as amended, all relating to

affirmative defenses against mechanics' liens; and providing that property owners of single family dwellings or residences are not entitled to affirmative defenses to mechanics' liens if notice is timely given of the liability for unpaid bills for work performed of materials supplied"; to the Committee on the Judiciary.

By Delegates R. Smith, Butler, Wagner, Eldridge, L. Phillips, D. Evans, Miller, Border, Longstreth and Caputo:

H. B. 2821 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60-4-24, relating to implementing a surcharge on licensed exotic entertainment facilities and adult bookstores to provide funding for rape information and prevention services and rape crisis centers; findings; reporting requirements; creating the Sexual Assault Fund to End Rape; providing for the dispersal of grants for rape information and prevention services and rape crisis centers; providing for rule-making; defining a term; and providing for a civil penalty"; to the Committee on Finance.

By Delegates R. Smith, J. Nelson, Butler, Wagner, Anderson, Ambler, D. Evans, Cadle, Hartman, R. Phillips and Gearheart:

H. B. 2822 - "A Bill to amend and reenact §20-2-5 of the Code of West Virginia, 1931, as amended, relating to prohibiting, from March 1 through June 30, the training of dogs to be used in hunting bears under certain circumstances"; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates Walters, Blair, Upson, Ireland, R. Phillips, H. White, J. Nelson, Hanshaw, E. Nelson, Boggs and Caputo:

H. B. 2823 - "A Bill to amend and reenact §11-13-2d of the Code of West Virginia, 1931, as amended, relating to eliminating the street and interurban and electric railways tax"; to the Committee on Finance.

By Delegates J. Nelson, R. Phillips, McGeehan, Longstreth, Blair, Perdue, R. Smith, Folk and Moffatt:

H. B. 2824 - "A Bill to amend and reenact §18-2-9 of the Code of West Virginia, 1931, relating to required courses of instruction in

schools; and requiring the instruction in penmanship and writing in cursive in all public, private, parochial and denominational schools located within this state”; to the Committee on Education.

By Delegates Walters, H. White, Stansbury, Williams, Canterbury, Bates, Boggs, A. Evans, R. Phillips, Reynolds and Rowe:

H. B. 2825 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-24, relating to requiring the Department of Health and Human Resources to review rates it pays to care providers and to increase direct care rates to compensate for an increase in the state’s minimum wage”; to the Committee on Health and Human Resources then Finance.

By Delegates Butler, Trecost, J. Nelson, Eldridge, Longstreth, Boggs, Summers, Wagner, R. Smith, Perdue and Zatezalo:

H. B. 2826 - “A Bill to amend and reenact §17-4-49 of the Code of West Virginia, 1931, as amended, relating to access from commercial, industrial or mercantile purposes; requiring that the Commissioner of the Division of Highways approve points of access to and from state highways to real property used or to be used for commercial, industrial or mercantile purposes; designating the method of notifying the public where parking is prohibited on such accesses to and from highways or rights-of-way; providing misdemeanor penalty for violations and a felony penalty for violations resulting in injury or death; and designating this as ‘Sarah Nott’s Law’”; to the Committee on the Judiciary.

By Delegates Howell, McGeehan, Faircloth, Folk, Rohrbach, Hamrick, Storch, Zatezalo, Azinger, Duke and Hill:

H. B. 2827 - “A Bill to repeal §16-5Q-2 and §16-5Q-4 of the Code of West Virginia, 1931, as amended, and to amend and reenact §16-5Q-1, relating to the James ‘Tiger’ Morton Catastrophic Illness Fund; abolishing the fund and requiring that all appropriations to the fund be deposited in the State’s General Fund”; to the Committee on Government Organization then Finance.

By Delegates Cowles, Storch, Miller, Border, Shott and Upson:

H. B. 2828 - “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 closed circuit television”; to the Committee on the Judiciary.

By Delegates Householder, Summers, Sobonya, Campbell, Fleischauer and Rodighiero:

H. B. 2829 - “A Bill to amend and reenact §16-5-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §16-5-10a, all relating to defining ‘midwife’, ‘certified midwife’ and ‘midwifery’; and requiring persons practicing midwifery in the State of West Virginia to make an annual report to the Bureau of Public Health as prescribed by the Section of Vital Statistics”; to the Committee on Health and Human Resources.

SPECIAL CALENDAR

UNFINISHED BUSINESS

The following resolutions, coming up in regular order, as unfinished business, were reported by the Clerk and adopted:

Com. Sub. for H. C. R. 20, The Virginia and U. S. Army Major Woodrow Cook Memorial Road,

H. C. R. 30, The Baisden Family Memorial Bridge,

Com. Sub. for H. C. R. 36, The US Army SPC David H. Stamper Memorial Bridge,

H. C. R. 37, The U. S. Army PV2 Eskridge A. Waggoner Memorial Bridge,

H. C. R. 38, The Captain John Bond and the West Virginia State Troops Memorial Bridge,

And,

H. C. R. 46, The U. S. Army SSG James C. Vickers and U. S. Marine Corps PFC Randall Carl Phelps Memorial Bridge.

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

THIRD READING

Com. Sub. for H. B. 2098, Authorizing those health care professionals to provide services to patients or residents of state-run veterans' facilities without obtaining an authorization to practice; 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. 110**), 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: McCuskey and Moore.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2098) 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. 2099, Extending the time of meetings of local levying bodies when meetings are delayed; 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. 111**), 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: McCuskey and Moore.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2099) passed.

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

H. B. 2100, Caregiver Advise, Record and Enable 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. 112**), 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: McCuskey and Moore.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2100) passed.

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

H. B. 2100 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-5X-1, §16-5X-2, §16-5X-3, §16-5X-4, §16-5X-5 and §16-5X-6, all relating to permitting hospital patients to designate a lay caregiver; providing definitions; requiring patient consent; requiring certain notation in medical records; permitting modifications to the lay caregiver designations; requiring certain notices to a lay caregiver; requiring hospital to consult with a lay caregiver to prepare for aftercare and to issue discharge plan; providing for circumstances in which hospital is unable to contact a lay caregiver; providing immunity; prohibiting certain construction; and prohibiting use of state or federal funds for payment of a lay caregiver.”

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

H. B. 2535, Relating generally to suicide prevention training; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 113**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: McCuskey, Moore and Walters.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2535) passed.

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

Com. Sub. for H. B. 2586, Allowing for an alternative form of service of process in actions against nonresident persons by petitioners seeking domestic violence or personal safety relief; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 114**), and there were—yeas 95, nays 1, absent and not voting 4, with the nays and absent and not voting being as follows:

NAYS: Sobonya.

ABSENT AND NOT VOTING: Hamrick, McCuskey, Moore and Walters.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2586) passed.

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

H. B. 2607, Relating to the violation of interfering with emergency services communications and clarifying penalties; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 115**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: McCuskey, Moore and Walters.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2607) passed.

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

SECOND READING

Com. Sub. for S. B. 255, Eliminating certain boards, councils, committees, panels, task forces and commissions; on second reading, coming up in regular order, was read a second time and ordered third reading.

H. B. 2461, Relating to delinquency proceedings of insurers; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2492, Repealing the requirement that an entity charging admission to view certain closed circuit telecast or subscription television events needs to obtain a permit from the State Athletic Commission; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2625, Continuing the current hazardous waste management fee; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2646, Legalizing and regulating the sale and use of fireworks; on second reading, coming up in regular order, was read a second time.

An amendment to the bill, offered by Delegate Hamrick, was reported by the Clerk on page ten, section four, line one, by striking out all of section four and renumbering the remaining sections.

On page eleven, section five, line seven, after the word “fee”, by inserting “not to exceed \$150”.

On page twelve, section five, by striking out lines eighteen through twenty and relettering the remaining subsection.

On page twelve, section six, line seven, after the word “fee”, by inserting “not to exceed \$150”.

Whereupon,

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

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 2702, Redefining service personnel class titles of early childhood classroom assistant teacher; on second reading, coming up in regular order, was read a second time.

On motion of Delegates Pasdon, Duke and Perry, the bill was amended on page thirty-five, line five hundred seventy-seven, section eight, following the words “retirement benefits before”, by striking out the words “July 1, 2020” and inserting in lieu thereof the words “the first day of the instructional term in the 2020-2021 school year”.

The bill was then ordered to engrossment and third reading.

H. B. 2726, Clarifying choice of laws issues in product’s liability actions; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

FIRST READING

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

S. B. 298, Clarifying funds within Public Employees Retirement Fund,

S. B. 299, Clarifying start date of State Police duty-related disability payments,

S. B. 302, Relating to state retirement plans,

Com. Sub. for S. B. 378, Relicensing electricians without retesting under certain circumstances,

H. B. 2054, Relating to the right of the landlord of commercial premises to terminate the lease under certain circumstances,

Com. Sub. for H. B. 2139, Relating to employment of retired teachers as substitutes in areas of critical need and shortage for substitutes,

H. B. 2140, Building governance and leadership capacity of county board during period of state intervention,

Com. Sub. for H. B. 2187, Encouraging public officials to display the national motto on all public property and public buildings,

H. B. 2272, Relating to the authority of the Board of Pharmacy,

Com. Sub. for H. B. 2432, Relating to the licensure requirements to practice pharmacist care,

Com. Sub. for H. B. 2505, Relating to retirement system participation and concurrent employment provisions,

Com. Sub. for H. B. 2507, Relating to membership provisions in the West Virginia Municipal Police and Firefighters Retirement System,

H. B. 2545, Relating to reimbursement of certification fee for National Board for Professional Teaching Standards certification,

Com. Sub. for H. B. 2562, Relating to sales tax increment financing,

H. B. 2598, Ensuring that teachers of students with disabilities receive complete information about the school's plan for accommodating the child's disabilities,

H. B. 2626, Relating to use of the Abandoned Land Reclamation Fund,

H. B. 2632, Exempting the procurement of certain instructional materials for use in and in support of public schools from the division of purchasing requirements,

H. B. 2663, Creating the Rehabilitation Services Vending Program Fund,

H. B. 2669, Relating to compulsory tuberculosis testing,

And,

H. B. 2770, Making a supplementary appropriation from the State Fund, State Excess Lottery Revenue Fund, to the Division of Human Services.

LEAVES OF ABSENCE

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

REMARKS BY MEMBERS

Delegate Fluharty asked and obtained unanimous consent that the remarks of Delegate Storch regarding H. B. 2535 be printed in the Appendix to the Journal.

At the request of Delegate Cowles, and by unanimous consent, the House of Delegates returned to the Seventh Order of Business for the purpose of receiving a petition.

PETITIONS

Mr. Speaker, Mr. Armstead, presented a petition signed by residents of the State in support of H. B. 2145, Relating to exceptions to prohibitions against carrying one or more concealed deadly weapons and reciprocity agreements; which was referred to the Committee on the Judiciary.

At 1:13 P.M., on motion of Delegate Cowles, the House of Delegates recessed until 6:00 P.M.

EVENING SESSION

CONFERENCE COMMITTEE REPORT AVAILABILITY

At 6:06 P.M., the Clerk announced availability in his office of the report of the Committee of Conference on Com. Sub. for H. B. 2002, Predicating actions for damages upon principles of comparative fault.

MESSAGES FROM THE SENATE

A message from the Senate, by

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

S. B. 294 - "A Bill to repeal §5B-2-3a and §5B-2-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §5B-2-2, §5B-2-3, §5B-2-4, §5B-2-5 and §5B-2-6 of said code; to amend and reenact §15-5-28 of said code; to amend and reenact §18A-3-2c of said code; and to amend and reenact §33-16D-16 of said code, all relating

to eliminating unnecessary, inactive or redundant councils, committees and boards; terminating the Council for Community and Economic Development and transferring powers and duties to the Executive Director of the West Virginia Development Office; terminating the Statewide Intrastate Mutual Aid Committee and making technical corrections to the code to reference a state of preparedness; terminating the Principals Standards Advisory Council; and terminating the West Virginia Health Insurance Plan Board”; which was referred to the Committee on Government Organization.

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, to take effect from passage, of

S. B. 389, Relating to Board of Registration for Professional Engineers license renewals and reinstatements.

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. 412 - “A Bill to amend and reenact §30-40-20 of the Code of West Virginia, 1931, as amended, relating to the Real Estate Commission licenses issued by commission; establishing time limitations on filing complaints of unprofessional conduct against a licensee; and tolling the time limits during criminal investigations and prosecutions”; 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. 421 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,

designated §55-7-27, relating generally to treatment of punitive damages; providing for limitations on punitive damages; providing for when punitive damages may be awarded; providing for a bifurcated trial, upon request, for civil actions involving punitive damages; providing that one third of all punitive damages awards in excess of \$500,000 made in the state be tendered to the State Treasurer; providing that those remittances, less a percentage to the circuit clerk for processing, be deposited into the Revenue Shortfall Reserve Fund; and providing that those funds be administered according to section twenty, article two, chapter eleven-b of this code”; which was referred to the Committee on the Judiciary.

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 Westfall, Vice Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 19th day of February, 2015, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

(Com. Sub. for S. B. 7), Requiring CPR and care for conscious choking instruction in public schools,

(Com. Sub. for S. B. 237), Creating Captive Cervid Farming Act,

And,

(Com. Sub. for S. B. 335), Creating Access to Opioid Antagonists Act.

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. 4, The “U.S. Army PFC Clarence Allen Mooney Memorial Bridge”,

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

Com. Sub. for H. C. R. 4 - “Requesting the Division of Highways to name the bridge on Route 14, bridge number 23-14-0.20 (23A369) latitude 37.81184, longitude -81.93115 in Logan County, locally known as Rum Creek CSX Overpass, the ‘U.S. Army PFC Clarence Allen Mooney Memorial Bridge’,”

H. C. R. 6, The “Army Air Force SGT Everett Wayne ‘Bud’ Sell Memorial Bridge’,”

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

Com. Sub. for H. C. R. 6 - “Requesting the Division of Highways to name bridge number 39-7-26.83 (39A194), locally known as Corinth Railroad Overpass, carrying WV 7 over CSX RAILROAD in Preston county, the ‘U.S. Army Air Force SGT Everett Wayne “Bud” Sell Memorial Bridge’,”

H. C. R. 9, The “U.S. Air Force Lt. Col. John Richard ‘Toots’ Wilcox Memorial Bridge”,

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

Com. Sub. for H. C. R. 9 - “Requesting the Division of Highways to name bridge number 55-54-1.44, locally known as the Winding Gulf Bridge, carrying WV Route 54 over Slab Fork in Wyoming County, the ‘U.S. Air Force Lt. Col. John Richard “Toots” Wilcox Memorial Bridge’,”

H. C. R. 19, The “U.S. Army SGT. Bobby Ray Adkins Memorial Highway”,

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

Com. Sub. for H. C. R. 19 - “Requesting the Division of Highways to name the bridge on U. S. Route 19 crossing Scotts Run, bridge number 31-19-14.98, (39.66036, -80.00463), locally known as Osage Bridge, near Osage in Monongalia County, the ‘U. S. Army Air Corps PFC James Elwood Wickline Memorial Bridge’,”

H. C. R. 21, The “PFC James Elwood Wickline Memorial Bridge”,

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

Com. Sub. for H. C. R. 21 - “Requesting the Division of Highways to name the bridge on U. S. Route 19 crossing Scotts Run, bridge number 31-19-14.98, (39.66036, -80.00463), locally known as Osage Bridge, near Osage in Monongalia County, the ‘U. S. Army Air Corps PFC James Elwood Wickline Memorial Bridge’,”

H. C. R. 27, The “West Virginia Air National Guard 167th Fighter Squadron Memorial Bridge”,

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

Com. Sub. for H. C. R. 27 - “Requesting the Division of Highways to name a future bridge with a design number of 10978, longitude 38.39933, latitude -81.57895, carrying future County Route 219/32 over the Elk River in Kanawha County the ‘West Virginia Air National Guard 167th Fighter Squadron Memorial Bridge’,”

H. C. R. 28, The “USMC Cpl Marple W. Landes and U.S. Army PV2 Margel S. Landes Memorial Bridge”,

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

Com. Sub. for H. C. R. 28 - “Requesting the Division of Highways to name the bridge on County Route 32, Evergreen Road, in Upshur County, bridge number 49-32-8-16, as the ‘USMC Cpl Marple W. Landes and U.S. Army PV2 Margel S. Landes Memorial Bridge’,”

H. C. R. 32, The “Lipscomb Brothers Veterans Bridge”,

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

Com. Sub. for H. C. R. 32 - “Requesting the Division of Highways to name the bridge on Upper Pinch Creek Road that carries County Route 52/2 over Pinch Creek in Kanawha County, bridge number 20-52/2-0.10 (20A331), latitude 38.41945, longitude - 81.48488, as the ‘Lipscomb Brothers Veterans Bridge’,”

And,

H. C. R. 35, The “Historic Blue-Gray Highway”,

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

Com. Sub. for H. C. R. 35 - “Requesting the Division of Highways name a section of United States Route 33 from the Ritchie Bridge in Ravenswood, Jackson County to its intersection with Interstate 79 at Exit 99 in Lewis County, and from where United States Routes 219 and 33 diverge just north of Elkins in Randolph County to the Randolph/Pendleton County line ‘The Historic Blue-Gray Highway’,”

With the recommendation that the committee substitutes each be adopted.

On motion for leave, a bill was introduced (Originating in the Committee on Small Business, Entrepreneurship and Economic Development and reported with the recommendation that it do pass, but that it first be referred to the Committee on Finance), which was read by its title, as follows:

By Delegates Miller, Williams, Faircloth, Rowe, Hill, Stansbury, Espinosa, and Westfall:

H. B. 2877 - “A Bill to amend and reenact §11-10-5t and §11-10-5z of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-13V-7 of said code, all relating to electronic filing of tax returns and electronic funds transfers in payment of taxes; and raising to \$25,000 the tax liability threshold amount at which taxpayers must file returns electronically or pay by electronic funds transfers”.

The Speaker referred the bill to the Committee on Finance.

On motion for leave, a bill was introduced (Originating in the Committee on Small Business, Entrepreneurship and Economic Development and reported with the recommendation that it do pass, but that it first be referred to the Committee on Government Organization), which was read by its title, as follows:

By Delegates Miller, Manchin, Espinosa, Skinner, Hornbuckle, Lane, Hill, Stansbury, Rowe and Williams:

H. B. 2878 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §31D-1-131, relating to creating a one-stop electronic business portal in West Virginia”.

The Speaker referred the bill to the Committee on Government Organization.

On motion for leave, a bill was introduced (Originating in the Committee on Banking and Insurance and reported with the recommendation that it do pass), which was read by its title, as follows:

By Delegates Walters, Frich, Azinger, Shott, E. Nelson, Deem, Waxman, B. White and Ashley:

H. B. 2879 - “A Bill to amend §12-1-5 of the Code of West Virginia, 1931, as amended, relating to certain limitations on amount of state funds on deposit in any depository; and requiring that the amount of state funds on deposit in excess of the amount insured by an agency of the federal government be secured by certain securities in an amount of at least one hundred two percent of the amount on deposit”.

Delegate Miller, Chair of the Committee on Small Business, Entrepreneurship, and Economic Development, submitted the following report, which was received:

Your Committee on Small Business, Entrepreneurship, and Economic Development has had under consideration:

H. B. 2615, West Virginia Small Business Capital Act,

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

In the absence of objection, reference of the bill (H. B. 2615) to the Committee on Finance was abrogated.

Delegate Canterbury, Chair of the Committee on Pensions and Retirement, submitted the following report, which was received:

Your Committee on Pensions and Retirement has had under consideration:

H. B. 2812, Clarifying use of subsistence allowance in determining compensation for purposes of calculating pension benefits for natural resources police officers,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 2812) was referred to the Committee on Finance.

REMARKS BY MEMBERS

Delegate J. Nelson asked and obtained unanimous consent that the remarks of Delegate R. Smith regarding House photographer Perry Bennett be printed in the Appendix to the Journal.

MISCELLANEOUS BUSINESS

Delegate Campbell filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2669.

Delegate Eldridge filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2722.

Delegate D. Evans filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2688.

Delegate Faircloth filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2615.

Delegate Frich filed forms with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2021, H. B. 2145, H. B. 2728, H. B. 2790 and H. B. 2811.

At 6:16 P.M., the House of Delegates adjourned until 11:00 A.M., Friday, February 20, 2015.

FRIDAY, FEBRUARY 20, 2015

THIRTY-EIGHTH DAY

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

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

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

The Clerk proceeded to read the Journal of Thursday, February 19, 2015, being the first order of business, when the further reading thereof was dispensed with and the same approved.

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

RESOLUTIONS INTRODUCED

Delegates Weld, Lane and Lynch offered the following resolution, which was read by the Clerk as follows:

H. C. R. 82 - "Extending the Committee of Conference relating to consideration of **Com. Sub. for H. B. 2025**, Prohibiting certain sex offenders from loitering within one thousand feet of a school or child care facility."

Resolved by the Legislature of West Virginia:

That pursuant to Rule No. 3 of the Joint Rules of the Senate and House of Delegates, the Committee of Conference is hereby extended

for a period of three days for the express purpose of consideration of matters of disagreement between the two houses as to Com. Sub. for H. B. 2025.

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the resolution (H. C. R. 82) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

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

COMMITTEE REPORTS

Delegate Westfall, Vice Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 19th day of February, 2015, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

(H. B. 2200), Revising, rearranging, consolidating and recodifying the laws of the State of West Virginia relating to child welfare.

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

Your Committee on Energy has had under consideration:

H. B. 2722, Requiring oil and gas lessees to make royalty payments within one hundred twenty days of production,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 2722) was referred to the Committee on Finance.

On motion for leave, a bill was introduced (Originating in the Committee on Health and Human Resources and reported with the recommendation that it do pass), which was read by its title, as follows:

By Delegates Stansbury, Rohrbach, Householder, R. Phillips, Arvon, Howell, Moffatt, Shott, Ellington, E. Nelson and Campbell:

H. B. 2880 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §62-15-14 relating to creating an addiction treatment pilot program.”

Delegate Ellington, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2631, Alcohol and Drug Overdose Prevention and Clemency Act,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2631) was referred to the Committee on the Judiciary.

Delegate Ellington, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2021, Implementing drug testing for recipients of federal-state and state assistance,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 2021) was referred to the Committee on Finance.

Delegate Ellington, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2741, Uncompensated Care Liability Act,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 2741) was referred to the Committee on the Judiciary.

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. 2627, Providing protection against property crimes committed against coal mines, utilities and other industrial facilities,

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

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

Your Committee on the Judiciary has had under consideration:

S. B. 238, Limiting certain county board of education liability arising from unorganized recreation,

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

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

Your Committee on the Judiciary has had under consideration:

H. B. 2820, Relating to affirmative defenses against mechanics' liens,

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

Delegate McCuskey, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

H. B. 2557, Clarifying that an insured driver of a motor vehicle is covered by the driver's auto insurance policy when renting or leasing a vehicle,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 2557) was referred to the Committee on the Judiciary.

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

Your Committee on Education has had under consideration:

H. B. 2755, Relating to service and professional employee positions at jointly established schools,

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

Com. Sub. for H. B. 2755 - “A Bill to amend and reenact §18-5-11a of the Code of West Virginia, 1931, as amended, relating to service and professional employee positions at jointly established schools,”

With the recommendation that the committee substitute do pass.

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

Your Committee on Education has had under consideration:

H. B. 2502, Possessing deadly weapons on school buses or on the premises of educational facilities,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 2502) was referred to the Committee on the Judiciary.

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

Your Committee on Education has had under consideration:

H. B. 2381, Providing a teacher mentoring increment for classroom teachers with national board certification who teach and mentor at certain schools,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 2381) was referred to the Committee on Finance.

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

Your Committee on Finance has had under consideration:

Com. Sub. for H. B. 2240, Providing that an act of domestic violence or sexual offense by strangling is an aggravated felony offense,

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

MESSAGES FROM THE EXECUTIVE

Mr. Speaker, Mr. Armstead, presented a communication from His Excellency, the Governor, advising that on February 19, 2015, he approved **H. B. 2200**.

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. 42 - "A Bill to amend and reenact §11-16-18 of the Code of West Virginia, 1931, as amended; to amend and reenact §60-4-3a and §60-4-3b; to amend and reenact §60-7-11 and §60-7-12 of said code; and to amend and reenact §60-8-34 of said code, all relating to allowing restaurants, private clubs and wineries to sell alcohol at 10:00 a.m. on Sundays; sale of alcohol by licensed manufacturers; authorizing licensed wineries, farm wineries, distilleries and mini-distilleries to make retail sales of wine and alcoholic liquors manufactured by the winery, farm-winery, distillery or mini-distillery for consumption off the premises on Sundays beginning at 10:00 a.m.; authorizing licensed wineries, farm wineries, distilleries and mini-distilleries to offer complimentary samples for consumption on the premises on Sundays beginning at 10:00 a.m.; and authorizing distilleries and mini-distilleries which manufacture less than fifty thousand gallons of alcoholic liquor per year to seek and hold

a separate license to operate a private club on the premises of the distillery or mini-distillery; and allowing for the sale of products manufactured on the premises of the distillery or mini-distillery, other than in sealed packages, for consumption on the premises of any such private club”; which was referred to the Committee on the Judiciary then Finance.

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, Extending the Committee of Conference relating to consideration of Com. Sub. for H. B. 2025.

RESOLUTIONS INTRODUCED

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

H. C. R. 80 - “Requesting the Division of Highways to name bridge number 18-21-0.31 (18A249), locally known as the Fisher Chapel Bridge, crossing Pocatalico Creek near Sissonville in Jackson County, West Virginia the ‘Army SSG Landon Clair Ray and Army SPC4 Garry Dwight Haynes Memorial Bridge’.”

WHEREAS, Landon Clair Ray was born July 21, 1936, at Kenna, West Virginia, the son of Mr. and Mrs. Charles Ray of Kenna; and

WHEREAS, Landon C. Ray graduated from Sissonville High School and was a member of the Pleasant View Church near Kenna; and

WHEREAS, Staff Sergeant Landon C. Ray served ten years in the United States Army and was a military policeman with Company A, 1st Battalion, 5th Infantry, 25th Infantry Division; and

WHEREAS, Staff Sergeant Landon C. Ray died February 3, 1967, as a result of wounds received from sniper fire in combat during his second tour of duty in Tay Ninh Province, South Viet Nam; and

WHEREAS, At his death, Staff Sergeant Landon C. Ray was survived by his parents, brothers Raymond and Joe of Sissonville and sisters, Juanita and Vallie, both at home; and

WHEREAS, Garry Dwight Haynes was born August 24, 1945, son of Mr. and Mrs. William H. Haynes of Romance, Jackson County, West Virginia and was a graduate of Ripley High School; and

WHEREAS, Army Specialist 4th Class Garry D. Haynes entered the army in December of 1967 and deployed to Vietnam where he was wounded a few months later and spent a month in the hospital before going back into action; and

WHEREAS, Specialist 4th Class Garry D. Haynes died December 9th 1968, as a result of wounds received while on combat operations in Kien Hoa Province, South Vietnam, when he was engaged in a fire fight with hostile forces; and

WHEREAS, At his death, Specialist 4th Class Garry D. Haynes was survived by his parents, five brothers and three sisters; and

WHEREAS, It is fitting that a proper memorial be established for these two young men who gave their lives in service to their country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 18-21-0.31 (18A249), locally known as the Fisher Chapel Bridge, crossing Pocatlico Creek near Sissonville, West Virginia the “Army SSG Landon Clair Ray and Army SPC4 Garry Dwight Haynes Memorial Bridge”; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge the “Army SSG Landon Clair Ray and Army SPC4 Garry Dwight Haynes Memorial Bridge”; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Commissioner of the Division of Highways.

Delegates Sobonya, Mr. Speaker, Mr. Armstead, P. Smith, Longstreth, Manchin, Ambler, Anderson, Arvon, Ashley, Bates, Blair, Boggs, Border, Butler, Byrd, Cadle, Campbell, Canterbury, Caputo, Cooper, Cowles, Deem, Duke, Eldridge, Ellington, Espinosa, A. Evans, D. Evans, Faircloth, Fast, Ferro, Fleischauer, Fluharty, Folk, Foster, Frich, Gearheart, Guthrie, Hamilton, Hamrick, Hanshaw, Hartman, Hicks, Hill, Hornbuckle, Householder, Howell, Ihle, Ireland, Kelly, Kessinger, Kurcaba, Lane, Lynch, Marcum, McCuskey, McGeehan, Miley, Miller, Moffatt, Moore, Morgan, Moye, E. Nelson, J. Nelson, O’Neal, Overington, Pasdon, Perdue, Perry, Pethtel, L. Phillips, R. Phillips, Pushkin, Reynolds, Rodighiero, Rohrbach, Romine, Rowan, Rowe, Shott, Skinner, R. Smith, Sponaule, Stansbury, Statler, Storch, Summers, Trecost, Upson, Wagner, Walters, Waxman, Weld, Westfall, B. White, H. White, Williams and Zatezalo offered the following resolution, which was read by its title and referred to the Committee on Industry and Labor then Rules:

H. C. R. 81 - “Requesting the Joint Committee on Government and Finance study workplace safety for employees at state-operated behavioral health facilities.”

WHEREAS, The State of West Virginia operates two hospitals dedicated to the care of patients with acute and chronic psychiatric illnesses, and operates additional facilities providing long-term and residential care for patients with complex behavioral, developmental and emotional needs; and

WHEREAS, Well-trained and experienced personnel are an essential component to the provision of quality care for these patients; and

WHEREAS, Some patients with psychiatric, behavioral, developmental or emotional conditions may become aggressive and violent at times, often in unpredictable ways, and that these types of behaviors pose a significant risk to the health and safety of the employees and to other patients in the health facilities; and

WHEREAS, Many of the patients in the state's psychiatric hospitals have been committed through the criminal justice system after having allegedly committed violent crimes and the psychiatric hospitals do not have the authority to refuse to receive these patients or defer their care to another institution; and

WHEREAS, During the 2014 calendar year, worker injuries due to assaults by patients at the state's two psychiatric hospitals resulted in 98 medical claims and 789 lost work hours; and

WHEREAS, Considerable time and attention has been devoted to the articulation and awareness of the rights of patients in behavioral health facilities, but there has been significantly less attention given to the rights of the healthcare workers to a safe and reasonable work environment and to development of procedures, programs and options for the safety of these healthcare workers; and

WHEREAS, The Legislature's Joint Committee on Labor and Worker Safety Issues began to study the general issue of employee safety in all state hospitals during the Legislature's interim period of 2014-2015 and, in the process, became more fully aware of the difficult and sometimes conflicting legal, administrative and educational requirements that affect the safety of healthcare workers in our state's behavioral health facilities; and

WHEREAS, The Joint Committee on Labor and Worker Safety Issues has recommended that the Joint Committee on Government and

Finance devote further study dedicated to all issues relating to the safety of workers in state-operated behavioral health facilities; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study all matters relating to the safety of healthcare workers in state-operated behavioral health facilities, including education, training, staffing levels (acuity), hiring processes, root cause analyses, response times, incident and injury statistics, work loss and other costs of worker injuries, methods for better communication between staff and supervisors, and all other material and issues relevant to this topic; and, be it

Further Resolved, That if the Joint Committee on Government and Finance finds it appropriate, that this study be referred to a sub-committee created for this purpose and dedicated to this topic; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2016, on its findings, conclusions and recommendations, together with drafts of any legislation necessary 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.

BILLS INTRODUCED

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

By Delegates Arvon, Canterbury, Azinger, Frich, Moffatt, Moyer, Butler, Sobonya, R. Phillips, Perry and Fast:

H. B. 2830 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-11C-1, §5-11C-2, §5-11C-3, §5-11C-4, §5-11C-5, §5-11C-6 and §5-11C-7, all relating to establishing the West Virginia Freedom of Conscience Protection Act to ensure that, in all cases where state action burdens the exercise of religion, strict scrutiny is applied and to provide a claim or defense to a person or persons whose exercise of religion is burdened by state action; short title; definitions; applicability; construction; remedies; effective date; and severability”; to the Committee on the Judiciary.

By Delegates Kurcaba, Householder, Statler, Wagner, McGeehan, Zatezalo, Rodighiero, Butler, Weld, D. Evans and R. Phillips:

H. B. 2831 - “A Bill to amend and reenact §20-2-58 of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-6-23 of said code, all relating to exempting indoor shooting ranges from the prohibition of shooting or discharging a firearm within five hundred feet of any church or dwelling house; amending the definition of ‘shooting range’ to include an indoor range; criminal penalties for violations; and limitations on nuisance actions”; to the Committee on the Judiciary.

By Delegates Ellington, Householder, Faircloth, Storch, Gearheart, Rowan, Folk, Border, Howell, Cooper and Shott:

H. B. 2832 - “A Bill to amend and reenact §11-14C-5 of the Code of West Virginia, 1931, as amended, relating to reducing the motor fuel excise tax”; to the Committee on Finance.

**By Delegates Ashley, A. Evans, McCuskey and Westfall
[By Request of the Supreme Court of Appeals]:**

H. B. 2833 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §51-1-22, relating to establishing a new special revenue fund for the purpose of

collecting and remitting moneys to the State Treasury for the use of certain advanced technology provided by the Supreme Court of Appeals”; to the Committee on Finance.

By Delegates Ellington and Householder:

H. B. 2834 - “A Bill to amend and reenact §48-16-102, §48-16-103, §48-16-104, §48-16-201, §48-16-203, §48-16-204, §48-16-205, §48-16-206, §48-16-207, §48-16-208, §48-16-209, §48-16-210, §48-16-211, §48-16-301, §48-16-304, §48-16-305, §48-16-307, §48-16-310, §48-16-311, §48-16-313, §48-16-314, §48-16-316, §48-16-317, §48-16-318, §48-16-319, §48-16-401, §48-16-501, §48-16-502, §48-16-504, §48-16-505, §48-16-506, §48-16-507, §48-16-601, §48-16-602, §48-16-603, §48-16-604, §48-16-605, §48-16-606, §48-16-607, §48-16-608, §48-16-609, §48-16-610, §48-16-611, §48-16-613, §48-16-614, §48-16-615, §48-16-701, §48-16-801, §48-16-802, §48-16-902 and §48-16-903 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto fifteen new sections, designated §48-16-105, §48-16-402, §48-16-616, §48-16-702, §48-16-703, §48-16-704, §48-16-705, §48-16-706, §48-16-707, §48-16-708, §48-16-709, §48-16-710, §48-16-711, §48-16-712, and §48-16-713, all relating to amending the Uniform Interstate Family Support Act; implementing language for the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance; establishing uniform procedures for the processing of international child support cases; improving the enforcement of American child support orders abroad; ensuring that children residing in the United States will receive the financial support due from parents, wherever the parents reside; providing guidelines and procedures for the registration, enforcement, and modification of foreign support orders from countries that are parties to the convention; providing that a support order from a country that has acceded to the convention must be registered immediately unless a tribunal in the state where the registration is sought determines that the language of the order goes against the policy of the state; providing notice to the nonregistering party; allowing the opportunity to challenge the order on certain grounds; providing for the

enforcement of an order unless one of the grounds for denying recognition is established; and requiring documents submitted under the convention be in the original language and a translated version submitted if the original language is not English”; to the Committee on Health and Human Resources then the Judiciary.

By Mr. Speaker, Mr. Armstead, and Delegate Miley

[By Request of the Executive]:

H. B. 2835 - “A Bill to repeal §20-14-6 and §20-14-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §15-10-3 and §15-10-4; to amend and reenact §20-7-1 of said code; to amend and reenact §20-14-1, §20-14-2, §20-14-3, §20-14-4, §20-14-5, §20-14-8 and §20-14-9 of said code; to amend said code by adding thereto four new sections, designated §20-14-4a, §20-14-10, §20-14-11 and §20-14-12; to amend and reenact §20-15-2 and §20-15-5 of said code; to amend and reenact §30-29-1 of said code; and to amend and reenact §61-7-6 of said code, all relating to reorganization of the Hatfield-McCoy Regional Recreation Authority; removing rangers as law-enforcement officers; providing for law-enforcement services to be provided by natural resources police officers under reimbursement by the authority; converting the authority to a joint development entity of counties; altering the composition of the authority’s board; removing authorization to issue revenue bonds and create security interests; providing for financial review and oversight of public funds; defining prohibited uses and conduct in the recreation area; establishing requirements for bidding and purchasing; prohibiting conflicts of interest; creating criminal penalties and civil remedies; and declaring responsibilities of participants to landowners and lessors in the recreation area”; to the Committee on Government Organization.

By Delegates Zatezalo, McGeehan, Weld, Storch, Howell, Wagner, Butler, Border, Kurcaba and Azinger:

H. B. 2836 - “A Bill to amend and reenact §7-1-7 of the Code of West Virginia, 1931, as amended, relating to county ordinances; requiring the clerk of a county commission to maintain a county

ordinance book”; to the Committee on Political Subdivisions then Government Organization.

By Delegates Ambler, Cooper, D. Evans, Duke, Espinosa, Perry, Upson and Pasdon:

H. B. 2837 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-4-1b, relating to increasing pay to teachers and service personnel by one percent a year, for three years”; to the Committee on Education then Finance.

By Delegates Lynch, Ireland, Cadle, Cooper, Ambler, Canterbury, Walters, D. Evans, Border, Hamilton and Romine:

H. B. 2838 - “A Bill to amend and reenact §11-1C-2, §11-1C-4 and §11-1C-7 of the Code of West Virginia, 1931, as amended, all relating to the reproduction, distribution and sale of tax maps; defining terms; specifying powers of the Property Valuation Training and Procedures Commission to promulgate rules; specifying duties of county assessors, requiring that sale, reproduction, and distribution of certain records be in accordance with specified legislative rules, specifying certain fees”; to the Committee on Political Subdivisions then Finance.

By Delegates Morgan, Walters, Arvon, Zatezalo, Border and Howell:

H. B. 2839 - “A Bill to amend and reenact §59-1-2a of the Code of West Virginia, 1931, as amended, relating to eliminating late fees charged by the Secretary of State; eliminating fees charged to domestic corporations, foreign corporations, domestic limited liability companies, and foreign limited liability companies for the late filing of annual reports”; to the Committee on Government Organization.

By Delegates Campbell, Rowan, Pasdon, Cooper and Perry:

H. B. 2840 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-45a,

relating to providing an alternative plan to make up lost days of instruction”; to the Committee on Education then Finance.

By Delegates Gearheart, Ferro, Householder and R. Phillips:

H. B. 2841 - “A Bill to amend and reenact §29-22B-503 and §29-22B-504 of the Code of West Virginia, 1931, as amended, all relating to allowing a person to be both a limited video lottery operator and retailer”; to the Committee on the Judiciary.

By Delegates R. Smith, L. Phillips, Wagner, Eldridge, Ambler, D. Evans, Longstreth, Hornbuckle, Caputo, Upson and Pushkin:

H. B. 2842 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-18f, relating to establishing a four year pilot program to have social workers in public schools, from prekindergarten through the elementary school; requiring a minimum of one social worker per county; defining a term; requiring rule-making; and requiring annual and final reports”; to the Committee on Education then Finance.

By Delegates Rodighiero, Perdue, Hicks and Eldridge:

H. B. 2843 - “A Bill to amend the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §18-5-13b, relating to requiring school bus aides, who are trained in preventing bullying and providing a safe environment for students while being transported on a school bus, to be present on school buses”; to the Committee on Education then Finance.

By Delegates Hartman and Sponaugle:

H. B. 2844 - “A Bill to repeal §7-25-1, §7-25-2, §7-25-3, §7-25-4, §7-25-5, §7-25-6, §7-25-7, §7-25-8, §7-25-9, §7-25-10, §7-25-11, §7-25-12, §7-25-13, §7-25-14, §7-25-15, §7-25-16, §7-25-17, §7-25-18, §7-25-19, §7-25-20, §7-25-21, §7-25-22, §7-25-23, §7-25-24, §7-25-25 and §7-25-26 of the Code of West Virginia, 1931, as amended, relating to eliminating resort districts”; to the Committee on the Judiciary.

By Delegates Fleischauer, Rowe, Pasdon, Skinner, Morgan, Hartman, Boggs, Butler, Border, Canterbury and Folk:

H. B. 2845 - “A Bill to amend and reenact §61-3-51 of the Code of West Virginia, 1931, as amended, relating to requiring persons who are in the business of purchasing precious metals and precious gems to photograph those purchases and to transmit the photographs to law-enforcement authorities; and lessening the criminal penalty from a felony to a misdemeanor”; to the Committee on Small Business, Entrepreneurship and Economic Development then the Judiciary.

By Delegates Pasdon, Duke, Kelly, Rowan, Romine, Statler, Rohrbach and D. Evans:

H. B. 2846 - “A Bill to amend and reenact §18A-4-2 of the Code of West Virginia, 1931, as amended, relating to increasing salaries for teachers through fiscal year 2020”; to the Committee on Education then Finance.

By Delegate Walters:

H. B. 2847 - “A Bill to amend and reenact §7-5-24 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11A-2-2 of said code, all relating to permitting sheriffs to hire outside attorneys to assist with collection of taxes; sharing costs”; to the Committee on the Judiciary then Finance.

By Delegates Rohrbach, Stansbury, Perdue, Campbell, Hornbuckle, Pasdon, Moye, Sobonya, Miller and Statler:

H. B. 2848 - “A Bill to amend and reenact §18-2-7b of the Code of West Virginia, 1931, as amended, relating to drug awareness education in schools; requiring the Board of Education to implement a comprehensive drug awareness program in grades K through 12”; to the Committee on Education.

By Mr. Speaker, Mr. Armstead, and Delegates Miller, Walters and Hanshaw:

H. B. 2849 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-14-1,

§61-14-2, §61-14-3 and §61-14-4, all relating to creating the West Virginia Sentencing Commission”; to the Committee on the Judiciary.

By Delegates R. Phillips, Perdue, Perry and Hartman:

H. B. 2850 - “A Bill to amend and reenact §17C-5A-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §17C-5C-4c and §17C-5C-4d, all relating to hearings before the Office of Administrative Hearings; deleting the provision that provide the OAH cannot be made a party to an appeal; requiring parties appealing a decision of the OAH to serve the Petition for Appeal on the OAH; establishing procedures for the recusal of the Chief Hearing Examiner; providing appeal procedures for petitioners denied entry into the alcohol test and lock program described in §17C-5A-3(e); allowing OAH to enter orders nunc pro tunc to correct clerical mistakes or omissions; and providing that OAH has jurisdiction to decide cases in which substantial prejudice is asserted due to alleged constitutional violations”; to the Committee on the Judiciary.

By Delegates Trecost, Manchin, Storch, H. White, Romine, Lynch and Fluharty:

H. B. 2851 - “A Bill to repeal §7-18-5 of the Code of West Virginia, 1931, as amended; and to amend and reenact §7-18-1 and §7-18-3 of said code, all relating to eliminating exemption from hotel occupancy taxes on rental of hotel and motel rooms for thirty or more consecutive days; redefining certain terms; exempting hotel rooms occupied by federal or state officials on official business”; to the Committee on Political Subdivisions then Finance.

By Delegates Hamrick, Trecost, Zatezalo and Howell:

H. B. 2852 - “A Bill to repeal §11-12-86 of the Code of West Virginia, 1931, as amended; to repeal §29-3-23, §29-3-24, §29-3-25 and §29-3-26 of said code; to amend said code by adding thereto a new article, designated §29-3E-1, §29-3E-2, §29-3E-3, §29-3E-4, §29-3E-5, §29-3E-6, §29-3E-7, §29-3E-8, §29-3E-9, §29-3E-10, §29-3E-11 and §29-3E-12; and to amend and reenact §61-3E-1 and §61-3E-11 of said

code, all relating to legalizing and regulating the sale and use of fireworks; allocating sales tax proceeds to special funds; and criminal penalties”; to the Committee on the Judiciary then Finance.

By Delegates Hamrick, Ambler, Blair, Espinosa, Overington, R. Phillips, Westfall, Cooper, McGeehan, Cadle and Ihle:

H. B. 2853 - “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 a 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.

By Delegates Manchin and Longstreth:

H. B. 2854 - “A Bill to amend and reenact §46A-6J-3 of the Code of West Virginia, 1931, as amended, relating to protection of consumers from price gouging and unfair trade practices; decreasing the maximum allowable price increase on the sale of certain goods and services following the declaration of a ‘state of emergency’ or ‘state of preparedness’; and making a technical correction”; to the Committee on the Judiciary.

By Delegates Overington, Gearheart, Westfall, R. Phillips, Foster, Householder, Blair, Walters and Moffatt:

H. B. 2855 - “A Bill to repeal §61-11-2 of the Code of West Virginia, 1931, as amended; to repeal §62-3-15 of said code; to amend and reenact §61-2-2 of said code; to amend said code by adding thereto seven new sections, designated §61-2-2a, §61-2-2b, §61-2-2c, §61-2-2d, §61-2-2e, §61-2-2f and §61-2-2g; and to amend said code by adding thereto four new sections, designated §62-7-4, §62-7-5, §62-7-6 and §62-7-6a, all relating to death penalty for first degree murder;

procedures, standards and findings applicable to imposition thereof in certain instances including aggravating and mitigating circumstances; sentencing; providing automatic review of the death penalty by the Supreme Court of Appeals; providing for forensic deoxyribonucleic acid ('DNA') testing of biological material in death penalty cases; providing for execution of the death sentence by lethal injection; providing for delivery of sentence of death to officer retaining custody of person so sentenced; providing for transmission of indictment, order of conviction, sentence and judgment entered thereon to the warden of the state correctional facility; transfer of person sentenced to death to the state correctional facility; execution; providing presence of certain persons be requested for the execution; providing for certification that sentence of death has been executed; and providing for disposition of the body"; to the Committee on the Judiciary then Finance.

By Delegate Faircloth:

H. B. 2856 - "A Bill to amend and reenact §17B-2B-5 and §17B-2B-7 of the Code of West Virginia, 1931, as amended, all relating to revising the requirements for the removal of the daytime driving restriction for Class G driver's licenses and changing the renewal of Class G driver's licenses to every two years"; to the Committee on Roads and Transportation then the Judiciary.

By Delegates Manchin, Ferro, Longstreth and Caputo:

H. B. 2857 - "A Bill to amend and reenact §17C-7-1 of the Code of West Virginia, 1931, as amended, relating to operating a motor vehicle in the left lane of a controlled-access highway; and misdemeanor penalty"; to the Committee on Roads and Transportation then the Judiciary.

By Delegates Manchin, Longstreth, Caputo and Skinner:

H. B. 2858 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §3-12A-1, §3-12A-2, §3-12A-3, §3-12A-4, §3-12A-5, §3-12A-6, §3-12A-7, §3-12A-8, §3-12A-9, §3-12A-10, §3-12A-11, §3-12A-12, §3-12A-13, §3-12A-14, §3-12A-15 and §3-12A-16, all relating to creating a public

campaign financing program for circuit judges elections; providing criminal and civil penalties”; to the Committee on the Judiciary then Finance.

By Delegates Howell, Storch, A. Evans, Williams, Hanshaw, R. Phillips, Trecoast, Folk, Hill, Miller and Arvon:

H. B. 2859 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-6-3a, relating to exempting certain food establishments from inspection; providing notice to consumers and authorizing inspections based upon probable cause to believe unsanitary conditions may exist”; to the Committee on Health and Human Resources.

By Delegates Manchin, Caputo and Longstreth:

H. B. 2860 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-7f; to amend said code by adding thereto a new section, designated §33-15-22; to amend said code by adding thereto a new section, designated §33-16-18; to amend said code by adding thereto a new section, designated §33-16D-17; to amend said code by adding thereto a new section, designated §33-24-7m; to amend said code by adding thereto a new section, designated §33-25-8j; and to amend said code by adding thereto a new section, designated §33-25A-8l, all relating to copayments required in certain policies, provisions, contracts, plans or agreements to provide health care benefits; providing that a copayment imposed for services rendered by a licensed occupational therapist, licensed speech-language pathologist or licensed physical therapist may not exceed a copayment imposed for the services of a primary care physician or an osteopathic physician; and prohibiting discrimination based upon the manner or cause of injury or condition”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Manchin, Longstreth and Caputo:

H. B. 2861 - “A Bill to amend and reenact §17C-6-7 of the Code of West Virginia, 1931, as amended, relating to evidence of speed by the use of a device designed to measure and indicate the speed of a

motor vehicle”; to the Committee on Roads and Transportation then the Judiciary.

By Delegates P. Smith, McGeehan, Householder, Arvon, Pasdon, Kurcaba, Frich, Folk, Moye, Duke and Miller:

H. B. 2862 - “A Bill to amend and reenact §50-1-9a of the Code of West Virginia, 1931, as amended, relating to adding additional magistrate court deputy clerks”; to the Committee on the Judiciary then Finance.

By Delegates Manchin, Longstreth and Caputo:

H. B. 2863 - “A Bill to amend of the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17A-3-14a, relating to authorizing the issuance of special ‘Homeland Security and Emergency Management’ registration plates”; to the Committee on Roads and Transportation then Finance.

By Delegate McGeehan:

H. B. 2864 - “A Bill to repeal §29-22A-10d, §29-22A-10e, §29-22A-10f, §29-22C-27a and §29-25-22b of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-22-18d of said code, all relating to the transfer of certain revenues derived from lottery activities generally, restoring distribution to the West Virginia Infrastructure Fund to 2013 rates and decreasing the funds available for grants therefrom; restoring the amount that may be transferred to the Racetrack Modernization Fund to 2013 rates; eliminating certain statutory distributions to the State Excess Lottery Revenue Fund; restoring statutory distributions to capital reinvestment, purse funds and development funds to 2013 rates; and eliminating the statutory authorization for distributions to be paid on a pro rata basis”; to the Committee on Finance.

By Delegates Walters and H. White:

H. B. 2865 - “A Bill to amend and reenact §7-7-4 of the Code of West Virginia, 1931, as amended, relating to providing county commissioners an ongoing mechanism to consider compensation

increases for elected officials every two years”; to the Committee on Government Organization.

By Delegates Guthrie, L. Phillips, Moore, Longstreth, Pethtel, Ferro, Campbell, Perdue and Moye:

H. B. 2866 - “A Bill to amend and reenact §18-2-7a of the Code of West Virginia, 1931, as amended, relating to establishing legislative findings, providing physical education and physical activity requirements for physical education classes in schools, establishing procedures for collecting body mass index data of students, allowing for the contracting for collecting body mass index of students, permitting or requiring parents and guardians of students to obtain body mass index data from a provider selected by the parent or guardian and to submit the results to the appropriate authority, requiring the board to provide to parents information about the body mass index screening program, requiring the board, in certain circumstances, to provide to parents and guardians a list of providers and information about screening services available in the community to the parents and guardians who cannot afford a private provider, requiring that students not be subjected to body mass screening when the parents or guardians do not wish for their children to be subjected to the same, requiring that prior written consent be obtained before any student is subjected to body mass screening, requiring that parents be advised of risks associated with body mass index screening and that parents or guardians be provided with information about appropriately addressing the risks, requiring that the confidentiality of each student be maintained and that each student’s privacy is protected by ensuring that each student is screened alone and not in the presence of other students or staff”; to the Committee on Education.

By Delegates Perry and Williams:

H. B. 2867 - “A Bill to amend the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §18B-14-2, relating to higher education and miscellaneous provisions; and providing for the transfer of credit for courses completed between post-secondary higher education institutions that do not offer a full

four-year degree and four-year institutions”; to the Committee on Education.

By Delegates Sobonya, Householder, Rohrbach, Border and Perry:

H. B. 2868 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-3-6; and to amend said code by adding thereto a new section, designated §60A-4-414; all relating to making it a felony to knowingly housing drug traffickers; defining elements of the offense; establishing criminal penalties; and disqualifying offenders from receiving public assistance”; to the Committee on the Judiciary.

By Delegates Sobonya, P. Smith, R. Smith, Trecoast, Miller, Miley, Rowe and Perry:

H. B. 2869 - “A Bill to amend and reenact §21-3A-2 of the Code of West Virginia, 1931, as amended, relating to making the Department of Corrections and the Division of Health, and their respective workplaces, subject to the Occupational Safety and Health Act”; to the Committee on Industry and Labor then the Judiciary.

By Delegates Overington and Walters:

H. B. 2870 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-24a, relating to granting tax credits for parents and legal guardians whose children are in a home schooling program or private school; and providing rule-making authority”; to the Committee on Education then Finance.

By Delegate Howell:

H. B. 2871 - “A Bill to amend and reenact §5A-3-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §5A-6-8 of said code; and to amend said code by adding thereto a new article, designed §15-14-1, §15-14-2, §15-14-3, §15-14-4, §15-14-5, §15-14-6, §15-14-7, §15-14-8, §15-14-9 and §15-14-10, all relating to creating the statewide Interoperable Radio Network; establishing a short title;

defining terms; establishing objectives and a purpose; creating the statewide Interoperable Radio Network; creating the statewide Interoperable Coordinator; prescribing duties for the statewide Interoperability Coordinator; creating the statewide Interoperability Executive Committee; prescribing duties for the statewide Interoperability Executive committee; creating the Regional Interoperability Committees; providing for disposition of assets and staffing of the statewide Interoperable Radio Network; establishing a special revenue account for the statewide Interoperable Radio Network; exempting the statewide Interoperable Radio Network from certain Purchasing Division requirements; and authorizing emergency and legislative rule-making”; to the Committee on Government Organization.

By Delegates J. Nelson, D. Evans, Cooper, Longstreth, L. Phillips, Butler, Arvon, Ihle, Blair, Kessinger and McGeehan:

H. B. 2872 - “A Bill to amend and reenact §5A-4-5 of the Code of West Virginia, 1931, as amended, relating to regulation of parking at the West Virginia Capitol Complex; requiring that three parking spaces in the West Virginia Culture Center parking lot be designated for use by Purple Heart Medal recipients”; to the Committee on Veterans’ Affairs and Homeland Security then the Judiciary.

By Delegates Sobonya, Householder, Ihle, Rohrbach, Miller, Waxman, Howell, Overington, O’Neal and Hamrick:

H. B. 2873 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §6-9B-1, §6-9B-2, §6-9B-3, §6-9B-4, §6-9B-5 and §6-9B-6, all relating to creating and maintaining a searchable online budget database to easily access the details on how the state is spending their tax dollars and what performance results are achieved for those expenditures; designating this as the ‘Budget and Spending Transparency Act’; providing a short title, legislative findings, definitions, content requirements and updates; and compliance by the State Auditor and Legislative Auditor”; to the Committee on Government Organization.

By Delegates Miley, Skinner, Manchin, Ferro, Fleischauer, Perry, Caputo, Perdue, Guthrie, Sponaugle and Fluharty:

H. B. 2874 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-1E-1, §21-1E-2, §21-1E-3 §21-1E-4, §21-1E-5, §21-1E-6, §21-1E-7, §21-1E-8, §21-1E-9, §21-1E-10, §21-1E-11, §21-1E-12 and §21-1E-13, all relating to creating the Earned Sick Time Act; requiring employers to provide paid sick leave; stating legislative purpose; defining terms; setting standards for the use and accrual of the earned sick time; distinguishing between unpaid and paid sick time for certain employees based on size of employer; excepting more generous employer policies; requiring certain certification; excepting collective bargaining agreements; requiring notice and posting requirements; setting forth the duties of the Commissioner of Labor; providing rule-making authority; requiring employers retain certain documents; creating penalties and enforcement measures; creating misdemeanor offense; noting lack of an intent to preempt, limit or affect other requirements; and providing an effective date”; to the Committee on Industry and Labor then the Judiciary.

By Delegates Skinner, Folk, McGeehan, Faircloth, Rowe, Pushkin, Guthrie, Sponaugle and Fluharty:

H. B. 2875 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §46A-6M-1, §46A-6M-2, §46A-6M-3 and §46A-6M-4, all relating to an e-mail privacy act, confidentiality of electronic communications, search warrant requirement required disclosure of customer records and delayed notice”; to the Committee on the Judiciary.

By Delegates E. Nelson, Ashley, Boggs, Williams, Anderson, A. Evans, Walters, Canterbury, Hamilton, L. Phillips and Pethtel:

H. B. 2876 - “A Bill finding and declaring certain claims against the state and its agencies to be moral obligations of the state; and directing the Auditor to issue warrants for the payment thereof”; to the Committee on Finance.

SPECIAL CALENDAR**UNFINISHED BUSINESS**

The following resolutions, coming up in regular order, as unfinished business, were reported by the Clerk and adopted:

Com. Sub. for H. C. R. 4, The US Army PFC Clarence Allen Mooney Memorial Bridge,

Com. Sub. for H. C. R. 6, The Army Air Force SGT Everett Wayne “Bud” Sell Memorial Bridge,

Com. Sub. for H. C. R. 9, The U. S. Air Force Lt. Col. John Richard “Toots” Wilcox Memorial Bridge,

Com. Sub. for H. C. R. 19, The U. S. Army SGT Bobby Ray Adkins Memorial Highway,

Com. Sub. for H. C. R. 21, The PFC James Elwood Wickline Memorial Bridge,

Com. Sub. for H. C. R. 27, The West Virginia Air National Guard 167th Fighter Squadron Memorial Bridge,

Com. Sub. for H. C. R. 28, The USMC Cpl Marple W. Landes and US Army PV2 Margel S. Landes Memorial Bridge,

Com. Sub. for H. C. R. 32, The Lipscomb Brothers Veterans Bridge,

And,

Com. Sub. for H. C. R. 35, The Historic Blue-Gray Highway.

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

THIRD READING

Com. Sub. for S. B. 255, Eliminating certain boards, councils, committees, panels, task forces and commissions; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 116**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Border, Ellington and McCuskey.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 255) passed.

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

H. B. 2461, Relating to delinquency proceedings of insurers; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 117**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Border, Ellington and McCuskey.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2461) passed.

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

H. B. 2492, Repealing the requirement that an entity charging admission to view certain closed circuit telecast or subscription television events needs to obtain a permit from the State Athletic 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. 118**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Border, Ellington and McCuskey.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2492) passed.

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

H. B. 2625, Continuing the current hazardous waste management fee; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 119**), and there were—yeas 89, nays 8, absent and not voting 3, with the nays and absent and not voting being as follows:

NAYS: Byrd, Faircloth, Folk, Frich, Guthrie, Marcum, Reynolds and Skinner.

ABSENT AND NOT VOTING: Border, Ellington and McCuskey.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2625) passed.

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

H. B. 2646, Legalizing and regulating the sale and use of fireworks; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 120**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Border, Ellington and McCuskey.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2646) 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. 2702, Redefining service personnel class titles of early childhood classroom assistant teacher; 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. 121**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Border, Ellington and McCuskey.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2702) passed.

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

On this question, the yeas and nays were taken (**Roll No. 122**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Border, Ellington and McCuskey.

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 H. B. 2702) takes effect from its passage.

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

H. B. 2726, Clarifying choice of laws issues in product's liability actions; 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. 123**), and there were—yeas 84, nays 13, absent and not voting 3, with the nays and absent and not voting being as follows:

NAYS: Byrd, Caputo, Fleischauer, Fluharty, Hicks, Hornbuckle, Lynch, Manchin, Miley, Rowe, Skinner, Sponaugle and Trecost.

ABSENT AND NOT VOTING: Border, Ellington and McCuskey.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2726) passed.

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

At 12:04 P.M., on motion of Delegate Cowles, the House of Delegates recessed until 4:30 P.M.

AFTERNOON SESSION

CONFERENCE COMMITTEE REPORT AVAILABILITY

At 4:43 P.M., the Clerk announced availability in his office of the report of the Committee of Conference on Com. Sub. for H. B. 2025, Prohibiting certain sex offenders from loitering within one thousand feet of a school or child care facility.

SPECIAL CALENDAR**-CONTINUED-****SECOND READING**

S. B. 298, Clarifying funds within Public Employees Retirement Fund; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Delegate Cowles moved that the constitutional rule requiring the bill to be fully and distinctly read on three different days be dispensed with.

On this question, the yeas and nays were taken (**Roll No. 124**), and there were—yeas 81, nays none absent and not voting 19, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Anderson, Boggs, Border, Byrd, Deem, Duke, Ellington, Espinosa, A. Evans, Hamilton, Hornbuckle, Kelly, McCuskey, Morgan, L. Phillips, Rohrbach, Romine, Stansbury and Storch.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

The bill was then read a third time, and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 125**), and there were—yeas 81, nays none, absent and not voting 19, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Anderson, Boggs, Border, Byrd, Deem, Duke, Ellington, A. Evans, Hamilton, Hornbuckle, Kelly, McCuskey, Morgan, L. Phillips, Rohrbach, Romine, Shott, Stansbury and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 298) passed.

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

S. B. 299, Clarifying start date of State Police duty-related disability payments; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page eight, section ten, line thirty-two, following the word “jurisdiction”, by inserting a colon and the following:

“*Provided*, That in no circumstance may the disability payments begin prior to termination of employment in order to avoid an in-service distribution”.

The bill was then ordered to third reading.

Delegate Cowles moved that the constitutional rule requiring the bill to be fully and distinctly read on three different days be dispensed with.

On this question, the yeas and nays were taken (**Roll No. 126**), and there were—yeas 82, nays none, absent and not voting 18, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Anderson, Boggs, Border, Byrd, Deem, Duke, Ellington, A. Evans, Hamilton, Hornbuckle, Kelly, McCuskey, Morgan, L. Phillips, Rohrbach, Romine, Stansbury and Storch.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

The bill was then read a third time, and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 127**), and there were—yeas 82, nays none, absent and not voting 18, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Anderson, Boggs, Border, Byrd, Deem, Duke, Ellington, A. Evans, Hamilton, Hornbuckle, Kelly, McCuskey, Morgan, L. Phillips, Rohrbach, Romine, Stansbury and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 299) passed.

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

S. B. 302, Relating to state retirement plans; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Delegate Cowles moved that the constitutional rule requiring the bill to be fully and distinctly read on three different days be dispensed with.

On this question, the yeas and nays were taken (**Roll No. 128**), and there were—yeas 82, nays none, absent and not voting 18, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Anderson, Boggs, Border, Byrd, Deem, Duke, Ellington, A. Evans, Hamilton, Hornbuckle, Kelly, McCuskey, Morgan, L. Phillips, Rohrbach, Romine, Stansbury and Storch.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

The bill was then read a third time, and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 129**), and there were—yeas 82, nays none, absent and not voting 18, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Anderson, Boggs, Border, Byrd, Deem, Duke, Ellington, A. Evans, Hamilton, Hornbuckle, Kelly, McCuskey, Morgan, L. Phillips, Rohrbach, Romine, Stansbury and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 302) passed.

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

Com. Sub. for S. B. 378, Relicensing electricians without retesting under certain circumstances; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Delegate Cowles moved that the constitutional rule requiring the bill to be fully and distinctly read on three different days be dispensed with.

On this question, the yeas and nays were taken (**Roll No. 130**), and there were—yeas 82, nays none, absent and not voting 18, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Anderson, Boggs, Border, Byrd, Deem, Duke, Ellington, A. Evans, Hamilton, Hornbuckle, Kelly, McCuskey, Morgan, L. Phillips, Rohrbach, Romine, Stansbury and Storch.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

The bill was then read a third time, and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 131**), and there were—yeas 82, nays none, absent and not voting 18, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Anderson, Boggs, Border, Byrd, Deem, Duke, Ellington, A. Evans, Hamilton, Hornbuckle, Kelly, McCuskey, Morgan, L. Phillips, Rohrbach, Romine, Stansbury and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 378) passed.

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

On this question, the yeas and nays were taken (**Roll No. 132**), and there were—yeas 82, nays none, absent and not voting 18, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Anderson, Boggs, Border, Byrd, Deem, Duke, Ellington, A. Evans, Hamilton, Hornbuckle, Kelly, McCuskey, Morgan, L. Phillips, Rohrbach, Romine, Stansbury and Storch.

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. 378) takes effect from its passage.

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

H. B. 2054, Relating to the right of the landlord of commercial premises to terminate the lease under certain circumstances; 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 two, section thirty-one, line nine, after the work “lease”, by inserting the words “with the intent to suppress competition”.

Having been engrossed, the bill was then read a third time.

Delegate Cowles moved that the constitutional rule requiring the bill to be fully and distinctly read on three different days be dispensed with.

On this question, the yeas and nays were taken (**Roll No. 133**), and there were—yeas 81, nays 1, absent and not voting 18, with the nays and absent and not voting being as follows:

NAYS: Moffatt.

ABSENT AND NOT VOTING: Anderson, Boggs, Border, Byrd, Deem, Duke, Ellington, A. Evans, Hamilton, Hornbuckle, Kelly, McCuskey, Morgan, L. Phillips, Rohrbach, Romine, Stansbury and Storch.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

Having been engrossed, the bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 134**), and there were—yeas 70, nays 12, absent and not voting 18, with the nays and absent and not voting being as follows:

NAYS: Fluharty, Folk, Marcum, McGeehan, Miley, Moffatt, J. Nelson, Reynolds, Skinner, Sponaugle, Trecost and H. White.

ABSENT AND NOT VOTING: Anderson, Boggs, Border, Byrd, Deem, Duke, Ellington, A. Evans, Hamilton, Hornbuckle, Kelly, McCuskey, Morgan, L. Phillips, Rohrbach, Romine, Stansbury and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2054) 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. 2139, Relating to employment of retired teachers as substitutes in areas of critical need and shortage for substitutes; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Delegate Cowles moved that the constitutional rule requiring the bill to be fully and distinctly read on three different days be dispensed with.

On this question, the yeas and nays were taken (**Roll No. 135**), and there were—yeas 80, nays 1, absent and not voting 19, with the nays and absent and not voting being as follows:

NAYS: Moffatt.

ABSENT AND NOT VOTING: Anderson, Boggs, Border, Byrd, Deem, Duke, Ellington, A. Evans, Hamilton, Hornbuckle, Kelly, McCuskey, Morgan, L. Phillips, Rohrbach, Romine, Shott, Stansbury and Storch.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

Having been engrossed, the bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 136**), and there were—yeas 82, nays none, absent and not voting 18, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Anderson, Boggs, Border, Byrd, Deem, Duke, Ellington, A. Evans, Hamilton, Hornbuckle, Kelly, McCuskey, Morgan, L. Phillips, Rohrbach, Romine, Stansbury and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2139) passed.

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

On this question, the yeas and nays were taken (**Roll No. 137**), and there were—yeas 82, nays none, absent and not voting 18, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Anderson, Boggs, Border, Byrd, Deem, Duke, Ellington, A. Evans, Hamilton, Hornbuckle, Kelly, McCuskey, Morgan, L. Phillips, Rohrbach, Romine, Stansbury and Storch.

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 H. B. 2139) takes effect from its passage.

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

H. B. 2140, Building governance and leadership capacity of county board during period of state intervention; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Delegate Cowles moved that the constitutional rule requiring the bill to be fully and distinctly read on three different days be dispensed with.

Having been engrossed, the bill was then read a third time.

On this question, the yeas and nays were taken (**Roll No. 138**), and there were—yeas 81, nays 1, absent and not voting 18, with the nays and absent and not voting being as follows:

NAYS: Moffatt.

ABSENT AND NOT VOTING: Anderson, Boggs, Border, Byrd, Deem, Duke, Ellington, A. Evans, Hamilton, Hornbuckle, Kelly, McCuskey, Morgan, L. Phillips, Rohrbach, Romine, Stansbury and Storch.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 139**), and there were—yeas 82, nays none absent and not voting 18, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Anderson, Boggs, Border, Byrd, Deem, Duke, Ellington, A. Evans, Hamilton, Hornbuckle, Kelly, McCuskey, Morgan, L. Phillips, Rohrbach, Romine, Stansbury and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2140) 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. 2187, Encouraging public officials to display the national motto on all public property and public buildings; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Delegate Cowles moved that the constitutional rule requiring the bill to be fully and distinctly read on three different days be dispensed with.

On this question, the yeas and nays were taken (**Roll No. 140**), and there were—yeas 81, nays 1, absent and not voting 18, with the nays and absent and not voting being as follows:

NAYS: Moffatt.

ABSENT AND NOT VOTING: Anderson, Boggs, Border, Byrd, Deem, Duke, Ellington, A. Evans, Hamilton, Hornbuckle, Kelly, McCuskey, Morgan, L. Phillips, Rohrbach, Romine, Stansbury and Storch.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

Having been engrossed, the bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 141**), and there were—yeas 82, nays none, absent and not voting 18, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Anderson, Boggs, Border, Byrd, Deem, Duke, Ellington, A. Evans, Hamilton, Hornbuckle, Kelly, McCuskey, Morgan, L. Phillips, Rohrbach, Romine, Stansbury and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2187) passed.

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

H. B. 2272, Relating to the authority of the Board of Pharmacy; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Delegate Cowles moved that the constitutional rule requiring the bill to be fully and distinctly read on three different days be dispensed with.

On this question, the yeas and nays were taken (**Roll No. 142**), and there were—yeas 81, nays 1, absent and not voting 18, with the nays and absent and not voting being as follows:

NAYS: Moffatt.

ABSENT AND NOT VOTING: Anderson, Boggs, Border, Byrd, Deem, Duke, Ellington, A. Evans, Hamilton, Hornbuckle, Kelly, McCuskey, Morgan, L. Phillips, Rohrbach, Romine, Stansbury and Storch.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

Having been engrossed, the bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 143**), and there were—yeas 82, nays none, absent and not voting 18, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Anderson, Boggs, Border, Byrd, Deem, Duke, Ellington, A. Evans, Hamilton, Hornbuckle, Kelly, McCuskey, Morgan, L. Phillips, Rohrbach, Romine, Stansbury and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2272) 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. 2432, Relating to the licensure requirements to practice pharmacist care; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Delegate Cowles moved that the constitutional rule requiring the bill to be fully and distinctly read on three different days be dispensed with.

On this question, the yeas and nays were taken (**Roll No. 144**), and there were—yeas 81, nays 1, absent and not voting 18, with the nays and absent and not voting being as follows:

NAYS: Moffatt.

ABSENT AND NOT VOTING: Anderson, Boggs, Border, Byrd, Deem, Duke, Ellington, A. Evans, Hamilton, Hornbuckle, Kelly, McCuskey, Morgan, L. Phillips, Rohrbach, Romine, Stansbury and Storch.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

Having been engrossed, the bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 145**), and there were—yeas 77, nays 5, absent and not voting 18, with the nays and absent and not voting being as follows:

NAYS: Hicks, Marcum, Reynolds, Rodighiero and Skinner.

ABSENT AND NOT VOTING: Anderson, Boggs, Border, Byrd, Deem, Duke, Ellington, A. Evans, Hamilton, Hornbuckle, Kelly, McCuskey, Morgan, L. Phillips, Rohrbach, Romine, Stansbury and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2432) 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. 2505, Relating to retirement system participation and concurrent employment provisions; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Delegate Cowles moved that the constitutional rule requiring the bill to be fully and distinctly read on three different days be dispensed with.

On this question, the yeas and nays were taken (**Roll No. 146**), and there were—yeas 81, nays 1, absent and not voting 18, with the nays and absent and not voting being as follows:

NAYS: Moffatt.

ABSENT AND NOT VOTING: Anderson, Boggs, Border, Byrd, Deem, Duke, Ellington, A. Evans, Hamilton, Hornbuckle, Kelly, McCuskey, Morgan, L. Phillips, Rohrbach, Romine, Stansbury and Storch.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

Having been engrossed, the bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 147**), and there were—yeas 81, nays none, absent and not voting 19, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Anderson, Boggs, Border, Byrd, Deem, Duke, Ellington, A. Evans, Hamilton, Hornbuckle, Kelly, McCuskey, Morgan, L. Phillips, Rohrbach, Romine, Shott, Stansbury and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2505) 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. 2507, Relating to membership provisions in the West Virginia Municipal Police and Firefighters Retirement System; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Delegate Cowles moved that the constitutional rule requiring the bill to be fully and distinctly read on three different days be dispensed with.

On this question, the yeas and nays were taken (**Roll No. 148**), and there were—yeas 81, nays 1, absent and not voting 18, with the nays and absent and not voting being as follows:

NAYS: Moffatt.

ABSENT AND NOT VOTING: Anderson, Boggs, Border, Byrd, Deem, Duke, Ellington, A. Evans, Hamilton, Hornbuckle, Kelly, McCuskey, Morgan, L. Phillips, Rohrbach, Romine, Stansbury and Storch.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

Having been engrossed, the bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 149**), and there were—yeas 82, nays none, absent and not voting 18, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Anderson, Boggs, Border, Byrd, Deem, Duke, Ellington, A. Evans, Hamilton, Hornbuckle, Kelly, McCuskey, Morgan, L. Phillips, Rohrbach, Romine, Stansbury and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2507) passed.

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

H. B. 2545, Relating to reimbursement of certification fee for National Board for Professional Teaching Standards certification; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Delegate Cowles moved that the constitutional rule requiring the bill to be fully and distinctly read on three different days be dispensed with.

On this question, the yeas and nays were taken (**Roll No. 150**), and there were—yeas 81, nays 1, absent and not voting 18, with the nays and absent and not voting being as follows:

NAYS: Moffatt.

ABSENT AND NOT VOTING: Anderson, Boggs, Border, Byrd, Deem, Duke, Ellington, A. Evans, Hamilton, Hornbuckle, Kelly, McCuskey, Morgan, L. Phillips, Rohrbach, Romine, Stansbury and Storch.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

Having been engrossed, the bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 151**), and there were—yeas 82, nays none, absent and not voting 18, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Anderson, Boggs, Border, Byrd, Deem, Duke, Ellington, A. Evans, Hamilton, Hornbuckle, Kelly, McCuskey, Morgan, L. Phillips, Rohrbach, Romine, Stansbury and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2545) 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. 2562, Relating to sales tax increment financing; on second reading, coming up in regular order, was read a second time.

At the request of Delegate Cowles, and by unanimous consent, the bill was advanced to third reading with an amendment pending, and the rule was suspended to permit the consideration of the amendment on that reading.

H. B. 2598, Ensuring that teachers of students with disabilities receive complete information about the school's plan for accommodating the child's disabilities; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Delegate Cowles moved that the constitutional rule requiring the bill to be fully and distinctly read on three different days be dispensed with.

On this question, the yeas and nays were taken (**Roll No. 152**), and there were—yeas 82, nays none, absent and not voting 18, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Anderson, Boggs, Border, Byrd, Deem, Duke, Ellington, A. Evans, Hamilton, Hornbuckle, Kelly, McCuskey, Morgan, L. Phillips, Rohrbach, Romine, Stansbury and Storch.

Having been engrossed, the bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 153**), and there were—yeas 82, nays none, absent and not voting 18, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Anderson, Boggs, Border, Byrd, Deem, Duke, Ellington, A. Evans, Hamilton, Hornbuckle, Kelly, McCuskey, Morgan, L. Phillips, Rohrbach, Romine, Stansbury and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2598) passed.

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

H. B. 2626, Relating to use of the Abandoned Land Reclamation Fund; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Delegate Cowles moved that the constitutional rule requiring the bill to be fully and distinctly read on three different days be dispensed with.

On this question, the yeas and nays were taken (**Roll No. 154**), and there were—yeas 81, nays 1, absent and not voting 18, with the nays and absent and not voting being as follows:

NAYS: Moffatt.

ABSENT AND NOT VOTING: Anderson, Boggs, Border, Byrd, Deem, Duke, Ellington, A. Evans, Hamilton, Hornbuckle, Kelly, McCuskey, Morgan, L. Phillips, Rohrbach, Romine, Stansbury and Storch.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

Having been engrossed, the bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 155**), and there were—yeas 81, nays none, absent and not voting 19, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Anderson, Boggs, Border, Byrd, Deem, Duke, Ellington, A. Evans, Hamilton, Hornbuckle, Kelly, McCuskey, Morgan, L. Phillips, Rohrbach, Romine, Shott, Stansbury and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2626) passed.

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

H. B. 2632, Exempting the procurement of certain instructional materials for use in and in support of public schools from the division of purchasing requirements; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Delegate Cowles moved that the constitutional rule requiring the bill to be fully and distinctly read on three different days be dispensed with.

On this question, the yeas and nays were taken (**Roll No. 156**), and there were—yeas 81, nays 1, absent and not voting 18, with the nays and absent and not voting being as follows:

NAYS: Moffatt.

ABSENT AND NOT VOTING: Anderson, Boggs, Border, Byrd, Deem, Duke, Ellington, A. Evans, Hamilton, Hornbuckle, Kelly, McCuskey, Morgan, L. Phillips, Rohrbach, Romine, Stansbury and Storch.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

Having been engrossed, the bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 157**), and there were—yeas 82, nays none, absent and not voting 18, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Anderson, Boggs, Border, Byrd, Deem, Duke, Ellington, A. Evans, Hamilton, Hornbuckle, Kelly, McCuskey, Morgan, L. Phillips, Rohrbach, Romine, Stansbury and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2632) passed.

Delegate Cowles moved that the bill take effect July 1, 2015.

On this question, the yeas and nays were taken (**Roll No. 158**), and there were—yeas 82, nays none, absent and not voting 18, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Anderson, Boggs, Border, Byrd, Deem, Duke, Ellington, A. Evans, Hamilton, Hornbuckle, Kelly, McCuskey, Morgan, L. Phillips, Rohrbach, Romine, Stansbury and Storch.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2632) takes effect from its passage.

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

H. B. 2663, Creating the Rehabilitation Services Vending Program Fund; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Delegate Cowles moved that the constitutional rule requiring the bill to be fully and distinctly read on three different days be dispensed with.

On this question, the yeas and nays were taken (**Roll No. 159**), and there were—yeas 81, nays 1, absent and not voting 18, with the nays and absent and not voting being as follows:

NAYS: Moffatt.

ABSENT AND NOT VOTING: Anderson, Boggs, Border, Byrd, Deem, Duke, Ellington, A. Evans, Hamilton, Hornbuckle, Kelly, McCuskey, Morgan, L. Phillips, Rohrbach, Romine, Stansbury and Storch.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

Having been engrossed, the bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 160**), and there were—yeas 82, nays none, absent and not voting 18, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Anderson, Boggs, Border, Byrd, Deem, Duke, Ellington, A. Evans, Hamilton, Hornbuckle, Kelly, McCuskey, Morgan, L. Phillips, Rohrbach, Romine, Stansbury and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2663) passed.

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

H. B. 2669, Relating to compulsory tuberculosis testing; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Delegate Cowles moved that the constitutional rule requiring the bill to be fully and distinctly read on three different days be dispensed with.

On this question, the yeas and nays were taken (**Roll No. 161**), and there were—yeas 81, nays 1, absent and not voting 18, with the nays and absent and not voting being as follows:

NAYS: Moffatt.

ABSENT AND NOT VOTING: Anderson, Boggs, Border, Byrd, Deem, Duke, Ellington, A. Evans, Hamilton, Hornbuckle, Kelly, McCuskey, Morgan, L. Phillips, Rohrbach, Romine, Stansbury and Storch.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

Having been engrossed, the bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 162**), and there were—yeas 82, nays none, absent and not voting 18, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Anderson, Boggs, Border, Byrd, Deem, Duke, Ellington, A. Evans, Hamilton, Hornbuckle, Kelly, McCuskey, Morgan, L. Phillips, Rohrbach, Romine, Stansbury and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2669) passed.

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

H. B. 2770, Making a supplementary appropriation from the State Fund, State Excess Lottery Revenue Fund, to the Division of Human Services; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

FIRST READING

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

Com. Sub. for H. B. 2457, Prohibiting the use of the name or likeness of elected or appointed officials on publicly-owned vehicles,

Com. Sub. for H. B. 2493, Relating to requirements for insurance policies and contracts providing accident and sickness insurance or direct health care services that cover anti-cancer medications,

H. B. 2615, West Virginia Small Business Capital Act,

Com. Sub. for H. B. 2648, Allowing authorized entities to maintain a stock of epinephrine auto-injectors to be used for emergency,

Com. Sub. for H. B. 2662, Eye Care Consumer Protection Law,

H. B. 2733, Removing certain combinations of drugs containing hydrocodone from Schedule III of the controlled substances law,

And,

H. B. 2879, Relating to certain limitations on amount of state funds on deposit in any depository.

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

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

By Delegates Walters, Canterbury, Pethtel, Hamilton, Kurcaba, Folk and Marcum:

H. C. R. 83 – “Requesting the Joint Committee on Government and Finance to study the needs, challenges, and issues facing municipalities in this state as to the funding of their police and firefighter pension plans.”

WHEREAS, The Legislature continues to monitor the needs, challenges and issues concerning municipal pension plans for police and firefighters and recognizes that there still exist issues for the municipalities as they fund the systems; and

WHEREAS, The Legislature in its continued monitoring has recognized that many municipal retirement plans do not receive the same return on their investments that the West Virginia Investment Management Board has received for its investments; and

WHEREAS, The Legislature in its continued monitoring has received requests from municipalities that the retirement age in the new West Virginia Municipal Police Officer and Firefighter Retirement System be reviewed to determine if an older minimum retirement age for new hires may be appropriate; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is requested to study the needs, challenges, and issues facing municipalities in this state to the funding of their police and firefighter pension plans; 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, 2016, 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.

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

Your Committee on Finance has had under consideration:

H. B. 2773, Relating to the West Virginia Film Industry Investment tax credit,

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

Com. Sub. for H. B. 2773 - “A Bill to amend and reenact §13-11X-3 and §11-13X-5 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Film Industry Investment tax credit; defining terms; decreasing the amount of credit allocated by the film office; specifying the amount of tax credit allowed to eligible companies as a percentage of qualified expenditures; and specifying effective date,”

And,

H. B. 2778, State Infrastructure Fund Program,

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

Com. Sub. for H. B. 2778 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17-17B-1, §17-17B-2, §17-17B-3, §17-17B-4 and §17-17B-5, all relating to transportation funding; authorizing West Virginia Division of Highways to enter into cooperative agreements with United States Secretary of Transportation to establish infrastructure revolving funds; creating the State Transportation Infrastructure Fund Program; creating State Transportation Infrastructure Fund; and permitting Commissioner of the Division of Highways to propose rules for legislative approval,”

With the recommendation that the committee substitutes each do pass.

Delegate McCuskey, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

H. B. 2790, Relating to minimum responsibility limits of car insurance,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 2790) was referred to the Committee on the Judiciary.

Delegate McCuskey, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

H. B. 2728, Relating to risk-based capital reporting for health organizations,

And,

H. B. 2811, Deleting obsolete provisions regarding the Physicians' Mutual Insurance Company,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2728 and H. B. 2811) were each referred to the Committee on Finance.

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

Your Committee on Education has had under consideration:

H. B. 2674, Making home schooled students eligible for a Promise scholarship without taking the GED test,

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

Com. Sub. for H. B. 2674 - “A Bill to amend and reenact §18C-7-6 of the Code of West Virginia, 1931, as amended, relating to making home schooled students eligible for a PROMISE scholarship without taking the GED test,”

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

In the absence of objection, reference of the bill (Com. Sub. for H. B. 2674) to the Committee on Finance was abrogated.

Delegate Overington, Chair of the Committee on Industry and Labor, submitted the following report, which was received:

Your Committee on Industry and Labor has had under consideration:

H. B. 2752, Deregulating persons who perform work on heating, ventilating and cooling systems and fire dampers,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2752) was referred to the Committee on the Judiciary.

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

Your Committee on Finance has had under consideration:

H. B. 2718, Transferring funds remaining in the Racetrack Modernization Fund to the State Road Fund and closing the Racetrack Modernization Fund,

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

Com. Sub. for H. B. 2718 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-22A-10g, relating to suspending the collection and transfer of racetrack video lottery revenues to the Licensed Racetrack Modernization Fund for one fiscal year; collecting and allocating \$9 million from racetrack video lottery revenues to the state road fund and other funds for specific purposes during the fiscal year ending June 30, 2016; creating a new fund in the state treasury; and extending the availability of any unexpended balance in the Licensed Racetrack Modernization Fund for matching for two additional fiscal years,”

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:

Com. Sub. for S. B. 175, Authorizing DHHR promulgate legislative rules,

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

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

Your Committee on the Judiciary has had under consideration:

H. B. 2282, H. B. 2283, H. B. 2284, H. B. 2285, H. B. 2286, H. B. 2287, H. B. 2288, H. B. 2289, H. B. 2290 and H. B. 2363.

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

Com. Sub. for H. B. 2283 - “A Bill to amend and reenact article 3, chapter 64 of the Code of West Virginia, 1931, as amended, relating

generally to the promulgation of administrative rules by the Department of Environmental Protection; legislative mandate or authorization for the promulgation of certain legislative rules by various executive or administrative agencies of the state; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to standards of performance for new stationary sources; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to permits for construction and major modification of major stationary sources for the prevention of significant deterioration of air quality; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the control of air pollution from hazardous waste treatment, storage and disposal facilities; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the control of air pollution from hazardous waste treatment, storage and disposal facilities; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to requirements for operating permits; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to emission standards for hazardous air pollutants; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the awarding of WV Stream Partners Program Grants; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the hazardous waste management system; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to requirements governing water quality standards; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the WV/NPDES rule for coal mining facilities; and, authorizing the Department of Environmental Protection to promulgate a legislative rule relating to waste management,”

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. 2628, Changing the date of filing announcements of candidacies,

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

MESSAGES FROM THE SENATE

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates as follows:

Com. Sub. for H. B. 2008, Auditing the Division of Highways.

A message from the Senate, by

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

H. B. 2274, Authorizing the Commissioner of Corrections to enter into mutual aid agreements.

On motion of Delegate Cowles, the bill was taken up for immediate consideration.

The following Senate title amendment was reported by the Clerk:

H. B. 2274 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §25-1-5a, relating to authorizing the Commissioner of Corrections to enter into mutual aid agreements with political subdivisions of this state, other states and the federal government for numerous salutary purposes."

On motion of Delegate Cowles, the House of Delegates concurred in the Senate amendment.

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 163**), and there were—yeas 79, nays none, absent and not voting 21, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Anderson, Boggs, Border, Byrd, Deem, Duke, Ellington, A. Evans, Hamilton, Hornbuckle, Kelly, Longstreth, McCuskey, Moore, Morgan, L. Phillips, Rohrbach, Romine, Stansbury, Storch and Williams.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2274) passed.

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

Com. Sub. for S. B. 30 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-1-7, relating to shared animal ownership agreements to consume raw milk; acquiring a percentage ownership interest in a milk-producing animal and its raw milk; requiring a written document acknowledging the inherent dangers of consuming raw milk; agreeing not to distribute raw milk; and requiring the herd seller to meet animal health and testing requirements established by the state veterinarian.”; which was referred to the Committee on Health and Human Resources.

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. 170 - “A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating generally to the promulgation of administrative rules by the Bureau of Commerce; legislative mandate or authorization for the promulgation of certain legislative rules by various executive or administrative agencies of the state; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing certain of the agencies to promulgate certain legislative rules with various modifications and as amended by the Legislature; authorizing Office of Miners’ Health, Safety and Training to promulgate a legislative rule relating to the safety of those employed in and around quarries in West Virginia; authorizing Division of Natural Resources to promulgate a legislative rule relating to defining the terms used in all hunting and trapping rules; authorizing Division of Natural Resources to promulgate a legislative rule relating to hunting, trapping and fishing license and stamp fees; authorizing Division of Natural Resources to promulgate a legislative rule relating to general hunting; authorizing Division of Natural Resources to promulgate a legislative rule relating to lifetime hunting, trapping and fishing licenses; authorizing Division of Natural Resources to promulgate a legislative rule relating to wildlife damage control agents; authorizing Division of Natural Resources to promulgate a legislative rule relating to special boating; authorizing Division of Natural Resources to promulgate a legislative rule relating to commercial whitewater outfitters; authorizing Division of Labor to promulgate a legislative rule relating to the Amusement Rides and Amusement Attractions Safety Act; authorizing Division of Labor to promulgate a legislative rule relating to child labor; authorizing Division of Labor to promulgate a legislative rule relating to the supervision of plumbing work; authorizing Division of Labor to promulgate a legislative rule relating to verifying the legal employment status of workers; authorizing Division of Labor to promulgate a legislative rule relating

to the regulation of heating, venting and cooling work; authorizing Division of Labor to promulgate a legislative rule relating to weights and measures calibration fees; and authorizing Division of Forestry to promulgate a legislative rule relating to ginseng”; 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, to take effect from passage, and request the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 182 - “A Bill to amend and reenact article 6, chapter 64 of the Code of West Virginia, 1931, as amended, relating generally to the promulgation of administrative rules by the Department of Military Affairs and Public Safety; legislative mandate or authorization for the promulgation of certain legislative rules by various executive or administrative agencies of the state; authorizing certain of the agencies to promulgate certain legislative rules as amended by the Legislature; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing certain of the agencies to promulgate certain legislative rules with various modifications; authorizing State Police to promulgate a legislative rule relating to the regulations and procedures pertaining to the West Virginia DNA databank; authorizing State Fire Commission to promulgate a legislative rule relating to volunteer firefighters’ training, equipment and operating standards; and authorizing State Fire Marshal to promulgate a legislative rule relating to supervision of fire protection work”; 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, to take effect from passage, and request the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 192 - “A Bill to amend and reenact article 8, chapter 64 of the Code of West Virginia, 1931, as amended, relating generally to the promulgation of administrative rules by the Department of Transportation; legislative mandate or authorization for the promulgation of certain legislative rules by various executive or administrative agencies of the state; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to the examination and issuance of driver’s licenses; and authorizing the Office of Administrative Hearings to promulgate a legislative rule relating to appeal procedures”; 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. 316 - “A Bill to amend and reenact §59-1-2 and §59-1-2a of the Code of West Virginia, 1931, as amended, all relating to veteran-owned businesses; defining terms; exempting new veteran-owned businesses from certain fees paid to the Secretary of State; and exempting new veteran-owned businesses from paying annual report fees for the first four years after their initial registration”; which was referred to the Committee on Finance.

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. 334 - “A Bill to amend and reenact §30-3-13 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §30-3-13a; to amend said code by adding thereto a new section, designated §30-7-21; and to amend said code by adding thereto a new section, designated

§30-14-16, all relating generally to practice of medicine, osteopathy and advance practice registered nursing; rewriting licensing requirements for practice of medicine and surgery or podiatry; making exceptions; providing for unauthorized practice; requiring notice; establishing criminal penalties; permitting practice of telemedicine; establishing requirements; making exceptions; defining terms; and authorizing rulemaking”; 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. 343 - “A Bill to amend and reenact §30-1-7a of the Code of West Virginia, 1931, as amended, relating to removing chiropractors from list of medical professionals required to obtain continuing education on mental health conditions common to veterans and family members of veterans”; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

Com. Sub. for S. B. 344 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-7E-1, §55-7E-2 and §55-7E-3, all relating to setting adequate and reasonable amounts of compensatory damages available to an employee in statutory and common law wrongful or retaliatory discharge causes of action and other employment law claims; setting forth definitions; setting forth legislative findings and declaration of public policy; placing duty to mitigate damages on plaintiffs in employment-related lawsuits and causes of action; and requiring a judge to make a finding on the appropriateness of remedy versus reinstatement before front pay damages are to be considered by a jury”; 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. 350 - “A Bill to amend and reenact §61-2-10b of the Code of West Virginia, 1931, as amended, relating to protection of utility workers from crimes against the person; defining “utility worker”; and establishing penalties”; 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. 364 - “A Bill to amend and reenact §5A-3-1 and §5A-3-3 of the Code of West Virginia, 1931, as amended, all relating to exempting the West Virginia State Police Forensic Laboratory from state purchasing guidelines”; 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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 384 - “A Bill to amend and reenact §60-8-3 of the Code of West Virginia, 1931, as amended, relating to permitting sale of wine by wine specialty shop in a county, magisterial district or municipality that has not elected to permit sale of wine or alcohol beverages”; which was referred to the Committee on Small Business and Economic Development then Government Organization.

A message from the Senate, by

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

Com. Sub. for S. B. 390 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,

designated §24-2-1k, relating to additional duties of the Public Service Commission; authorizing commission to approve expedited cost recovery of natural gas utility infrastructure projects deemed just and reasonable and in the public interest; making findings; establishing application and hearing process; and providing for rulemaking”; 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, to take effect July 1, 2015, and requested the concurrence of the House of Delegates in the passage, of

S. B. 398 - “A Bill to amend and reenact §11-27-38 of the Code of West Virginia, 1931, as amended, relating generally to health care provider taxes; modifying expiration date for tax rate on eligible acute care hospitals; changing tax rate on eligible acute care hospitals; and providing for disbursement of any funds remaining in the Eligible Acute Care Provider Enhancement Account”; which was referred to the Committee on Finance.

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. 425 - “A Bill to amend and reenact §12-1-12d of the Code of West Virginia, 1931, as amended, relating to investments by certain institutions of higher learning”; which was referred to the Committee on Education then Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 435 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-26-1, §7-26-2, §7-26-3, §7-26-4, §7-26-5 and §7-26-6, all relating to creating West Virginia Sheriffs’ Bureau of Professional Standards;

purpose and composition; general powers and duties; officers; promotion of training; standards for vehicles, badges and uniforms; and standards for interagency cooperation”; to the Committee on Government Organization.

A message from the Senate, by

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

S. B. 483 - “A Bill to amend and reenact §8-22-18 of the Code of West Virginia, 1931, as amended, relating to boards of trustees of certain municipal policemen’s pension and relief funds and certain municipal firemen’s pension and relief funds”; which was referred to the Committee on Finance.

LEAVES OF ABSENCE

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

MISCELLANEOUS BUSINESS

Delegates Ambler and Cooper filed forms with the Clerk’s Office per House Rule 94b to be added as cosponsors of H. B. 2846.

Delegate Eldridge filed a form with the Clerk’s Office per House Rule 94b to be added as a cosponsor of H. B. 2840.

Delegate Frich filed a form with the Clerk’s Office per House Rule 94b to be added as a cosponsor of H. B. 2741.

Delegate O’Neal filed a form with the Clerk’s Office per House Rule 94b to be added as a cosponsor of H. B. 2716.

Delegate Perry filed a form with the Clerk’s Office per House Rule 94b to be added as a cosponsor of H. B. 2846.

Delegate R. Phillips filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2021.

Delegate Marcum filed forms with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2097, H. B. 2136, H. B. 2271 and H. B. 2470.

Delegate Shott announced that his votes did not record on Roll Call Nos. 125 and 135, and that he voted "YEA" thereon.

At 5:58 P.M., the House of Delegates adjourned until 11:00 A.M., Monday, February 23, 2015.

MONDAY, FEBRUARY 23, 2015

FORTY-FIRST 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 20, 2015, being the first order of business, when the further reading thereof was dispensed with and the same approved.

COMMITTEE REPORTS

Delegate Hamilton, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

H. B. 2730, Updating unlawful methods of bear hunting and clarifying the process for bear damage claims,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2730) was referred to the Committee on the Judiciary.

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

By Delegates A. Evans, Hamilton, Folk, Lynch, Williams, R. Smith, Canterbury, Romine and Ambler:

H. B. 2888 - "A Bill to amend and reenact §19-9-34 of the Code of West Virginia, 1931, as amended, relating to allowing the use of rotary drum composters to destroy or dispose of the carcass of any animal to prevent the spread of disease."

MESSAGES FROM THE SENATE

A message from the Senate, by

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

Com. Sub. for H. B. 2010, Requiring the elections of justices of the West Virginia Supreme Court of Appeals, circuit court judges, family court judges and magistrates be nonpartisan and by division.

On motion of Delegate Cowles, the bill was taken up for immediate consideration.

The following Senate title amendment was reported by the Clerk:

Com. Sub. for H. B. 2010 - "A Bill to amend and reenact §3-1-16 and §3-1-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §3-4A-11a of said code; to amend and reenact §3-5-4 of said code; to amend said code by adding thereto four new sections, designated §3-5-6a, §3-5-6b, §3-5-6c and §3-5-6d; to amend and reenact §3-5-7, §3-5-13 and §3-5-13a of said code; to amend and reenact §3-10-3 of said code; to amend and reenact §3-12-3, §3-12-6, §3-12-10, §3-12-11, §3-12-12 and §3-12-14 of said code; to amend and reenact §6-5-1 of said code; to amend and reenact §50-1-1 and §50-1-6 of said code; to amend and reenact §51-1-1 of said code; and to amend and reenact §51-2A-5 of said code, all relating to electoral reforms of the West Virginia judiciary generally; requiring the election of justices of the Supreme Court of Appeals, circuit court judges, family court judges and magistrates be on a nonpartisan basis; requiring that

elections to certain offices be on a division basis when more than one justice of the Supreme Court of Appeals, circuit judge, family court judge or magistrate is to be elected; providing for the timing and frequency of election; providing for the commencement of terms of office; establishing ballot design and printing; providing that elections for justice of the Supreme Court of Appeals, circuit judge, family court judge or magistrate are to be held on the same date as the primary election; requiring nonpartisan ballots be used; establishing filing announcement of candidacies, including the timing, location and information necessary thereto; providing for the order of appearance of offices on the ballot; establishing ballot content; providing the procedures for the filling of vacancies in the offices of justices of the Supreme Court of Appeals, circuit judge, family court judge or magistrate; providing occasions for special elections to be held to fill vacancies; providing that unsuccessful nonpartisan candidates can be selected to fill ballot vacancies in a general election; providing the timing of commencement of the terms of offices of justices of the Supreme Court of Appeals, circuit judge, family court judge or magistrate; and providing for the continuing applicability of the West Virginia Supreme Court of Appeals Public Campaign Financing Program.”

On motion of Delegate Cowles, the House of Delegates concurred in the Senate amendment.

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 164**), and there were—yeas 89, nays 7, absent and not voting 4, with the nays and absent and not voting being as follows:

NAYS: Caputo, Fleischauer, Longstreth, Lynch, Manchin, Perry and Pushkin.

ABSENT AND NOT VOTING: Boggs, Byrd, Hartman and Moore.

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. 2010) passed.

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

RESOLUTIONS INTRODUCED

Delegates Walters, Cowles and Hanshaw offered the following resolution, which was read by its title and referred to the Committee on the Judiciary then Rules:

H. C. R. 84 - "Requesting the Joint Committee on Government and Finance study the magistrate court cost collection process and make recommendations to improve the same."

WHEREAS, Various state agencies and counties rely on the receipt of funds generated by magistrate court costs; and

WHEREAS, The failure to collect magistrate court costs and fees have a negative effect, particularly on the bond repayment for the Regional Jail and Correctional Facility Authority; and

WHEREAS, Methods of enforcing collection of delinquent costs owed to the magistrate court funds have improved; and

WHEREAS, It would be beneficial to West Virginia, the Regional Jail and Correctional Facility Authority and the various county governments if the collection of delinquent magistrate court costs were improved; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the magistrate court cost collection process and make recommendations to improve the same; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2016, on its findings, conclusions and recommendations, together with drafts of any rules or legislation necessary to effectuate its recommendations, including drafts of naming criteria; 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.

Delegates J. Nelson, Ambler, Blair, Butler, Cooper, Espinosa, Ferro, Fluharty, Folk, Hill, Ireland, Kessinger, Kurcaba, Manchin, Marcum, McGeehan, Miley, Moore, Moye, O'Neal, Perdue, Perry, Pethel, R. Phillips, Rohrbach, Rowan, R. Smith, Sobonya, Sponaugle, Statler, Upson, Wagner, Walters, Westfall, H. White, Williams and Zatezalo offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 85 - "Requesting the Division of Highways to name a future bridge, 03-3/14-0.10 (design # 11082) (38.09778, -81.61498), carrying county route 3/14 over Big Coal River in Boone County, the 'U.S. Navy MM2 Carl E. Keeney and U.S. Army PFC Carl M. Nicholas Memorial Bridge'."

WHEREAS, Carl Eugene Keeney was born to Dewey and Ruth Skeens Keeney on March 27, 1925, in Seth, West Virginia. He learned to repair engines and vehicles at an early age and became skilled as a machinist. When this country sought skilled tradesmen in its Armed Forces, he enlisted in the United States Navy in 1942, eventually attaining the rating of Machinist's Mate - Second Class. Machinist's Mate Keeney served over three years in the Pacific Theater and saw combat in the Solomon Islands and at Okinawa. He was awarded three battle stars before he was honorably discharged in 1946. Thereafter, Carl E. Keeney applied his machinist's skills in the coal industry, working as a driver, mechanic and machinist in Boone County until his retirement; and

WHEREAS, Carl M. Nicholas was born to Dan and Frona Cottrell Nicholas on September 27, 1922, in Bickmore, West Virginia. Though he left school after eight years to help support his family, he became quite accomplished in a mining career that spanned five decades in the coalfields of southern West Virginia. He answered his nation's call to service, joining the United States Army in World War II in the European Theater of Operations. He participated in the Invasion of Normandy on D-Day and in the Battle of the Bulge. He also received and survived bullet wounds from a German sniper, for which he was awarded the Purple Heart. Upon his return to civilian life, he continued his mining career with some of the most prominent companies in the industry and he became a successful businessman as proprietor of his own trucking company. He continued to support military veterans and was a leader of the effort to secure dedicated parking for veterans at our State Capitol. After a life well lived in service to his community and his country, Carl M. Nicholas passed away on September 3, 2014; and

WHEREAS, It is an appropriate recognition of their contributions to their country, state, community and Boone County to name a bridge over the Big Coal River in their honor; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the future bridge, 03-3/14-0.10 (design # 11082) (38.09778, -81.61498), carrying county route 3/14 over Big Coal River in Boone County, the "U.S. Navy MM2 Carl E. Keeney and U.S. Army PFC Carl M. Nicholas 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 MM2 Carl E. Keeney and U.S. Army PFC Carl M. Nicholas 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 to the families of each of these honored veterans.

BILLS INTRODUCED

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

By Delegates Arvon, Fast, Kessinger, Azinger, Butler, Moye, R. Phillips, Hamrick, Border, Canterbury and Perry:

H. B. 2881 - “A Bill to amend the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §5B-4-1, §5B-4-2, §5B-4-3, §5B-4-4 and §5B-4-5, all relating to creating the West Virginia Intrastate Commerce Improvement Act; and ensuring that businesses, organizations and employers doing business in West Virginia are subject to uniform nondiscrimination laws and obligations”; to the Committee on Government Organization.

By Delegates Frich, Statler, Pasdon, Kurcaba, Fleischauer and Manchin:

H. B. 2882 - “A Bill to amend and reenact §50-1-2 of the Code of West Virginia, 1931, as amended, relating to increasing the number of magistrates in Monongalia County by one”; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Boggs, Manchin, Longstreth, Folk, Canterbury, Rowan, Perry, Pethtel, Ferro, Lane and A. Evans:

H. B. 2883 - “A Bill to amend and reenact §24-3-1b of the Code of West Virginia, 1931, as amended, relating to requiring, for safety reasons, minimum personnel of two on certain trains”; to the Committee on Industry and Labor then the Judiciary.

By Delegates Pasdon and Perry:

H. B. 2884 - “A Bill to amend and reenact §18B-1D-9 of the Code of West Virginia, 1931, as amended, relating to modifying training and development requirement for certain members of Higher Education

Policy Commission, council for community and technical college education and institutional governing boards”; to the Committee on Education.

By Delegates Skinner, Fleischauer, Pushkin, Storch and Hamrick:

H. B. 2885 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-12-1, §47-12-2, §47-12-3, §47-12-4, §47-12-5, §47-12-6 and §47-12-7, all relating to the Youth Mental Health Protection Act; legislative findings; purpose; definitions; prohibition on conversion therapy; referral services; and discipline”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Howell, Folk, Foster, Ihle, Hill, Hamrick, Storch and Azinger:

H. B. 2886 - “A Bill to amend and reenact §46A-6-107 of the Code of West Virginia, 1931, as amended, relating to conditions under which used manufactured homes may be sold with warranty exclusions, limitations or modifications; allowing used manufactured homes to be sold with warranty limitations; allowing a waiver of warranties of particular defects disclosed in writing; establishing conditions permitting ‘as is’ sales of used manufactured homes; and requiring conspicuous disclosure of ‘as is’ sale conditions”; to the Committee on the Judiciary.

By Delegates Ellington, Gearheart, Border, Ambler, Cooper, Shott, Overington, Householder, Butler, R. Phillips and E. Nelson:

H. B. 2887 - “A Bill to amend and reenact §17B-2-3a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §33-6-38, all relating to Division of Motor Vehicles instructional permits requirements; drug testing for a level two intermediate driver’s license; possible insurance premium reduction”; to the Committee on Health and Human Resources then the Judiciary.

SPECIAL CALENDAR**UNFINISHED BUSINESS**

H. C. R. 83, Requesting the Joint Committee on Government and Finance to study the needs, challenges, and issues facing municipalities in this state as to the funding of their police and firefighter pension plans; coming up in regular order, as unfinished business, was reported by the Clerk and adopted.

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

THIRD READING

Com. Sub. for H. B. 2562, Relating to sales tax increment financing; on third reading, coming up in regular order, with an amendment pending, was reported by the Clerk.

Delegate Sponaugle moved to amend the bill on page six, section seven-a, lines sixty-five through seventy, by striking out “On the first day of each fiscal year, any monthly deficiencies for an economic opportunity development district remaining from the prior fiscal year shall be discharged and shall not be taken into consideration by the State Treasurer when the monthly deposits are made to the General Revenue Fund pursuant to this section.”

During the debate on the amendment, Members were discussing the merits of the bill. The Speaker reminded the Members to confine their remarks to the amendment.

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

The yeas and nays having been ordered, they were taken (**Roll No. 165**), and there were—yeas 31, nays 63, absent and not voting 6, with the yeas and absent and not voting being as follows:

YEAS: Anderson, Bates, Byrd, Campbell, Caputo, Eldridge, Ferro, Fluharty, Folk, Guthrie, Hicks, Hornbuckle, Longstreth, Lynch, Manchin, Marcum, Morgan, Moyer, Perdue, Perry, L. Phillips, Pushkin, Reynolds, Rodighiero, Rohrbach, Skinner, P. Smith, Sponaugle, Trecost, H. White and Williams.

ABSENT AND NOT VOTING: Boggs, Hartman, Lane, Moore, Rowe and Zatezalo.

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

Having been engrossed, the bill was then read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 166**), and there were—yeas 75, nays 20, absent and not voting 5, with the yeas and absent and not voting being as follows:

NAYS: Bates, Byrd, Eldridge, Faircloth, Folk, Guthrie, Ihle, Lynch, Marcum, McGeehan, Moffatt, J. Nelson, Perdue, Perry, Pushkin, Reynolds, Rodighiero, P. Smith, Sponaugle and H. White.

ABSENT AND NOT VOTING: Boggs, Hartman, Lane, Moore and Rowe.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2562) passed.

H. B. 2770, Making a supplementary appropriation from the State Fund, State Excess Lottery Revenue Fund, to the Division of Human Services; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 167**), and there were—yeas 93, nays 1, absent and not voting 6, with the nays and absent and not voting being as follows:

NAYS: McGeehan.

ABSENT AND NOT VOTING: Boggs, Deem, Hartman, Lane, Moore and Rowe.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2770) passed.

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

On this question, the yeas and nays were taken (**Roll No. 168**), and there were—yeas 89, nays 3, absent and not voting 8, with the nays and absent and not voting being as follows:

NAYS: Folk, Howell and McGeehan.

ABSENT AND NOT VOTING: Boggs, Deem, Hartman, Lane, Moore, Perdue, Rowe, and P. Smith.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2770) takes effect from its passage.

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

Com. Sub. for H. B. 2562, Relating to sales tax increment financing; still being in possession of the Clerk, the bill was taken up for further consideration.

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

On this question, the yeas and nays were taken (**Roll No. 169**), and there were—yeas 79, nays 12, absent and not voting 9, with the nays and absent and not voting being as follows:

NAYS: Eldridge, Faircloth, Folk, Guthrie, Ihle, Marcum, Moffatt, Pushkin, Reynolds, Rodighiero, P. Smith and Sponaugle.

ABSENT AND NOT VOTING: Boggs, Deem, Hartman, Lane, Moore, Pasdon, Perdue, Rowe and Weld.

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 H. B. 2562) takes effect from its passage.

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

SECOND READING

Com. Sub. for H. B. 2457, Prohibiting the use of the name or likeness of elected or appointed officials on publicly-owned vehicles; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2493, Relating to requirements for insurance policies and contracts providing accident and sickness insurance or direct health care services that cover anti-cancer medications; on second reading, coming up in regular order, was read a second time.

At the request of Delegate Cowles, and by unanimous consent, the bill was advanced to third reading with amendments pending and the restricted right to amend jointly by Delegates Ellington and Eldridge, and the rule was suspended to permit the consideration of the amendments on that reading.

H. B. 2615, West Virginia Small Business Capital Act; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Small Business, Entrepreneurship and Economic Development was reported by the Clerk and adopted, amending the bill as follows:

On page three, subdivision four, line eleven, after the word “entity” and the semicolon, by inserting the word “and”.

On page three, subsection (c), line eight, after the word “than”, by striking out “\$25,000” and inserting “\$10,000”.

On page four, subsection (h), line twenty-six, after the words “sale of”, by striking out the words “the twenty-fifth security” and inserting in lieu thereof the words “securities to the twenty-fifth person”.

On page four, subsection (h), line twenty-nine, after the word “agent” and the period, by inserting the following:

“When the Secretary of State receives a Notice of Issuer, he or she shall promptly forward a copy of it to the auditor of the State of West Virginia.”

On page four, after subsection (h), following line two, by inserting two new sections to read as follows:

“§32-5-505. Misleading filings, criminal penalties and civil liabilities.

Notwithstanding the provisions of section five hundred two of this article, an issuer under this article shall be subject to the provisions of sections four hundred four, four hundred nine and four hundred ten of article four of this chapter.”

And,

“§32-5-506. Anti-fraud provisions preserved.

Notwithstanding the provisions of this article, nothing in this exemption shall be construed to alleviate any person from the anti-fraud provisions of articles one, two, three or four of this chapter.”

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 2648, Allowing authorized entities to maintain a stock of epinephrine auto-injectors to be used for emergency; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2662, Eye Care Consumer Protection Law; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2733, Removing certain combinations of drugs containing hydrocodone from Schedule III of the controlled substances law; 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 twenty-three, line one hundred eighty-three, by restoring the stricken word “or” and removing the underscored words “or V”.

The bill was then ordered to engrossment and third reading.

H. B. 2879, Relating to certain limitations on amount of state funds on deposit in any depository; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

FIRST READING

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

Com. Sub. for S. B. 175, Authorizing DHHR promulgate legislative rules,

S. B. 238, Limiting certain county board of education liability arising from unorganized recreation,

Com. Sub. for H. B. 2240, Providing that an act of domestic violence or sexual offense by strangling is an aggravated felony offense,

Com. Sub. for H. B. 2283, Authorizing the Department of Environmental Protection to promulgate legislative rules,

H. B. 2627, Providing protection against property crimes committed against coal mines, utilities and other industrial facilities,

H. B. 2628, Changing the date of filing announcements of candidacies,

Com. Sub. for H. B. 2674, Making home schooled students eligible for a Promise scholarship without taking the GED test,

Com. Sub. for H. B. 2718, Transferring funds remaining in the Racetrack Modernization Fund to the State Road Fund and closing the Racetrack Modernization Fund,

Com. Sub. for H. B. 2755, Relating to service and professional employee positions at jointly established schools,

Com. Sub. for H. B. 2773, Relating to the West Virginia Film Industry Investment tax credit,

Com. Sub. for H. B. 2778, State Infrastructure Fund Program,

And,

H. B. 2820, Relating to affirmative defenses against mechanics' liens.

H. B. 2880, Creating an addiction treatment pilot program; on first reading, coming up in regular order, was, at the request of Delegate Cowles, and by unanimous consent, laid over one day, retaining its place on the calendar.

MISCELLANEOUS BUSINESS

Delegate Byrd noted to the Clerk that he was absent when the vote was taken on Roll No. 164, and that had he been present, he would have voted “YEA” thereon.

Delegates A. Evans, Hamilton and Romine announced that they were absent when the votes were taken on Roll Nos. 124 through 163, and that had they been present, they would have voted “YEA” thereon.

At the request of Delegate Cowles, and by unanimous consent, the House of Delegates returned to further consideration of **Com. Sub. for H. B. 2755**.

Delegate Cowles moved that the constitutional rule requiring the bill to be fully and distinctly read on three different days be dispensed with.

On this question, Com. Sub. for H. B. 2775 was mistakenly displayed on the voting board and the roll was taken (Roll No. 170).

Following consultation with the Clerk, the correct bill number was displayed and the Speaker again stated the motion before the House, and on this question, the yeas and nays were taken (**Roll No. 171**), and there were—yeas 70, nays 22, absent and not voting 8, with the nays and absent and not voting being as follows:

NAYS: Bates, Byrd, Eldridge, Faircloth, Fast, Fluharty, Folk, Gearheart, Hamilton, Hicks, Hornbuckle, Howell, Ihle, Kurcaba, Marcum, McGeehan, Moffatt, J. Nelson, Reynolds, Rodighiero, Storch and H. White.

ABSENT AND NOT VOTING: Boggs, Hartman, Lane, Moore, Perdue, Rowe, Westfall and Williams.

So, four fifths of the members present not having voted in the affirmative, the constitutional rule was not dispensed with.

LEAVES OF ABSENCE

At the request of Delegate Cowles, and by unanimous consent, leaves of absence for the day were granted Delegates Boggs, Hartman and Moore.

Delegate Caputo arose to a point of inquiry as to the status of Com. Sub. for H. B. 2775.

The Speaker stated that the roll call to suspend the constitutional rule was taken in error, and that the correct bill had subsequently been acted on by the House, and that the status of Com. Sub. for H. B. 2775 was unchanged.

Delegate Marcum asked and obtained unanimous consent that the remarks of Delegate Deem regarding recent newspaper articles about the Legislature be printed in the Appendix to the Journal.

At 1:23 P.M., on motion of Delegate Cowles, the House of Delegates recessed until 6:00 P.M.

EVENING SESSION

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.

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

Your Committee on Government Organization has had under consideration:

H. B. 2237, Prohibiting project labor agreements on state-funded construction contracts,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 2237) was referred to the Committee on Finance.

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

Your Committee on Government Organization has had under consideration:

S. B. 412, Relating to Real Estate Commission complaint filings,

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

In accordance with the former direction of the Speaker, the bill (S. B. 412) was referred to the Committee on the Judiciary.

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

Your Committee on Government Organization has had under consideration:

H. B. 2839, Eliminating late fees charged by the Secretary of State,

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

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

Your Committee on Government Organization has had under consideration:

Com. Sub. for S. B. 60, Requiring food handler examinations and cards,

And,

H. B. 2835, Reorganizing the Hatfield-McCoy Regional Recreation Authority,

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

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

Your Committee on Finance has had under consideration:

H. B. 2569, Relating to the Dealer Recovery Program,

H. B. 2657, Allowing members of the Livestock Care Standards Board to be reimbursed for expenses consistent with the West Virginia Department of Agriculture Travel Policy and Procedure,

And,

S. B. 398, Extending expiration date for health care provider tax on eligible acute care hospitals,

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

On motion for leave, a bill was introduced (Originating in the Committee on Finance and reported with the recommendation that it do pass), which was read by its title, as follows:

By Delegates E. Nelson, Anderson, Canterbury, Espinosa, Frich, Hamilton, Westfall, Moye and Williams:

H. B. 2933 - "A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund,

General Revenue, to the Department of Administration, Public Defender Services, fund 0226, fiscal year 2015, organization 0221, by supplementing and amending the appropriations for the fiscal year ending June 30, 2015.”

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

Your Committee on Finance has had under consideration:

H. B. 2103, Relating generally to boards of examination and registration,

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

Com. Sub. for H. B. 2103 - “A Bill to amend and reenact §30-1-5, §30-3-10, §30-3E-4, §30-4-8, §30-5-9, §30-7-6, §30-7A-3, §30-8-8, §30-10-8, §30-14-4 and §30-21-7 of the Code of West Virginia, 1931, as amended, all generally relating to boards of examination for licensure; requiring information regarding complaints against licensees to be posted on a website; requiring certain boards regulating professions to require national criminal background checks on applicants for a new license; amending licensure requirements for applicants; providing rulemaking authority; and providing exceptions,”

H. B. 2202, Relating to more equitable disbursement of funds to county boards,

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

Com. Sub. for H. B. 2202 - “A Bill to amend and reenact §18-20-5 of the Code of West Virginia, 1931, as amended, relating to the disbursement of funds to reimburse county boards for costs associated with educating high cost/high acuity special needs students; requiring the state superintendent to develop a new formula for the disbursement

of the funds; removing the requirement for the superintendent to review policies and report annually to the legislature,”

H. B. 2268, Removing the severance tax on timber,

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

Com. Sub. for H. B. 2268 - “A Bill to amend and reenact §11-13A-3b of the Code of West Virginia, 1931, as amended, relating to reducing and terminating the severance tax on timber,”

H. B. 2462, Relating to certain deposits of tax proceeds,

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

Com. Sub. for H. B. 2462 - “A Bill to and reenact §11-15-30 of the Code of West Virginia, 1931, as amended, relating to the dedication and deposit of certain tax proceeds; reducing the amount of sales tax proceeds annually dedicated to the School Major Improvement Fund by \$2,000,004 for the fiscal year 2016; reducing the amount of sales tax proceeds annually dedicated to the School Construction Fund by \$6 million for the fiscal years 2016; and making stylistic changes,”

H. B. 2571, Creating a fund for pothole repair contributed to by private businesses or entities,

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

Com. Sub. for H. B. 2571 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-8d, relating generally to road repair; creating a special fund for contributions by private businesses or entities; allowing contributing entities to designate which repairs will be made

with the contribution; providing for acknowledgment of contributions; authorizing rulemaking,”

And,

H. B. 2652, Reducing the assessment paid by hospitals to the Health Care Authority,

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

Com. Sub. for H. B. 2652 - “A Bill to amend and reenact §16-29B-3 and §16-29B-8 of the Code of West Virginia, 1931, as amended, relating to annual assessments on hospitals by the West Virginia Health Care Authority; adding definitions; changing the basis for the annual assessment,”

With the recommendation that the committee substitutes each do pass.

MESSAGES FROM THE SENATE

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the House of Delegates amendment, with amendment, and the passage, as amended, to take effect from passage, of

Com. Sub. for S. B. 6, Relating to medical professional liability.

On motion of Delegate Cowles, the bill was taken up for immediate consideration.

The following Senate amendment to the House of Delegates amendment was reported by the Clerk:

On page seventeen, section ten, subsection (b), by striking out the word “arise” and inserting in lieu thereof the words “are filed”.

On motion of Delegate Cowles, the House of Delegates concurred in the Senate amendment.

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 172**), and there were—yeas 77, nays 16, absent and not voting 7, with the nays and absent and not voting being as follows:

NAYS: Byrd, Caputo, Eldridge, Fast, Ferro, Fleischauer, Fluharty, Manchin, Marcum, Miley, Perdue, Perry, Rodighiero, Skinner, Walters and H. White.

ABSENT AND NOT VOTING: Boggs, Cooper, Guthrie, Longstreth, Moore, Morgan and L. Phillips.

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. 6) passed.

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

On this question, the yeas and nays were taken (**Roll No. 173**), and there were—yeas 77, nays 16, absent and not voting 7, with the nays and absent and not voting being as follows:

NAYS: Byrd, Caputo, Eldridge, Fleischauer, Hicks, Hornbuckle, Manchin, Miley, Perdue, Pushkin, Reynolds, Rodighiero, Rowe, Skinner, Sponaugle and Walters.

ABSENT AND NOT VOTING: Boggs, Cooper, Guthrie, Longstreth, Moore, Morgan and L. Phillips.

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. 6) takes effect from its passage.

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 concurrence in the amendment of the House of Delegates and the passage, as amended, of

S. B. 299, Clarifying start date of State Police duty-related disability payments.

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. 415 - "A Bill to amend and reenact §11-14C-23 of the Code of West Virginia, 1931, as amended, relating to removal of certain tax discounts from motor fuel excise tax"; which was referred to the Committee on the Judiciary then Finance.

CONFERENCE COMMITTEE REPORTS

Delegate Shott, from the Committee of Conference on matters of disagreement between the two houses, as to

Com. Sub. for H. B. 2002, Predicating actions for damages upon principles of comparative fault,

Submitted the following report, which was received:

Your Committee of Conference on the disagreeing votes of the two houses as to the amendments of the Senate to Engrossed Committee Substitute for House Bill No. 2002 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That the House of Delegates agree to the amendment of the Senate to the bill striking out everything after the enacting clause.

And,

That both houses agree to the following amendments to the Senate amendment as follows:

On page three, section thirteen-c, line two, by striking out the words “equal to or”.

On page six, section thirteen-d, line eight, after the word “act” by changing the period to a colon and inserting the following proviso: “*Provided*, That the plaintiff has been convicted of such felony, or if deceased, the jury makes a finding that the decedent committed such felony.”

And,

That both houses recede from their respective positions as to the title of the bill and agree to the same as follows:

Com. Sub. for H. B. 2002 - “A Bill to repeal §55-7-13 and §55-7-24 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto four new sections, designated §55-7-13a, §55-7-13b, §55-7-13c and §55-7-13d, all generally relating to predicating actions for damages upon principles of comparative fault; establishing the comparative fault standard; abolishing joint liability and implementing several liability; establishing how to consider the fault of parties and nonparties to a civil action; establishing how to consider the fault of, and the amounts paid by, settling parties; establishing how to reallocate any portion of a judgment a plaintiff is unable to collect; providing for the use of special interrogatories; establishing certain exceptions to several liability; clarifying fault may be imputed to another person who was acting as an agent or servant of another; establishing limits on liability where a plaintiff is involved in a felony criminal act; providing for the burden of proof and limitations; and defining terms.”

Respectfully submitted,

JOHN H. SHOTT,

CHARLES S. TRUMP,

JOHN MCCUSKEY,

MITCH CARMICHEL,

DANA LYNCH,

COREY PALUMBO,

*Conferees on the part
House of Delegates.*

*Conferees on the part
of the Senate.*

On motion of Delegate Shott, the report of the Committee of Conference was adopted.

The bill, as amended by said report, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 174**), and there were—yeas 71, nays 21, absent and not voting 8, with the nays and absent and not voting being as follows:

NAYS: Bates, Byrd, Caputo, Eldridge, Fast, Fleischauer, Fluharty, Hicks, Hornbuckle, Manchin, Miley, Perdue, Perry, Pushkin, Reynolds, Rodighiero, Rowe, Skinner, Sponaugle, Storch and Weld.

ABSENT AND NOT VOTING: Boggs, Campbell, Cooper, Guthrie, Longstreth, Moore, Morgan and L. Phillips.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2002) passed.

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

Delegate Lane, from the Committee of Conference on matters of disagreement between the two houses, as to

Com. Sub. for H. B. 2025, Prohibiting certain sex offenders from loitering within one thousand feet of a school or child care facility,

Submitted the following report, which was received:

Your Committee of Conference on the disagreeing votes of the two houses as to the amendment of the Senate to Engrossed Committee Substitute for House Bill No. 2025 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses as follows:

That both houses recede from their respective positions as to the amendment of the Senate striking out everything following the enacting clause and inserting new language, and agree to the same as follows:

“That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §61-8-29; and that §62-12-26 of said code be amended and reenacted, all to read as follows:

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 8. CRIMES AGAINST CHASTITY, MORALITY AND DECENCY.

§61-8-29. Criminal loitering by persons on supervised release.

(a) Any person serving a period of supervised release of ten years or more pursuant to the provision of section twenty-six, article twelve, chapter sixty-two of this code who loiters within one thousand feet of the property line of the residence or workplace of a victim of a sexually violent offense for which the person was convicted shall be guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not more than thirty days.

(b) Any person serving a period of supervised release of ten years or more pursuant to the provisions of section twenty-six, article twelve, chapter sixty-two of this code for an offense where the victim was a minor who loiters within one thousand feet of the property line of a facility or business the principal purpose of which is the education, entertainment or care of minor children, playground, athletic facility or

school bus stop shall be guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for a period of not more than thirty days.

(c) A person does not violate the provisions of subsection (a) or (b) of this section unless he or she has previously been asked to leave the proscribed location by an authorized person and thereafter refuses to leave or leaves and thereafter returns to the proscribed location.

(d) As used in this section:

(1) 'Authorized person' means:

(A) A law-enforcement officer acting in his or her official capacity;

(B) A security officer employed by a business or facility to protect persons or property acting in his or her employment capacity;

(C) An owner, manager or employee of a facility or business having a principal purpose the caring for, education or entertainment of minors;

(D) A victim or parent, guardian or lawful temporary or permanent custodian thereof;

(E) An employee of a county Board of Education acting in his or her employment capacity.

(2) 'Facility or business, the principal purpose of which is the education, entertainment or care of minor children' means:

(A) A pre-school, primary, intermediate, middle or high school, either public or private;

(B) A childcare facility;

(C) A park;

(D) An athletic facility used by minors;

(E) A school bus stop.

(3) ‘Loitering’ means to enter or remain on property while having no legitimate purpose or, if a legitimate purpose exists, remaining on that property beyond the time necessary to fulfill that purpose.

(e) Nothing in this section shall be construed to prohibit or limit a person’s presence within one thousand feet of a location or facility referenced in this section if the person is there present for the purposes of supervision, counseling or other activity in which the person is directed to participate as a condition of supervision or where the person has the express permission of his supervising officer to be present.

CHAPTER 62. CRIMINAL PROCEDURE.

ARTICLE 12. PROBATION AND PAROLE.

§62-12-26. Extended supervision for certain sex offenders; sentencing; conditions; supervision provisions; supervision fee.

(a) Notwithstanding any other provision of this code to the contrary, any defendant convicted after the effective date of this section of a violation of section twelve, article eight, chapter sixty-one of this code or a felony violation of the provisions of article eight-b, eight-c or eight-d of said chapter shall, as part of the sentence imposed at final disposition, be required to serve, in addition to any other penalty or condition imposed by the court, a period of supervised release of up to fifty years: *Provided*, That the period of supervised release imposed by the court pursuant to this section for a defendant convicted after the effective date of this section as amended and reenacted during the first extraordinary session of the Legislature, 2006, of a violation of section three or seven, article eight-b, chapter sixty-one of this code and sentenced pursuant to section nine-a of said article, shall be no less than ten years: *Provided, however*, That a

defendant designated after the effective date of this section as amended and reenacted during the first extraordinary session of the Legislature, 2006, as a sexually violent predator pursuant to the provisions of section two-a, article twelve, chapter fifteen of this code shall be subject, in addition to any other penalty or condition imposed by the court, to supervised release for life: *Provided further*, That pursuant to the provisions of subsection (g) of this section, a court may modify, terminate or revoke any term of supervised release imposed pursuant to subsection (a) of this section.

(b) Any person required to be on supervised release ~~for a~~between the minimum term of ten years and life pursuant to the provisos of subsection (a) of this section also shall be further prohibited from:

(1) Establishing a residence or accepting employment within one thousand feet of a school or child care facility or within one thousand feet of the residence of a victim or victims of any sexually violent offenses for which the person was convicted;

(2) Loitering within one thousand feet of a school or child care facility or within one thousand feet of the residence of a victim or victims of any sexually violent offenses for which the person was convicted: *Provided*, That the imposition of this prohibition shall apply to a defendant convicted after the effective date of this section as amended and reenacted during the regular session of the Legislature, 2015: *Provided, however*, That as used herein 'loitering' means to enter or remain on property while having no legitimate purpose or, if a legitimate purpose exists, remaining on that property beyond the time necessary to fulfill that purpose: *Provided further*, That nothing in this subdivision shall be construed to prohibit or limit a person's presence within one thousand feet of a location or facility referenced in this subdivision if the person is present for the purposes of supervision, counseling or other activity in which the person is directed to participate as a condition of supervision or where the person has the express permission of his supervising officer to be present;

~~(2)~~(3) Establishing a residence or any other living accommodation in a household in which a child under sixteen resides if the person has been convicted of a sexually violent offense against a child, unless the person is one of the following:

(i) The child's parent;

(ii) The child's grandparent; or

(iii) The child's stepparent and the person was the stepparent of the child prior to being convicted of a sexually violent offense, the person's parental rights to any children in the home have not been terminated, the child is not a victim of a sexually violent offense perpetrated by the person, and the court determines that the person is not likely to cause harm to the child or children with whom such person will reside: *Provided*, That nothing in this subsection shall preclude a court from imposing residency or employment restrictions as a condition of supervised release on defendants other than those subject to the provision of this subsection.

(c) The period of supervised release imposed by the provisions of this section shall begin upon the expiration of any period of probation, the expiration of any sentence of incarceration or the expiration of any period of parole supervision imposed or required of the person so convicted, whichever expires later.

(d) Any person sentenced to a period of supervised release pursuant to the provisions of this section shall be supervised by a multijudicial circuit probation officer, if available. Until such time as a multijudicial circuit probation officer is available, the offender shall be supervised by the probation office of the sentencing court or of the circuit in which he or she resides.

(e) A defendant sentenced to a period of supervised release shall be subject to any or all of the conditions applicable to a person placed upon probation pursuant to the provisions of section nine of this article: *Provided*, That any defendant sentenced to a period of

supervised release pursuant to this section shall be required to participate in appropriate offender treatment programs or counseling during the period of supervised release unless the court deems the offender treatment programs or counseling to no longer be appropriate or necessary and makes express findings in support thereof.

Within ninety days of the effective date of this section as amended and reenacted during the first extraordinary session of the Legislature, 2006, the Secretary of the Department of Health and Human Resources shall propose rules and emergency rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code establishing qualifications for sex offender treatment programs and counselors based on accepted treatment protocols among licensed mental health professionals.

(f) The sentencing court may, based upon defendant's ability to pay, impose a supervision fee to offset the cost of supervision. Said fee shall not exceed \$50 per month. Said fee may be modified periodically based upon the defendant's ability to pay.

(g) *Modification of conditions or revocation.* — The court may:

(1) Terminate a term of supervised release and discharge the defendant released at any time after the expiration of two years of supervised release, pursuant to the provisions of the West Virginia Rules of Criminal Procedure relating to the modification of probation, if it is satisfied that such action is warranted by the conduct of the defendant released and the interests of justice;

(2) Extend a period of supervised release if less than the maximum authorized period was previously imposed or modify, reduce or enlarge the conditions of supervised release, at any time prior to the expiration or termination of the term of supervised release, consistent with the provisions of the West Virginia Rules of Criminal Procedure relating to the modification of probation and the provisions applicable to the initial setting of the terms and conditions of post-release supervision;

(3) Revoke a term of supervised release and require the defendant to serve in prison all or part of the term of supervised release without credit for time previously served on supervised release if the court, pursuant to the West Virginia Rules of Criminal Procedure applicable to revocation of probation, finds by clear and convincing evidence that the defendant violated a condition of supervised release, except that a defendant whose term is revoked under this subdivision may not be required to serve more than the period of supervised release;

(4) Order the defendant to remain at his or her place of residence during nonworking hours and, if the court so directs, to have compliance monitored by telephone or electronic signaling devices, except that an order under this paragraph may be imposed only as an alternative to incarceration.

(h) *Written statement of conditions.* — The court shall direct that the probation officer provide the defendant with a written statement at the defendant's sentencing hearing that sets forth all the conditions to which the term of supervised release is subject and that it is sufficiently clear and specific to serve as a guide for the defendant's conduct and for such supervision as is required.

(i) *Supervised release following revocation.* — When a term of supervised release is revoked and the defendant is required to serve a term of imprisonment that is less than the maximum term of supervised release authorized under subsection (a) of this section, the court may include a requirement that the defendant be placed on a term of supervised release after imprisonment. The length of such term of supervised release shall not exceed the term of supervised release authorized by this section less any term of imprisonment that was imposed upon revocation of supervised release.

(j) *Delayed revocation.* — The power of the court to revoke a term of supervised release for violation of a condition of supervised release and to order the defendant to serve a term of imprisonment and, subject to the limitations in subsection (i) of this section, a further term of

supervised release extends beyond the expiration of the term of supervised release for any period necessary for the adjudication of matters arising before its expiration if, before its expiration, a warrant or summons has been issued on the basis of an allegation of such a violation.”

And,

That both houses recede from their respective positions as to the title of the bill and agree to a new title as follows:

Com. Sub. for H. B. 2025 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8-29; and to amend and reenact §62-12-26 of said code, relating to creating the offense of criminal loitering by persons on supervised release; prohibiting loitering by such persons within one thousand feet of a victim’s home, schools and facilities providing care and entertainment for children; defining terms; establishing penalties; and prohibiting certain sex offenders on supervised release from loitering within one thousand feet of a school, child care facility, or victim.”

Respectfully submitted,

PATRICK LANE,

DAVID NOHE,

DANA LYNCH,

ED GAUNCH,

RYAN WELD,

BOB WILLIAMS,

*Conferees on the part
of the House of Delegates.*

*Conferees on the part
of the Senate.*

At the request of Delegate Cowles, and by unanimous consent, the House of Delegates returned to further consideration of Com. Sub. for H. B. 2755.

Delegate Cowles moved that the constitutional rule requiring the bill to be fully and distinctly read on three different days be dispensed with.

On this question, the yeas and nays were taken (**Roll No. 175**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Boggs, Campbell, Cooper, Guthrie, Longstreth, Moore, Morgan and L. Phillips.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

The bill was then read a second time and ordered to engrossment and third reading.

Having been engrossed, the bill was read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 176**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Boggs, Campbell, Cooper, Guthrie, Longstreth, Moore, Morgan and L. Phillips.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2755) passed.

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

On this question, the yeas and nays were taken (**Roll No. 177**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Boggs, Campbell, Cooper, Guthrie, Longstreth, Moore, Morgan and L. Phillips.

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 H. B. 2755) takes effect from its passage.

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

Com. Sub. for H. B. 2025, Prohibiting certain sex offenders from loitering within one thousand feet of a school or child care facility; still being in possession of the Clerk, was taken up for further consideration.

On motion of Delegate Lane, the report of the Committee of Conference was adopted.

The bill, as amended by said report, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 178**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Boggs, Cooper, Guthrie, Longstreth, Moore, Morgan, L. Phillips and Stansbury.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2025) passed.

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

MISCELLANEOUS BUSINESS

Delegate Marcum filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2835.

Delegate Upson filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2878.

At 7:05 P.M., the House of Delegates adjourned until 11:00 A.M., Tuesday, February 24, 2015.

TUESDAY, FEBRUARY 24, 2015

FORTY-SECOND DAY

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

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

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

The Clerk proceeded to read the Journal of Monday, February 23, 2015, being the first order of business, when the further reading thereof was dispensed with and the same approved.

COMMITTEE REPORTS

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

Your Committee on Education has had under consideration:

H. B. 2840, Providing an alternative plan to make up lost days of instruction,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 2840) was referred to the Committee on Finance.

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

Your Committee on Education has had under consideration:

H. B. 2884, Modifying training and development requirement for certain members of Higher Education Policy Commission, council for community and technical college education and institutional governing boards,

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

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

Your Committee on Education has had under consideration:

H. B. 2550, Increasing the number of unexcused absences of a student before action may be taken against the parent,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 2550) was referred to the Committee on the Judiciary.

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

Your Committee on Education has had under consideration:

H. B. 2474, Relating to the compensation of personnel employed at the West Virginia Schools for the Deaf and the Blind,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 2474) was referred to the Committee on Finance.

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. 187, Authorizing Department of Revenue promulgate legislative rules,

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

MESSAGES FROM THE SENATE

A message from the Senate, by

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

Com. Sub. for H. B. 2234, Requiring a court to permit a party in a divorce proceeding to resume using the name he or she used prior to the marriage.

On motion of Delegate Cowles, the bill was taken up for immediate consideration.

The following Senate amendments were reported by the Clerk:

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

“**ARTICLE 5. DIVORCE.**

§48-5-613. Former name of party; restoration.

(a) The court, upon the entry of a final order of divorce shall, if requested to do so by a party, allow such party to resume a surname used prior to the marriage that is being dissolved: *Provided*, That the court may only allow a party to return to the surname of a former spouse if the person seeking the name change has a living child or children with said former spouse.

(b) Upon granting a change of name pursuant to subsection (a) of this section, the court shall issue a certificate of divorce reflecting the change in name. The certificate shall be no more than one page in length and shall contain the docket number and style of the divorce action, the birth name of the person requesting the change of name, said person's date of birth, social security number and the effective date of the change of surname.

(c) For a change of surname pursuant to this section to be valid it must be attested to by the circuit clerk.

(d) A valid certificate of divorce issued pursuant to this section may be used for any lawful purpose and shall serve as proof of legal change of name for purposes of obtaining a driver's license or state-issued identification card."

And,

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

Com. Sub. for H. B. 2234 - "A Bill to amend and reenact §48-5-613 of the Code of West Virginia, 1931, as amended, relating to court ordered name changes in divorce cases; authorizing the issuance of certificates of divorce to reflect a name change; setting forth the contents of said certificate; requiring attestation by the clerk of the court of certificates; allowing use of certificates for all lawful purposes and expressly authorizing a certificate's use for drivers licensing and for obtaining a state-issued identification card."

On motion of Delegate Cowles, the House of Delegates refused to concur in the Senate amendments and requested the Senate to recede therefrom.

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

RESOLUTIONS INTRODUCED

Delegates Lynch, Moffatt, Reynolds, Hicks, Rodighiero, Moye, Perry, Perdue, Rowe, Guthrie and Sobonya offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 86 - “Requesting the Division of Highways to name the bridge going into Bergoo, Webster County on CR 26 the ‘Vince Cogar Memorial Bridge’.”

WHEREAS, Vince Cogar was born August 18, 1963, in Webster Springs to Garcie Risto and Josephine Emily Totino Cogar and was County Supervisor for the West Virginia Department of Transportation. He was a lifelong resident of Webster County, attended Bergoo Baptist Church, and was a member of the Sugar Creek Hunting Club. He enjoyed old cars, racing, and loved life. Vincent died on Sunday, May 5, 2013, at his home with his family by his side. He was survived by his wife Debra Ann Bonnett Cogar; sons Colton Lee Cogar of Bergoo and Clinton Clay Cogar of Buckhannon; his parents; brothers Bobby Cogar and Kaleib Cogar of Webster Springs; sisters Catheryne Lynn (Mitchell) Gregory of Webster Springs, Sharon (Bill) Holleman of Denton, NC, Theresa (Mark) Burnside of Rock Cave, Crisstina (Raymond Rodgers) Cogar of Webster Springs, and Vivian Cogar of Webster Springs; and

WHEREAS, Naming the bridge going into Bergoo, Webster County on CR 26 the “Vince Cogar Memorial Bridge” is an appropriate recognition of his contributions and his supreme sacrifice to his community and Webster County; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the bridge going into Bergoo, Webster County on CR 26 the “Vince Cogar 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 “Vince Cogar 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 the surviving relatives of Vince Cogar.

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

H. C. R. 87 - “Requesting the Division of Highways to name the bridge on Route 259 (Corridor H) crossing Sauer Kraut Road at Dutch Hollow in Hardy County, the ‘John and Wilbur Hahn Dutch Hollow Pioneers Bridge’.”

WHEREAS, John and Wilbur Hahn, the youngest sons of Lorenza and Amanda Rebecca Michael Hahn, family of five girls and three boys, went to school at Maple Grove, where they only had school for about four months. The Hahns trace their ancestry back to the Rhine Valley of Germany and immigrants from there who arrived in the United States sometime in the mid-to late 1800’s. The Hahns came over on a boat with members of the Michael family, and branches of both families settled in Dutch Hollow. They farmed and, when the demand arose, cut timber in the woods around their homesteads. John is deceased and Wilbur, age eighty-nine, (has recently had a leg amputated), carried on that pioneering tradition of farming and pulpwood sawmill from 1939. They owned and operated a small gasoline-powered sawmill on their farm, with some help from John’s son Mickey in Dutch Hollow, Hardy County, despite the changes brought to the industry by modern technology. The brothers have remained part of a close-knit family, still enjoying Sunday dinners with relatives at the Hahn farmhouse, located near the site of the sawmill; and

WHEREAS, Naming that bridge on Route 259 (Corridor H) crossing Sauer Kraut Road at Dutch Hollow in Hardy County, the “John and Wilbur Hahn Dutch Hollow Pioneers Bridge” is an appropriate recognition of their family’s pioneering contributions to their state, community and Hardy County; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the bridge on Route 259 (Corridor H) crossing Sauer Kraut Road at Dutch Hollow in Hardy County, the “John and Wilbur Hahn Dutch Hollow Pioneers 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 “John and Wilbur Hahn Dutch Hollow Pioneers 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 Wilbur Hahn and his family and the families of John Hahn.

Delegates Pushkin, R. Smith, Eldridge, Perdue, Byrd, Rowe, Fleischauer, Skinner, Romine, Storch, Fluharty and Reynolds offered the following resolution, which was read by its title and referred to the Committee Rules:

H. C. R. 88 - “Amending the Joint Rules of the Senate and the House by adding thereto a new Rule, designated Joint Rule 2a, relating to evening floor sessions by both the Senate and the House during the regular sessions of the Legislature.”

Resolved by the Legislature of West Virginia:

That the Joint Rules of the Senate and the House be amended by adding thereto a new Rule, designated Joint Rule 2a to read as follows:

Evening Floor Sessions

2a. The Senate and the House shall meet at least twice during every regular session of the Legislature in evening floor sessions in order to allow citizens of the State who are working during the day an opportunity to view the Legislative process. The President of the Senate and the Speaker of the House shall designate the dates and times of the evening floor sessions.

Delegates Marcum, Speaker Armstead, Ambler, Anderson, Arvon, Ashley, Azinger, Blair, Boggs, Butler, Canterbury, Caputo, Cowles, Deem, Duke, Eldridge, Ellington, Espinosa, A. Evans, Faircloth, Ferro, Fluharty, Folk, Foster, Frich, Guthrie, Hamilton, Hartman, Hicks, Hill, Householder, Howell, Ihle, Ireland, Kelly, Kessinger, Kurcaba, Lane, Lynch, Manchin, Miley, Moffatt, Moore, Morgan, Moye, E. Nelson, J. Nelson, O’Neal, Pasdon, Perdue, Pethtel, L. Phillips, R. Phillips, Pushkin, Rodighiero, Romine, Rowan, Rowe, Skinner, P. Smith, Sobonya, Sponaugle, Stansbury, Statler, Storch, Trecost, Upson, Waxman, Weld, Westfall, B. White, H. White, Williams and Zatezalo offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 89 - “Condemning ISIS, also known as ISIL, and supporting the eradication of this radical Islamic group.”

WHEREAS, The radical Islamic group known as ISIS and ISIL has been named by the United Nations as being responsible for human rights abuses and war crimes. Amnesty International has reported ethnic cleansing by the group on a “historic scale”. This group has been designated as a terrorist organization by the United Nations, the European Union, the United Kingdom, the United States, Australia, Canada, Indonesia, Malaysia, Turkey, Saudi Arabia, the UAE, Egypt, India, and Russia. Over sixty countries are directly or indirectly waging war against ISIS or ISIL; and

WHEREAS, The violent and barbaric methods, including suicide attacks on civilian targets and the widespread killing of prisoners and

other innocent persons, including the recent killings by beheadings and burning alive are actions that must not be tolerated in the 21st Century. The actions of this radical group and its extremism are even considered too severe by terrorist groups like al-Qaida; and

WHEREAS, This radical Islamic group must be stopped and that can only be accomplished by its complete eradication; therefore, be it

Resolved by the Legislature of West Virginia:

The radical Islamic group known as ISIS and ISIL be condemned for its violent and barbaric methods and killings and that this radical group be eradicated by all means necessary; and, be it

Further Resolved, That a copy of this Resolution be sent to the Senate and House of Representative of the Congress of the United States and to the President of the United States.

Delegate Cowles asked and obtained unanimous consent that, for the remainder of the session, members of Conference Committees be permitted to vote on any question or issue before the House which they may have missed as a direct result of their duties on Conference Committees, provided that such members notify the Clerk of the House in writing as to how they wished to vote and on the day the votes were missed, and that any such vote not change the outcome on any question.

BILLS INTRODUCED

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

By Delegates Pasdon, Storch, H. White, Gearheart, Bates, Walters, Cowles, Skinner, Hornbuckle and Shott:

H. B. 2889 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17-29-1, §17-29-2, §17-29-3, §17-29-4, §17-29-5, §17-29-6, §17-29-7,

§17-29-8, §17-29-9, §17-29-10, §17-29-11, §17-29-12, §17-29-13, §17-29-14, §17-29-15, §17-29-16, §17-29-17 and §17-29-18, all relating to regulation of transportation network companies”; to the Committee on Roads and Transportation then the Judiciary.

By Delegates McGeehan and Zatezalo:

H. B. 2890 - “A Bill to repeal §55-12A-3, §55-12A-6, §55-12A-7, §55-12A-8 and §55-12A-9 of the Code of West Virginia, 1931, as amended, and to amend and reenact §55-12A-1, §55-12A-2, §55-12A-4 and §55-12A-5 of said code, all relating to the procedure for claiming abandoned mineral interests; creating a procedure to quiet title to abandoned mineral interests by serving notice on a mineral rights owner and filing an affidavit with the county clerk within sixty days thereafter”; to the Committee on Energy then the Judiciary.

By Delegates Walters, A. Evans and Storch:

H. B. 2891 - “A Bill to amend and reenact §46A-2-121, §46A-2-122, §46A-2-125, §46A-2-126, and §46A-2-128 of the Code of West Virginia, 1931, as amended; to amend and reenact §46A-5-101 and §46A-5-106 of said code; and to amend said code by adding thereto a new section, designated §46A-5-107, all relating to unconscionability, defining creditor, debt collector and person, engaging any person in a telephone conversation, failure to disclose a caller’s identity, convenient time for communicating with a consumer, unreasonable publication by disclosure of caller’s identity, affirmation of an obligation pursuant to bankruptcy law, means of giving notice of a consumer’s representation by an attorney, a ringing phone not answered by the consumer does not constitute a prohibited communication, damages and penalties for violation, no action may be brought more than four years after the violation or excess charge occurred, time allowed after discovery to correct an error without liability, adjustment of damages for inflation and venue of an action or proceeding brought by a consumer”; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Pasdon, Duke, Miller, Hornbuckle, Perry, Rohrbach, Morgan and Sobonya:

H. B. 2892 - “A Bill to amend and reenact §18B-17-2 and §18B-17-3 of the Code of West Virginia, 1931, as amended, all relating to authorizing certain legislative rules regarding higher education; authorizing legislative rules for the Higher Education Policy Commission regarding capital project management, Underwood-Smith Teacher Scholarship Program and Nursing Scholarship Program; and authorizing legislative rule for the Council for Community and Technical College Education regarding capital project management”; to the Committee on Education.

By Delegates Storch, Ferro, Perry and Canterbury:

H. B. 2893 - “A Bill to amend and reenact §7-18-1 of the Code of West Virginia, 1931, as amended, relating to clarifying that complimentary hotel rooms provided without charge to guests are not subject to the hotel occupancy tax”; to the Committee on Finance.

By Delegates Skinner, Fluharty, Sponaugle, Miley, Marcum, Byrd, Hornbuckle, Hartman, Campbell, Perry and Fleischauer:

H. B. 2894 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §11-21-8i and §11-21-12j; and to amend said code by adding thereto a new section, designated §11-24-25, all relating to providing tax breaks for employers assisting employees paying student loans; providing tax credits from personal and corporate income taxes; and providing modification reducing federal adjusted gross income for certain student loan payments”; to the Committee on Education then Finance.

By Delegates Manchin, Caputo and Longstreth:

H. B. 2895 - “A Bill to amend and reenact §11-3-2 of the Code of West Virginia, 1931, as amended, relating to requiring the assessor of each county, within three months of a deed filing in the county clerk’s office of each county, to prepare a new property tax ticket and cause that tax ticket to be mailed from the county sheriff’s office to the new

property owner”; to the Committee on Political Subdivisions then Finance.

By Delegates Skinner, Pasdon, Storch and McCuskey:

H. B. 2896 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-6-4a, relating to discrimination in employment of all public employees; prohibiting discrimination in the appointment, promotion, demotion or dismissal based upon sexual orientation; prohibiting favoritism or discrimination in any aspect of employment based upon sexual orientation”; to the Committee on Industry and Labor then the Judiciary.

By Delegates Weld, Foster, Kessinger, Hill, Blair and Ihle:

H. B. 2897 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §59-1-2c, relating to creating Young Entrepreneur Reinvestment Act; waiving certain fees for individuals under thirty creating certain business organizations”; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

By Delegate Azinger:

H. B. 2898 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-1-6; and to amend and reenact §59-1-10 of said code, all relating to requiring each judicial circuit to have a court appointed special advocate program and each county to have a special advocate for children in abuse and neglect proceedings; raising the fee for a certified copy of a birth certificate, death certificate or marriage license from \$5 to \$11; and creating a fund within the State Treasury to pay for the implementation of court appointed special advocate programs and the hiring of special advocates”; to the Committee on the Judiciary then Finance.

By Delegates Caputo, Hamilton, Lynch, Fluharty, Hornbuckle, Storch, Moore, Skinner, Manchin and Miley:

H. B. 2899 - “A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended, relating to career progression of

members of the State Police; increasing the longevity pay for members of the State Police; providing for certain increases in pay if certain educational attainment is met by members of the State Police; and adjusting the timing of certain salary changes”; to the Committee on Finance.

By Delegates Miley, Trecoast and Hamrick:

H. B. 2900 - “A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating to exempting certified professional estimator services from consumer sales and service tax; and defining a term”; to the Committee on Industry and Labor then Finance.

By Delegates Moffatt, Folk, R. Phillips, Howell and Westfall:

H. B. 2901 - “A Bill to amend and reenact §17C-6-1, §17C-6-2 and §17C-6-3 of the Code of West Virginia, 1931, as amended, all relating to the establishment of state speed restrictions; authorizing the Commissioner of Highways to determine the appropriate speed limit that is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a highway, upon the basis of an engineering and traffic investigation; requiring commissioner to raise speeds on rural interstate highways if it is safe to do so; and when local authorities may alter speed limits”; to the Committee on Roads and Transportation then the Judiciary.

By Delegates Campbell, Perry, Reynolds, Pasdon, Rodighiero, Ellington, Rowan, Rohrbach, Hamrick, E. Nelson and Ashley:

H. B. 2902 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-46-1, §16-46-2, §16-46-3, §16-46-4, §16-46-5, §16-46-6 §16-46-7 and §16-46-8, all relating to creating the ABLE Act which allows savings accounts for individuals with a disability and their families to save private funds to support the individual with a disability”; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Byrd, Skinner, Fleischauer, Manchin, Miley, Sobonya, Summers, Weld, B. White, Rowe and Guthrie:

H. B. 2903 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-23a, relating to providing a tax credit for first time home buyers; establishing eligibility criteria; and setting a maximum credit”; to the Committee on Finance.

By Delegate McGeehan:

H. B. 2904 - “A Bill to amend and reenact §7-1-7 of the Code of West Virginia, 1931, as amended, relating to county ordinances; requiring the clerk of a county commission to maintain a county ordinance book”; to the Committee on Political Subdivisions then the Judiciary.

By Delegate McGeehan:

H. B. 2905 - “A Bill to amend and reenact §18A-3-2a of the Code of West Virginia, 1931, as amended, relating to athletic coaches in public schools; eliminating the requirement that schools select currently employed professional educators over other applicants for extracurricular coaching positions”; to the Committee on Education.

By Delegate McGeehan:

H. B. 2906 - “A Bill to amend and reenact §7-21-3 of the Code of West Virginia, 1931, as amended, relating to county budget stabilization funds; requiring that a county itemize and publish all activity related to budget stabilization funds in the county’s annual financial statements”; to the Committee on Political Subdivisions then Finance.

By Delegate Skinner:

H. B. 2907 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12j, relating to creating the West Virginia Student Education Incentive Act; and providing taxpayers repaying their own student loans a modification reducing federal adjusted gross in the amount of the

principal and interest paid, for personal income tax purposes”; to the Committee on Finance.

By Delegate Skinner:

H. B. 2908 - “A Bill to amend and reenact §24-2-2 of the Code of West Virginia, 1931, as amended, relating generally to public service districts; prohibiting shifting future development costs onto existing public service district customers”; to the Committee on the Judiciary.

By Delegates Skinner, Fluharty, Pushkin, Ihle, Reynolds, Perdue, Eldridge, McGeehan, Storch, Canterbury and Sponaule:

H. B. 2909 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-8A-1, §16-8A-2, §16-8A-3, §16-8A-4, §16-8A-5, §16-8A-6, §16-8A-7, §16-8A-8, §16-8A-9, §16-8A-10, §16-8A-11, §16-8A-12, §16-8A-13, §16-8A-14, §16-8A-15, §16-8A-16, §16-8A-17, §16-8A-18, §16-8A-19, §16-8A-20, §16-8A-21, §16-8A-22, §16-8A-23 and §16-8A-24, all relating to creating the ‘Compassionate Use Act for Medical Cannabis’; providing for protections for the medical use of cannabis; limitations of article; prohibiting discrimination; authorizing addition of debilitating medical conditions; registration of qualifying patients and designated caregivers; issuance of registry identification cards; affirmative defense and dismissal for medical marihuana; providing misdemeanor offense and criminal penalties for disclosing certain information; and otherwise providing for the enforcement of this article”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates R. Phillips, Hartman, Stansbury, Marcum, Bates, Eldridge, J. Nelson, R. Smith, H. White, Gearheart and Butler:

H. B. 2910 - “A Bill to repeal §22A-6-1, §22A-6-2, §22A-6-3, §22A-6-4, §22A-6-5, §22A-6-6, §22A-6-7, §22A-6-8, §22A-6-9, §22A-6-10, §22A-6-11, §22A-6-12, §22A-6-13 and §22A-6-14 of the Code of West Virginia, 1931, as amended; to amend and reenact §22A-1-1, §22A-1-2, §22A-1-3, §22A-1-4, §22A-1-5, §22A-1-6, §22A-1-7, §22A-1-8, §22A-1-9, §22A-1-11, §22A-1-12 §22A-1-13, §22A-1-14,

§22A-1-15, §22A-1-19, §22A-1-20, §22A-1-21; to amend said code by adding thereto a new section, designated §22A-1-3a; and to amend and reenact §22A-2-3, §22A-2-4, §22A-2-8, §22A-2-12, §22A-2-14, §22A-2-20, §22A-2-25, §22A-2-36, §22A-2-55 and §22A-2-77 of said code, all relating to preserving employment and promoting health and safety in the coal industry; reorganizing the Office of Miners' Health, Safety and Training; providing for appointment of deputy directors; segregating the office into districts; continuing the Board of Coal Mine Health and Safety within the office of Miners' Health; redefining qualifications for members of board; abolishing coal mine safety and technical review committee; providing for the promulgation of rules; removing the probationary period and permanent tenure for mine inspectors; providing for mine inspectors, safety instructors, electrical inspectors and surface inspectors to serve at the will and discretion of director, barring conflicts of interest; changing the requirements for requesting immediate inspection and requires request in writing; providing for representative of operator to accompany representative of director on inspections; providing for findings, orders, notices; removing the requirement that entire mine be given closure order when director determines area of imminent danger does not include entire mine; providing that all orders or decisions of director subject to judicial review; requiring the director to file civil actions in circuit court of county where mine is located; removing the requirement that civil penalties be deposited in Special Health, Safety and Training Fund; requiring all working places be examined for hazards once per shift; eliminating the requirement to use obsolete equipment; eliminating the requirement that operator provide safety committee anonometers and smoke tubes; providing that miners may return to underground working areas if ventilation restored and mine determined to be safe; changing the intervals hinged man doors required; increasing the numbers of apprentices under supervision of trainer; removing the authority of director to propose emergency rules; changing who may receive fire boss report; providing for the instruction of persons affected by revisions to roof control plans; eliminating the requirement that man trip be idle one hour before

transporting men; and requiring filing of mine operator report with director quarterly instead of monthly”; to the Committee on Energy then the Judiciary.

By Mr. Speaker, Mr. Armstead, Westfall, Cadle, Butler, Shott, Lane and Arvon:

H. B. 2911 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-1E-1, §21-1E-2, §21-1E-3, §21-1E-4 and §21-1E-5, all relating to creating the Voluntary Political Contribution Act; providing a short title; establishing how a labor organization may collect and use moneys for political activities; providing a criminal penalty; defining terms; and requiring funds established by labor organizations for political activities to register the fund as a political action committee”; to the Committee on the Judiciary.

By Delegate R. Smith:

H. B. 2912 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-2E-3, relating to third-party telecommunications services provided to residential and business consumers yet billed through the customer’s telephone company or telecommunications service provider”; to the Committee on the Judiciary.

By Delegate Sobonya:

H. B. 2913 - “A Bill to amend and reenact §8-1-5a of the Code of West Virginia, 1931, as amended, relating to terminating the Municipal Home Rule Pilot Program and Municipal Home Rule Board; allowing municipalities throughout the state an opportunity to enact any ordinance, act, resolution, rule or regulation resulting from the Municipal Home Rule Pilot Program”; to the Committee on Government Organization then the Judiciary.

By Delegates Hartman, Sponaugle, Campbell and Perry:

H. B. 2914 - “A Bill to amend and reenact §7-25-11 and §7-25-15 the Code of West Virginia, 1931, as amended, and to amend said code

by adding thereto two new sections, designated §7-25-7a and §7-25-27, all relating generally to resort area districts; providing for voluntary dissolution of a resort area district; establishing a procedure for a dissolution; permitting nominations for resort area board members be made by mail or electronic means; permitting property owners to make nominations; providing for election of board members by plurality vote instead of by a majority vote; limiting the amount of assessments that may be levied against a parcel of real property; establishing a procedure for assessments proposed by a board on its own initiative; and providing for the effect of 2015 amendments”; to the Committee on Finance.

By Delegates Hartman, Morgan, Ferro, Pethtel, Perry, Sponaugle and H. White:

H. B. 2915 - “A Bill to amend and reenact §60-3A-17 of the Code of West Virginia, 1931, as amended, relating generally to wholesale sales of liquor; and directing commissioner to increase wholesale prices of liquor purchased from state to generate funds to promote travel and tourism in West Virginia”; to the Committee on Government Organization then Finance.

By Delegates E. Nelson, Ashley, Anderson, Boggs, Williams, H. White, Storch, Gearheart, Bates, Espinosa and O’Neal:

H. B. 2916 - “A Bill to amend and reenact §11B-2-20 of the Code of West Virginia, 1931, as amended, relating to providing limited borrowing authority to the Governor for the completion of renovations to Capitol Complex Building 3”; to the Committee on Finance.

By Delegates Walters and Skinner:

H. B. 2917 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13DD-1, §11-13DD-2, §11-13DD-3, §11-13DD-4, §11-13DD-5, §11-13DD-6, §11-13DD-7, §11-13DD-8, §11-13DD-9 and §11-13DD-10, all relating to establishing a Hotel and Restaurant Renovation Tax Credit; legislative findings; defining terms; establishing credit amount; application for certification of project required; application fee

required; use of credit to offset sales tax generated by project in excess of baseline sales tax amount; claiming the credit; authority to promulgate rules; and effective date”; to the Committee on Finance.

By Delegates Walters and H. White:

H. B. 2918 - “A Bill to amend and reenact §46A-3-112 and §46A-3-113 of the Code of West Virginia, 1931, as amended, all relating to delinquency charges on loans, and the order of credit of payments to determine whether a delinquency fee may be applied”; to the Committee on Banking and Insurance then Finance.

By Delegates Rowe, Sponaule, Pushkin, Miller, Skinner, Pasdon, Guthrie, Bates, Fluharty, Trecost and Sobonya:

H. B. 2919 - “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 Delegates Walters, Howell, Arvon, Kessinger and Hill:

H. B. 2920 - “A Bill to amend and reenact §5-16-13 of the Code of West Virginia, 1931, as amended; to amend and reenact §9-2-6 of said code; and to amend and reenact §9-5-22 of said code, all relating to vesting the Public Employees Insurance Agency with the authority to negotiate and executing all health care and ancillary contracts for the Medicaid program”; to the Committee on Banking and Insurance then Finance.

By Delegate Butler:

H. B. 2921 - “A Bill to amend and reenact §5B-2-12 of the Code of West Virginia, 1931, as amended, relating to eliminating the courtesy patrol program; abolishing the courtesy patrol fund; and directing any remaining balance to the tourism promotion fund”; to the Committee on Government Organization then Finance.

By Delegates Miley, Miller, Ashley, Skinner, Hornbuckle, Williams, Sponaugle, R. Smith and A. Evans:

H. B. 2922 - “A Bill to amend and reenact §31-15A-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §31-15C-1, §31-15C-3, §31-15C-4, §31-15C-9 and §31-15C-14 of said code, all relating to the Broadband Deployment Council; reestablishing the council; making a member of council a member of infrastructure council; directing federal funds for broadband to council; revising council membership; and revising power and duties of council”; to the Committee on Government Organization then Finance.

By Delegate Hanshaw:

H. B. 2923 - “A Bill to amend and reenact §17C-12-9 of the Code of West Virginia, 1931, as amended, relating to complaints by school bus drivers, against drivers who illegally pass or overtake a school bus, based on the school bus driver’s personal knowledge of the identity of the driver, the vehicle or the license plate number of the vehicle”; to the Committee on Education then the Judiciary.

By Delegate Perdue:

H. B. 2924 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-29B-10a, relating to directing the Health Care Authority to establish a council to investigate and recommend to the authority pricing guides for pharmaceuticals that exclude advertising costs”; to the Committee on Health and Human Resources.

By Delegates Fluharty and Pushkin:

H. B. 2925 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §4-2A-5a, relating to drug testing of legislators”; to the Committee on the Judiciary then Finance.

By Delegates Folk, Ashley and Walters:

H. B. 2926 - “A Bill to amend and reenact §46A-3-114 of the Code of West Virginia, 1931, as amended, relating to deferral charges in

connection with a consumer credit sale or consumer loan, refinancing or consolidation, modification charges in connection with a consumer credit sale or consumer loan, refinancing or consolidation, and defining a modification”; to the Committee on Banking and Insurance then Finance.

By Delegate Upson:

H. B. 2927 - “A Bill to amend and reenact §29-22B-328 of the Code of West Virginia, 1931, as amended, relating to clarifying restriction of businesses selling petroleum products from creating a restricted adult-only facility”; to the Committee on the Judiciary.

By Delegate Ireland:

H. B. 2928 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §25-1-35, relating to allowing inmates to perform the community service of providing upkeep to cemeteries”; to the Committee on the Judiciary.

By Delegates J. Nelson, R. Phillips, Longstreth and McGeehan:

H. B. 2929 - “A Bill to amend and reenact §5-10-15 of the Code of West Virginia, 1931, as amended, relating to availability of military service credit for members of the West Virginia Public Employees Retirement System; clarifying that active service under Title 10 and Title 32 of the United States Code, and active state service in the West Virginia National Guard qualify for military service credit; clarifying the methodology for awarding military service credit, clarifying the prohibition on use of military service to obtain military service credit in more than one retirement system administered by the board; clarifying applicability of liberality clause to the board’s decisions to grant or deny requests for military service credit; and making other technical clarifications and corrections”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

By Delegate Westfall:

H. B. 2930 - “A Bill to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated

§9-4F-1, §9-4F-2, §9-4F-3 and §9-4F-4, all relating to the creation of managed care programs for the aged, blind, disabled and long term services and support for Medicaid populations”; to the Committee on Health and Human Resources then Finance.

By Delegate Ashley:

H. B. 2931 - “A Bill to amend and reenact §60A-2-204 of the Code of West Virginia, 1931, as amended, relating to adding drugs to the classification of schedule I drugs”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Ashley, E. Nelson, Boggs, Anderson, Miller, Gearheart, H. White and Williams:

H. B. 2932 - “A Bill to amend and reenact §24-6-6b of the Code of West Virginia, 1931, as amended; relating to the distribution of wireless enhanced 911 fees; creating a special account; authorizing the funds distributed for the West Virginia Interoperable Radio Project to be administered by the State Police for maintenance and upgrades to the system”; to the Committee on Finance.

By Delegates Pasdon, Butler, Moffatt, Waxman, Storch, Espinosa, Lane, Kessinger, Sobonya, Howell and Duke:

H. B. 2934 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2E-5b, relating to repealing the common core standards; making findings with respect to frequent changes in standards and assessments, increasing federal intrusion on West Virginia’s Process for Improving Education, including standards, assessments and accountability system; making findings with respect to inappropriate usurpation of state sovereignty over public education; making findings with respect to school funding sources; making findings with respect to ESEA flexibility relief; directing actions by Governor, Legislature, state board and state superintendent with respect to reauthorization of Elementary and Secondary Education Act; directing comprehensive standards review by state board; directing repeal of Common Core Standards; directing

college and career standards; suspending use of state summative assessment results except for limited purposes; requiring information and reporting; and monitoring by Legislative Oversight commission”; to the Committee on Education.

By Delegates Pasdon, Statler, Kurcaba, Rohrbach, Miller, Sobonya, Morgan, Reynolds and Espinosa:

H. B. 2935 - “A Bill to repeal §18B-7-16 of the Code of West Virginia, 1931, as amended; to amend and reenact §18B-2A-3 and §18B-2A-4 of said code; to amend and reenact §18B-4-2a of said code; to amend and reenact §18B-7-1, §18B-7-2, §18B-7-8, §18B-7-9 and §18B-7-11 of said code; to amend and reenact §18B-9-1 and §18B-9-2 of said code; to amend and reenact §18B-9A-1, §18B-9A-2, §18B-9A-3, §18B-9A-4, §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 education 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 outdated and redundant reporting requirements; clarifying duties of vice chancellor for human resources of the Higher Education Policy Commission; mandating periodic human resource reviews by state organizations of higher education; providing legislative purposes and intent for higher education personnel; defining terms; providing for evaluation and reviews of organizations for certain human resource deficiencies, best practices and compliance with state higher education personnel laws; providing limitations relating to percentages of employees designated as ‘nonclassified’ with certain exceptions; establishing formulas for calculating percentage of nonclassified employees; clarifying that certain provisions are only applicable to classified 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 data that organizations

shall follow except in certain instances; eliminating requirement that salary schedules fall within relative market equity; providing that the Higher Education Policy Commission in developing salary schedules for classified employees shall consider equity and the amount necessary to earn a living wage; providing for organizational accountability in human resources and a mechanism by which state organizations of higher education may dispute deficiency findings; providing state organizations of higher education with the ability to propose and implement approved legislative rules relating to classification and compensation with certain exceptions; requiring state organizations of higher education proposing legislative rules create classification and compensation committees; 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 then Finance.

By Delegates Miley, Miller, H. White, Skinner, Sponaugle, Storch, Ashley, Bates, Williams, Hamilton and Kessinger:

H. B. 2936 - “A Bill to amend and reenact §31-15-2 and §31-15-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §31-15-12b, all relating to the West Virginia Economic Development Authority; adding legislative findings; defining terms; and providing requirements for loan criteria for loans to tourism projects”; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

By Delegates Perdue, Williams, H. White and Miley:

H. B. 2937 - “A Bill to amend and reenact §11-16-13 of the Code of West Virginia, 1931, as amended; to amend and reenact §60-8-4 of said code; and to amend and reenact §60-3A-17, all relating to designating \$5 million per year, for four years, collected from beer, wine, and liquor taxes to the Fight Substance Abuse Fund”; to the Committee on Health and Human Resources then Finance.

By Delegates Sobonya, Marcum, Reynolds, Byrd, Hicks and Miller:

H. B. 2938 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §51-1-22, relating to requiring the West Virginia Supreme Court of Appeals to maintain a searchable, criminal database containing copies of all arrests and convictions by all the courts in the state”; to the Committee on the Judiciary then Finance.

By Delegate B. White:

H. B. 2939 - “A Bill to amend and reenact §49-6A-2 and §49-6A-8 of the Code of West Virginia, 1931, as amended, relating to requirements for mandatory reporting of sexual offenses on school premises involving students; adding conduct that must be reported; defining conduct; creating penalties for failure to report; and increasing penalties for other reporting requirements”; to the Committee on the Judiciary.

By Delegate R. Smith:

H. B. 2940 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17-29-1, §17-29-2, §17-29-3, §17-29-4, §17-29-5, §17-29-6, §17-29-7, §17-29-8, §17-29-9, §17-29-10, §17-29-11, §17-29-12, §17-29-13 and §17-29-14, all relating to creating the Tourist-Oriented Directional Signs Program; stating legislative purpose; setting forth application and eligibility requirements; establishing design and content guidelines; establishing sign location and placement criteria; establishing fee schedule; setting forth maintenance responsibility; permitting revocation of participation in the program; granting that the rule making is exempt from the state Administrative Procedures Act, but shall be filed with the Secretary of State; and defining terms”; to the Committee on Roads and Transportation then Finance.

By Delegates McCuskey and Lynch:

H. B. 2941 - “A Bill to amend and reenact §46A-6-107 of the Code of West Virginia, 1931, as amended, relating to conditions under which used manufactured homes may be sold with warranty exclusions,

limitations or modifications; allowing used manufactured homes to be sold with warranty limitations; allowing a waiver of warranties of particular defects disclosed in writing; establishing conditions permitting as is sales of used manufactured homes; and requiring conspicuous disclosure of as-is sale conditions”; to the Committee on the Judiciary.

By Delegates Fast and Frich:

H. B. 2942 - “A Bill to amend and reenact §49-1-3 of the Code of West Virginia, 1931, as amended, relating to modifying the definition of child abuse or neglect to exclude accidental injury”; to the Committee on the Judiciary.

By Delegates Canterbury, Walters, Perdue and McGeehan:

H. B. 2943 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-16-3x, relating to establishing a system to reduce the cost of medical care paid by the private medical insurance companies by providing incentives to covered policy-holders to obtain treatment in low cost foreign health care facilities accredited by the Joint Commission International”; to the Committee on Banking and Insurance then Health and Human Resources.

By Delegates McCuskey, Hartman, Morgan, R. Phillips, Reynolds, Storch, Walters and B. White:

H. B. 2944 - “A Bill to amend and reenact §11-16-18 of the Code of West Virginia, 1931, as amended; to amend and reenact §60-3A-18 of said code; to amend and reenact §60-7-12 of said code; and to amend and reenact §60-8-34 of said code, all relating to allowing restaurants, retailers, private clubs, mini-distilleries and wineries to sell alcohol at 10:00 a.m. on Sundays”; to the Committee on the Judiciary then Finance.

By Delegates Hanshaw, Canterbury, Ashley, Cooper, Walters, Fleischauer, Ambler, D. Evans, Guthrie, Manchin and Skinner:

H. B. 2945 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2I-1,

§5B-2I-2, §5B-2I-3, §5B-2I-4, §5B-2I-5, §5B-2I-6 and §5B-2I-7, all relating to authorizing local units of government to adopt local energy efficiency partnership programs and to create districts to promote the use of energy efficiency improvements by owners of certain real property; providing for the financing of the programs through voluntary property assessments, commercial lending, and other means; to authorize a local unit of government to issue bonds, notes, and other evidences of indebtedness and to pay the cost of energy efficiency improvements from the proceeds thereof; providing for the repayment of bonds, notes, and other evidences of indebtedness; to authorize certain fees; prescribing the powers and duties of certain governmental officers and entities; and providing remedies”; to the Committee on Political Subdivisions then Finance.

By Delegates Miley, Anderson, Westfall, Manchin, Ireland, Longstreth and McCuskey:

H. B. 2946 - “A Bill to amend and reenact §22C-8-8 of the Code of West Virginia, 1931, as amended, relating to the spacing of shallow horizontal wells on a multiwell pad; and authorizing the Shallow Gas Well Review Board to grant waivers of minimum distance requirements for shallow wells, to encourage and accommodate pad drilling of multiple oil or gas wells from the same target formation”; to the Committee on Energy then the Judiciary.

By Delegates McGeehan, Howell and Kurcaba:

H. B. 2947 - “A Bill to amend and reenact §16-29B-8 of the Code of West Virginia, 1931, as amended, relating to provider tax on hospitals to fund health care cost review fund; requiring the board to assess hospitals based on net revenue”; to the Committee on Health and Human Resources then Finance.

By Delegates Ashley and O’Neal:

H. B. 2948 - “A Bill to amend and reenact §30-30-18 of the Code of West Virginia, 1931, as amended, relating to exemptions from the Social Work Licensing requirements of this article”; to the Committee on Government Organization.

By Delegates Ashley and O'Neal:

H. B. 2949 - "A Bill to amend and reenact §30-30-16 of the Code of West Virginia, 1931, as amended, relating to requirements for provisional social worker licenses"; to the Committee on Government Organization.

By Delegates Weld, Hill and Kessinger:

H. B. 2950 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-25, relating to personal income tax; providing for a \$1,000 tax credit against personal income tax in tax years 2016-2017 for recent graduates of higher education programs"; to the Committee on Finance.

By Delegates Pushkin, Ihle, J. Nelson, Faircloth, Azinger, Folk, Blair and Fast:

H. B. 2951 - "A Bill to amend and reenact §61-7-4 of the Code of West Virginia, 1931, as amended, relating to recognizing those in active military service as residents for the purpose of obtaining concealed carry permits while stationed at a West Virginia military installation"; to the Committee on Veterans' Affairs and Homeland Security then the Judiciary.

By Delegate Moffatt:

H. B. 2952 - "A Bill to amend and reenact §5A-3-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §5A-6-8 of said code; and to amend said code by adding thereto a new article, §15-14-1, §15-14-2, §15-14-3, §15-14-4, §15-14-5, §15-14-6, §15-14-7, §15-14-8, §15-14-9 and §15-14-10, all relating to creating the Statewide Interoperable Radio Network; establishing a short title; defining terms; establishing objectives and a purpose; creating the Statewide Interoperable Radio Network; creating the Statewide Interoperable Coordinator; prescribing duties for the Statewide Interoperability Coordinator; creating the statewide Interoperability Executive Committee; prescribing duties for the Statewide Interoperability Executive committee; creating the Regional

Interoperability Committees; providing for disposition of assets and staffing of the Statewide Interoperable Radio Network; establishing a special revenue account for the Statewide Interoperable Radio Network; exempting the Statewide Interoperable Radio Network from certain Purchasing Division requirements; and authorizing emergency and legislative rule-making”; to the Committee on Government Organization then Finance.

By Delegates Fast, A. Evans, Rowan, Hornbuckle, Pushkin and Fleischauer:

H. B. 2953 - “A Bill to amend and reenact §11-17-3 of the Code of West Virginia, 1931, as amended, relating to increasing the excise tax on cigarettes and other tobacco products”; to the Committee on Health and Human Resources then Finance.

By Delegates Miley, Williams, Hornbuckle, Moye, Bates, L. Phillips, Reynolds, Perry, Moore, Rodighiero and Pushkin:

H. B. 2954 - “A Bill to amend and reenact §18C-7-2, §18C-7-3, §18C-7-6 and §18C-7-7 of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-22A-10b of said code, all relating to expanding the promise scholarship to technical and community college students; providing eligibility requirements; allowing State Board of Education to promulgate rules for institution eligibility and to otherwise criteria for the program; and transferring moneys from the Greyhound Breeding Development Fund to fund the new promise program”; to the Committee on Education then Finance.

By Delegates Fast and Kurcaba:

H. B. 2955 - “A Bill to amend and reenact §29-21-13a of the Code of West Virginia, 1931, as amended, relating to Public Defender Services; increasing the hourly rate for attorneys for in court and out of court work; permitting attorneys who spend at least sixty percent of their practice in appointed case to enroll in the Public Employees Insurance Act; and requiring the executive director to propose rules, for legislative approval, that relate to requirement to enroll in the Public Employees Insurance Act”; to the Committee on the Judiciary then Finance.

By Delegates Sobonya, Border, Miller, D. Evans, Rowan, Kessinger and Arvon:

H. B. 2956 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §2-1-3, relating to the preservation of rights guaranteed by the West Virginia Constitution and the United States Constitution when deciding the comity of a legal decision in a foreign country, the choice of law used for contractual interpretations and choice of forum; exempting businesses; making legislative findings; stating public policy; defining a term; and providing a severability provision”; to the Committee on the Judiciary.

By Delegates Skinner, Walters, Upson, Zatezalo, Hamrick, Statler, Miller and Caputo:

H. B. 2957 - “A Bill to amend and reenact §60-1-4 and §60-1-5 of the Code of West Virginia, 1931, as amended; to amend and reenact §60-3-1 of said code; to amend and reenact §60-3A-1 and §60-3A-17 of said code; and to amend and reenact §60-4-3 and §60-4-3a of said code, all relating to sales of liquor by distilleries and mini-distilleries”; to the Committee on the Judiciary then Finance.

By Delegates Skinner, Upson, Westfall, Ashley and Ihle:

H. B. 2958 - “A Bill to amend and reenact §60-4-3a of the Code of West Virginia, 1931, as amended, relating to removing the requirement that distillery or mini-distilleries submit to the commissioner ten percent of the gross sales price or each retail liquor sale for the value of all sales at the distillery or the mini-distillery each month for distribution to market zone retailers”; to the Committee on the Judiciary then Finance.

By Delegates Canterbury, A. Evans, Hamilton and Sponaule:

H. B. 2959 - “A Bill to amend and reenact §19-9-34 of the Code of West Virginia, 1931, as amended, relating to allowing the use of rotary drum composters to destroy or dispose of the carcass of any animal to prevent the spread of disease”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Lane:

H. B. 2960 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-16b, relating to emergency preparedness drills in schools; requiring a three day notice of drills; permitting parents or guardians to refuse participation; and exempting fire drills from notice requirement”; to the Committee on Education.

By Delegates Eldridge, R. Phillips, Lynch, Marcum, H. White, Fluharty, Trecoast, Ferro, Sponaugle, L. Phillips and Campbell:

H. B. 2961 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-15-4l, relating to abuse-deterrent opioid analgesic drugs”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates R. Phillips, Williams and Hornbuckle:

H. B. 2962 - “A Bill to amend and reenact §16-32-2 and §16-32-11 of the Code of West Virginia, 1931, as amended, relating to asbestos abatement on pipes; and exempting certain wrapped pipe removal from asbestos abatement requirements”; to the Committee on the Judiciary.

By Delegates Weld, B. White, Sobonya, Folk, Campbell and Byrd:

H. B. 2963 - “A Bill to amend and reenact §61-2-14a of the Code of West Virginia, 1931, as amended, relating to expanding the definition of kidnaping to include taking or gaining custody of, confining or concealing another person by force or threat of force, or by duress, fraud, deceit, misrepresentation or enticement; and including existing criminal penalty”; to the Committee on the Judiciary.

By Delegates Weld, B. White, Sobonya, Foster, Hanshaw, Folk, Campbell, Waxman and Byrd:

H. B. 2964 - “A Bill to amend and reenact §31-20-5e of the Code of West Virginia, 1931, as amended, relating to allowing e-mails and other types of electronic communications to and from regional jail inmates be monitored, intercepted, recorded and disclosed; and

providing exception for attorney-client privileged communications”; to the Committee on the Judiciary.

By Delegates Weld, B. White, Hanshaw and Byrd:

H. B. 2965 - “A Bill to amend and reenact §61-2-12 of the Code of West Virginia, 1931, as amended, relating to providing that a person using an object that reasonably appears to be a firearm or other deadly weapon, during a robbery or attempted robbery is guilty of robbery in the first degree; and including existing criminal penalties”; to the Committee on the Judiciary.

By Delegates Moye, Williams, P. Smith, Longstreth and Perry:

H. B. 2966 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-1-13, relating to the Senior Farmers’ Market Nutrition Program; making legislative findings and intent; creating the Senior Farmers’ Market Nutrition Program Fund; and requesting additional funds to be added to the fund”; to the Committee on Agriculture and Natural Resources then Finance.

By Delegates Longstreth, Caputo, Manchin, Howell, Cadle, Butler, Hamrick and Gearheart:

H. B. 2967 - “A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new section, designated §11-1C-5c, relating to appraisal value of certain motor vehicles for purposes of ad valorem property taxes; and providing that the appraised value of an antique motor vehicle is a maximum of \$3,000 for purposes of ad valorem property taxes”; to the Committee on the Judiciary then Finance.

By Mr. Speaker, Mr. Armstead, and Delegates Ashley, Bates, Perry, Kessinger, Hicks, Cooper, Shott, McCuskey and Arvon:

H. B. 2968 - “A Bill to amend and reenact §11-3-9 of the Code of West Virginia, 1931, as amended, relating to exempting from property tax certain properties in this state owned by nonprofit youth organizations and built at cost of at least \$100 million; setting forth the

restrictions affecting the property; setting forth permitted activities; requiring the property owner to pay four percent of the net revenues; establishing how that four percent is to be allocated; requiring reports; and defining terms”; to the Committee on Finance.

By Delegates Zatezalo, McGeehan, Storch and Faircloth:

H. B. 2969 - “A Bill to amend and reenact §7-21-3 of the Code of West Virginia, 1931, as amended, relating to county budget stabilization funds; requiring that a county itemize and publish all activity related to budget stabilization funds in the county’s annual financial statements”; to the Committee on Political Subdivisions then Finance.

By Delegates Marcum, R. Phillips, Reynolds, J. Nelson, R. Smith, Eldridge, Perdue, Hamilton, Ireland, Folk and H. White:

H. B. 2970 - “A Bill to amend and reenact §7-1-3ff of the Code of West Virginia, 1931, as amended; and to amend and reenact §8-12-16 of said code, all relating to authorizing county commissions and municipalities to cooperate and enter into agreements removing or demolishing dwellings or buildings unfit for human habitation”; to the Committee on Political Subdivisions then the Judiciary.

By Delegates R. Smith, Moye, Campbell, Perry, Longstreth and Bates:

H. B. 2971 - “A Bill to amend and reenact §16-4C-3, §16-4C-4, §16-4C-5 and §16-4C-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto three new sections, designated §16-4C-4a, §16-4C-4b and §16-4C-5a, all relating to emergency medical services; continuing the Office of Emergency Medical Services as an independent office within the Department of Military Affairs and Public Safety; updating definitions; creating the positions of Executive Director, Medical Director and Administrative Director for the office; establishing and clarifying the powers and duties of the directors; establishing the Emergency Medical Services

Commission with nine members; and requirements for the state medical protocols”; to the Committee on Government Organization.

By Delegates Overington, Moffatt, Sobonya, Statler, Butler, Frich, Foster and Zatezalo:

H. B. 2972 - “A Bill to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating to required courses of school instruction generally; requiring the accumulation of one and one-half years of instruction in the study of the Declaration of Independence and other founding American historical documents including the Bill of Rights and requiring study of the historical, political and social environments at the time these documents were generated before high school graduation; and removing misdemeanor penalty”; to the Committee on Education then the Judiciary.

By Delegates Pasdon, Statler, Kurcaba, Rohrbach, Miller, Morgan, Perdue and Reynolds:

H. B. 2973 - “A Bill to amend and reenact §12-3A-6 of the Code of West Virginia, 1931, as amended; to amend and reenact §18B-5-4, §18B-5-6 and §18B-5-7 of said code; and to amend said code by adding thereto a new section, designated §18B-5-4a, all relating to public higher education procurement and payment generally; receipting of electronic commerce purchases; purchase or acquisition of materials, supplies, equipment, services and printing at institutions of higher education; construction projects at Marshall University and West Virginia University; design-build procurement at institutions of higher education; and disposition of obsolete and unusable equipment, surplus supplies and other needed materials at institutions of higher education”; to the Committee on Education then Finance.

By Delegate Skinner:

H. B. 2974 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-30-1, §5-30-2, §5-30-3, §5-30-4, §5-30-5, §5-30-6 and §5-30-7, all relating to early childhood development; creating Office of Early Childhood Collaboration; requiring appointment of executive director;

establishing powers and duties; submission of annual report to Governor and Joint Committee on Government and Finance; establishing priorities; continuing West Virginia Early Childhood Advisory Council; and creating Early Childhood Development Fund”; to the Committee on Government Organization then Finance.

By Delegates Storch, Howell, D. Evans, Zatezalo, Weld, McGeehan, Fluharty and Ferro:

H. B. 2975 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-4-9a, relating to the assessment of oil and gas mineral interests”; to the Committee on Energy then the Judiciary.

By Delegates Pasdon, Perry, Rohrbach, Campbell and Ellington:

H. B. 2976 - “A Bill to amend and reenact §18C-3-4 of the Code of West Virginia, 1931, as amended, relating to expanding the eligible master’s and doctoral level programs for which a Nursing Scholarship may be awarded”; to the Committee on Education.

By Delegates Storch, D. Evans, Gearheart, Ashley, Howell, Zatezalo, Westfall, Fluharty and Ferro:

H. B. 2977 - “A Bill to amend and reenact §5A-11-3 of the Code of West Virginia, 1931, as amended, relating to collecting rents and royalties from leases of public lands; and providing that rents and royalties from leases of the minerals under the state’s rivers and streams shall be expended for road paving and maintenance”; to the Committee on Roads and Transportation then Finance.

By Delegate Upson:

H. B. 2978 - “A Bill to amend and reenact §17C-16-2 and §17C-16-4 of the Code of West Virginia, 1931, as amended, relating to inspection of vehicles and providing that defects in windshields and windows that do not obscure vision are not unsafe conditions preventing a vehicle from passing state inspection”; to the Committee on Roads and Transportation then the Judiciary.

By Delegates Fleischauer, Pasdon, Kurcaba, Guthrie and Pushkin:

H. B. 2979 - “A Bill to amend and reenact §7-5-22 of the Code of West Virginia, 1931, as amended, relating to clarifying that the county or regional solid waste authority that may impose and collect an additional solid waste assessment fee is the county or region where the waste originates”; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Householder, A. Evans, Hamilton, Overington, Hill and Cadle:

H. B. 2980 - “A Bill to repeal §61-7-3 and §61-7-6 of the Code of West Virginia, 1931, as amended; to amend and reenact §20-2-6a of said code; and to amend and reenact §61-7-4 of said code, all relating to the right to bear arms in West Virginia; providing that a concealed weapon license is not required when carrying a concealed handgun for self defense while hunting, hiking, camping or in a motor vehicle; repealing criminal penalty provision for carrying a deadly weapon without license or other authorization; repealing provision relating to exceptions to prohibitions against carrying concealed handguns and from licensing fees; removing requirement that a holder of a license to carry a deadly weapon carry a state issued identification with the weapons license while carrying a concealed weapon and the criminal penalty for violation; and providing the availability of a license does not create a general prohibition on the unlicensed transport or carrying of a deadly weapon”; to the Committee on the Judiciary.

By Delegate Eldridge:

H. B. 2981 - “A Bill to amend and reenact §18-7D-6 of the Code of West Virginia, 1931, as amended, relating to purchase of service credit following transfer to the State Teachers Retirement System”; to the Committee on Education then Finance.

By Delegate Skinner:

H. B. 2982 - “A Bill to amend and reenact §24-2F-8 of the Code of West Virginia, 1931, as amended, relating to net metering; defining

net metering; defining customer-generator; requiring the Public Service Commission adopt certain net metering and interconnection rules and standards; striking deadlines for rulemaking by the Public Service Commission; and capping the amount of generating capacity subject to net metering”; to the Committee on Energy then the Judiciary.

By Mr. Speaker, Mr. Armstead:

H. B. 2983 - “A Bill to amend and reenact §7-11-5 of the Code of West Virginia, 1931, as amended, relating to prohibit a county parks commission from rule-making authority as it regards firearms”; to the Committee on the Judiciary.

By Delegates Storch, Westfall, Pethtel, Gearheart, Howell, Rowan, D. Evans, Zatezalo and Fluharty:

H. B. 2984 - “A Bill to amend and reenact §15-3B-3 of the Code of West Virginia, 1931, as amended, relating to creating a Silver Alert program for senior citizens; defining a term; and providing an establishment date”; to the Committee on Senior Citizen Issues then the Judiciary.

By Delegates Storch, R. Phillips, Howell and D. Evans:

H. B. 2985 - “A Bill to amend and reenact §22-15-8 of the Code of West Virginia, 1931, as amended, relating to establishing radiation levels for oil and gas drill cuttings that are disposed in solid waste, and to allow mixing of drill cuttings with dirt and other substances”; to the Committee on Energy then the Judiciary.

By Delegate Reynolds:

H. B. 2986 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-4-2c, relating to increasing pay to teachers”; to the Committee on Education then Finance.

By Delegate Fast:

H. B. 2987 - “A Bill to amend and reenact §15-5B-6 of the Code of West Virginia, 1931, as amended; and to amend and reenact §22A-2-66

of said code, all relating to mine safety; mine safety tip hotline; and civil administrative penalties for failure to notify the Director of the Office of Miners' Health, Safety and Training of underground mine accidents"; to the Committee on Energy then Finance.

By Delegates Storch, Anderson, Ashley, Duke, A. Evans, Pasdon and Pethtel:

H. B. 2988 - "A Bill to amend and reenact §11-10-11 of the Code of West Virginia, 1931, as amended, relating to authorizing the Tax Commissioner to collect tax, interest and penalties due and owing from payments to vendors and contractors from the Auditor and other state, county, district or municipal officers and agents; requiring the Auditor and other state, county, district or municipal officers and agents to certify to the Tax Commissioner the identity of payees prior to the first payment and prior to any subsequent payments; authorizing the Tax Commissioner to identify those payees who are not in good standing with the Tax Department; requiring the Auditor or issuing officer or agent to forward to the Tax Commissioner the lesser of the amount owed or the remaining amount of payment; requiring the Auditor or issuing officer or agent to notify the vendor or contractor of the amount being withheld; requiring payment be withheld until the vendor or contractor is in good standing with the Tax Department; specifying that, for contracts which are subject to county or municipal business and occupation tax, payments are withheld until released by the county or municipality after all business and occupation taxes have been paid, including any authorized transaction fee, additions to tax, interest and penalty; defining terms, excluding employees of this state, or any county, district or political subdivision thereof who receive no nonemployee compensation from treatment as vendors and contractors for purposes of specified provisions, authorizing the Tax Commissioner to enter into agreements to comply with mandates of the provision and to protect taxpayer information; authorizing the Tax Commissioner and the Auditor to propose legislative rules; and specifying effective date"; to the Committee on Government Organization then Finance.

By Delegates Storch, Ferro, A. Evans, Canterbury, Azinger, Kelly, Border, Westfall, Boggs and McGeehan:

H. B. 2989 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-1-6; and to amend and reenact §59-1-10 of said code, all relating to requiring each judicial circuit to have a court-appointed special advocate program and each county to have a special advocate for children in abuse and neglect proceedings; raising price of certified copy of birth certificate, death certificate or marriage license from \$5 to \$11; and creating a fund within the State Treasury to pay for implementation and sustenance of court-appointed special advocate programs”; to the Committee on the Judiciary then Finance.

By Delegates Stansbury, Hill, Arvon, R. Phillips and Sponaule:

H. B. 2990 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-15-4l, relating to requirements for insurance policies and contracts providing accident and sickness insurance or direct health care services that cover prescription eye drops”; to the Committee on Health and Human Resources.

By Mr. Speaker, Mr. Armstead:

H. B. 2991 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-15-4l, relating to requirements for insurance policies and contracts providing accident and sickness insurance or direct health care services that cover prescription eye drops”; to the Committee on the Judiciary.

By Delegate Hamrick:

H. B. 2992 - “A Bill to amend and reenact §6-9A-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §29B-2-1, §29B-2-2, §29B-2-3, §29B-2-4, §29B-2-5, §29B-2-6, §29B-2-7, §29B-2-8, §29B-2-9, §29B-2-10 and §29B-2-11, all relating to publishing detailed information about the operations of state, county and municipal agencies; requiring the

publication of notice and agenda of meetings; declaring public policy regarding activities of public agencies; requiring the establishment and maintenance of websites for publishing information to the public; declaring minimum standards for public agency websites; specifying the information required to be published; providing for legislative review of compliance of state agencies; and providing for interpretation consistent with other law”; to the Committee on Government Organization.

By Delegates Sobonya and Miller:

H. B. 2993 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-6-29, relating to pay on promotion of employees in the classified service; and removing the three grade limit on increases”; to the Committee on Finance.

By Delegate Moffatt:

H. B. 2994 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §2-1-3, relating to prohibiting courts from using, implementing, referring to or incorporating a tenet of anybody of religious sectarian law into any decision, finding or opinion as controlling or influential authority”; to the Committee on the Judiciary.

By Delegate Perdue:

H. B. 2995 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-14D-11a, relating to adding an annual annuity adjustment of one percent for eligible retirants or surviving spouses”; to the Committee on Pensions and Retirement then Finance.

By Delegate Moffatt:

H. B. 2996 - “A Bill to amend and reenact §6B-1-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §6B-2-5 of said code, all relating to governmental ethics; prohibiting public officials and employees from using public funds for self promotion;

prohibiting knowingly and intentionally placing the names or likenesses of public officials and employees on trinkets; prohibiting knowingly and intentionally placing the names or likenesses of public officials and employees on certain publically financed advertising during an election period; and defining terms”; to the Committee on the Judiciary.

By Delegate L. Phillips:

H. B. 2997 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-24, relating to providing a one-time salary increase of \$1,500 for any Department of Highways employee with a salary less than \$50,000”; to the Committee on Finance.

By Delegate L. Phillips:

H. B. 2998 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-5-4b, relating to providing a one-time salary increase of \$1,500 for any Department of Health and Human Resources employee with a salary less than \$50,000”; to the Committee on Finance.

By Delegate Miller:

H. B. 2999 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2M-1, §16-2M-2 and §16-2M-3, all relating to neonatal abstinence centers; authorizing neonatal abstinence centers; requiring the secretary to promulgate a licensure program and rules; requiring the state agency to consider neonatal abstinence care as a unique service in conducting certificate of need review; and exempting neonatal abstinence centers from moratoriums on certain nursing facilities”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Upson and Espinosa:

H. B. 3000 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13DD-1, §11-13DD-2, §11-13DD-3, §11-13DD-4, §11-13DD-5, §11-13DD-6,

§11-13DD-7, §11-13DD-8, §11-13DD-9 and §11-13DD-10, all relating to establishing a Hotel and Restaurant Renovation Tax Credit; legislative findings; defining terms; establishing credit amount; application for certification of project required; application fee required; use of credit to offset sales tax generated by project in excess of baseline sales tax amount; claiming the credit; authority to promulgate rules; and effective date”; to the Committee on Finance.

By Delegates Overington, Rowan and Butler:

H. B. 3001 - “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 Folk, Frich, McGeehan, Ihle, J. Nelson and Faircloth:

H. B. 3002 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-30-1, §5-30-2, §5-30-3, §5-30-4 and §5-30-5, all relating to providing that all future federal and local statutes, ordinances, laws, orders, rules, and any other actions which attempt to restrict, tax, or regulate the possession, use, discharge in lawful self-defense, transportation, purchase, acquisition, sale, transfer, ownership, carrying, manufacture, or repair of firearms, firearm accessories, ammunition and their accouterments are invalid and unenforceable; making it a felony to attempt to enforce a federal or local statute, ordinance, law, order, rule, or any other action which attempts to restrict, tax, or regulate possession, use, discharge in lawful self-defense, transportation, purchase, acquisition, sale, transfer, ownership, carrying, manufacture, or repair of firearms, firearm accessories, ammunition or their accouterments; prohibiting such laws, orders, rules, policies and other actions by executive departments and

state agencies, and providing a felony for violation; providing definitions; making findings; providing penalties; requiring the Attorney General to defend citizens of West Virginia who are prosecuted by the United States government for violation of a federal law relating to the possession, use, discharge in lawful self-defense, transportation, purchase, acquisition, sale, transfer, ownership, carrying, manufacture, or repair of a firearm, a firearm accessory or ammunition; providing exemptions; providing for retroactivity; and providing that ex post facto laws are not created”; to the Committee on the Judiciary then Finance.

By Delegates Pethtel, Ferro, Caputo, Longstreth, Ashley, Walters and Canterbury:

H. B. 3003 - “A Bill to amend and reenact §11-21-12d of the Code of West Virginia, 1931, as amended, relating to continuing the personal income tax adjustment to the gross income of certain retirees receiving pensions from defined pension plans that terminated and are being paid a reduced maximum benefit guarantee”; to the Committee on Pensions and Retirement then Finance.

By Delegates Sobonya, Miller, Rohrbach and Eldridge:

H. B. 3004 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §27-1A-11a; and to amend and reenact §60-3-9, all relating to the creation of the West Virginia Addictions Treatment and Recovery Fund by collecting and transferring \$.05 per ounce of the uniform price of alcoholic liquors sold in this state to the fund; setting forth the uses of the fund; and authorizing rule-making”; to the Committee on Health and Human Resources then Finance.

By Delegates Fleischauer, Pushkin, Guthrie, Lynch, Rowe, Skinner and Longstreth:

H. B. 3005 - “A Bill to amend and reenact §22-3-22a of the Code of West Virginia, 1931, as amended, relating to prohibiting blasting within six hundred twenty-five feet of an occupied dwelling”; to the Committee on Energy then the Judiciary.

By Delegates E. Nelson, Ashley, Anderson, Boggs, Williams, H. White, Storch, Gearheart, Bates, Espinosa and O’Neal:

H. B. 3006 - “A Bill to amend and reenact §11-10-17a of the Code of West Virginia, 1931, as amended, relating to the determination of the adjusted rate established by the Tax Commissioner for the administration of tax deficiencies and underpayments for tax years beginning after December 31, 2016”; to the Committee on Finance.

By Delegates Sobonya, Miller, Ihle and Border:

H. B. 3007 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-2-12, relating to exempting food prepared or processed in a private home and curtilage or farm by the resident or owner and sold directly to the end consumer with certain information attached from laws and rules relating to food labeling, inspections or milk or milk products”; to the Committee on Health and Human Resources.

By Delegates Sobonya, Miller, Perdue, Fleischauer, Campbell, Reynolds, Pushkin, Hicks, Guthrie, Rowan and Arvon:

H. B. 3008 - “A Bill to amend and reenact §16-2D-5 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new section, designated §16-2D-5f, all relating to certificates of need for certain skilled nursing facilities; prohibiting the Health Care Authority from ordering a moratorium on skilled nursing facilities and services for children under one year of age suffering from Neonatal Abstinence Syndrome and exempting such facilities and services from current moratoriums”; to the Committee on Health and Human Resources then Government Organization.

By Delegates P. Smith, Hartman, Campbell, Moye, J. Nelson, Canterbury, Cooper, D. Evans, Kessinger, Hill and Ambler:

H. B. 3009 - “A Bill to repeal §30-15-8 of the Code of West Virginia, 1931, as amended, relating to removing criminal penalties applicable to midwives”; to the Committee on the Judiciary.

By Delegates Fleischauer, Moye, Skinner, Manchin, Pethtel, Ferro, Lynch, Cooper and Butler:

H. B. 3010 - “A Bill to amend and reenact §24C-1-2 and §24C-1-3 of the Code of West Virginia, 1931, as amended, all relating to the one-call system; modifying definitions; excluding nonproducing gas or oil wells that were established prior to 1990 and their associated production or gathering lines for which records do not exist indicating its location from the definition of underground facility; and allowing an owner/operator of an underground facility that is not required to be a member to become a member of the one-call system”; to the Committee on the Judiciary.

By Delegates Sobonya, Weld, Marcum, Hicks, R. Phillips, Azinger, Shott, Miller, Fast, Butler and R. Smith:

H. B. 3011 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-4-406a; and to amend and reenact §60A-4-409 of said code, all relating to the Uniform Controlled Substances Act; offenses and penalties; providing mandatory minimum sentences for trafficking drugs into the state and for other drug offenses; increasing period of ineligibility for parole for certain violations of possession or distribution of controlled substances and establishing applicable conditions; increasing period of ineligibility for parole for transporting certain controlled substances into the state and establishing applicable conditions; prohibiting application of alternative sentences; and increasing the penalties for transporting controlled substances into the state”; to the Committee on the Judiciary then Finance.

By Delegate Pushkin:

H. B. 3012 - “A Bill to amend and reenact §5-26-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §5-26-3, all relating to the Herbert Henderson Office of Minority Affairs; requiring the office to conduct hearings to report to the Select Committee on Minority Issues and creating the West Side Revive Pilot Program for community development”; to the Committee on Government Organization then Finance.

By Delegates Fleischauer, Manchin, Perdue, Pushkin, Guthrie, Fluharty and Skinner:

H. B. 3013 - “A Bill to amend and reenact §22-6A-8, §22-6A-10 and §22-6A-12 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §22-6A-12a; and amend and reenact §22-6B-3, §22-6B-5 and §22-6B-7 of said code, all relating generally to horizontal well control standards; changing an elective obligation to a mandatory one; requiring notice in certain instances be sent to the occupants of residential property; prohibiting the limit of disturbance of a well site to be closer than fifteen hundred feet of an occupied dwelling; providing that a notice include certain information; establishing standards relating to air, noise, light and dust; permitting landowners be compensated for any decrease in the values of the land for its highest and best use; requiring the notice of a claim be also provided to an occupant of residential structure on the property; and establishing a statute of limitations for claims being filed”; to the Committee on Energy then the Judiciary.

By Delegate Folk:

H. B. 3014 - “A Bill to amend and reenact §8-29-4 of the Code of West Virginia, 1931, as amended, relating to regional airports; and changing the manner members are appointed to the Eastern West Virginia Regional Airport Authority”; to the Committee on Political Subdivisions then the Judiciary.

By Delegate Fast:

H. B. 3015 - “A Bill to amend and reenact §11-3-9 of the Code of West Virginia, 1931, as amended, relating to exempting from property tax certain properties in this state owned by nonprofit youth organizations and built at cost of at least \$100 million whether or not the property is used for the nonprofit youth organization’s charitable or nonprofit purpose to help raise funds for the benefit of the nonprofit youth organization; providing exceptions to the exemption; setting forth programs that are to be considered charitable nonprofit uses; providing where that three percent of gross revenues is to be

transferred; setting forth where that revenue is to be transferred; and establishing terms"; to the Committee on the Judiciary then Finance.

SPECIAL CALENDAR

THIRD READING

Com. Sub. for H. B. 2457, Prohibiting the use of the name or likeness of elected or appointed officials on publicly-owned vehicles; 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. 179**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Boggs.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2457) 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. 2493, Relating to requirements for insurance policies and contracts providing accident and sickness insurance or direct health care services that cover anti-cancer medications; on third reading with amendments pending and the restricted right to amend jointly by Delegates Ellington and Eldridge, was reported by the Clerk.

There being no amendments, and having been engrossed, the bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 180**), and there were—yeas 97, nays 2, absent and not voting 1, with the nays and absent and not voting being as follows:

NAYS: Azinger and McGeehan.

ABSENT AND NOT VOTING: Boggs.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2493) passed.

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

H. B. 2615, West Virginia Small Business Capital Act; on third reading, coming up in regular order, was read a third time.

Delegate Kurcaba requested to be excused from voting on the passage of H. B. 2615 under the provisions of House Rule 49.

The Speaker replied that the Delegate was a member of a class of persons possibly to be affected by the passage of the bill but exhibited no direct personal or pecuniary interest therein, and refused to excuse the Member from voting.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 181**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Boggs.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2615) passed.

An amendment to the title of the bill, recommended by the Committee on Small Business, Entrepreneurship and Economic Development, was reported by the Clerk and adopted, amending the title to read as follows:

H. B. 2615 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §32-5-501,

§32-5-502, §32-5-503, §32-5-504, §32-5-505 and §32-5-506, all relating to creating the West Virginia Small Business Capital Act; exempting the offer and sale of certain securities from the Uniform Securities Act; and applying to exempt issuers the Uniform Securities Act's misleading filing provisions, its criminal penalty provisions, its civil liability provisions and its fraud provisions.”

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. 2648, Allowing authorized entities to maintain a stock of epinephrine auto-injectors to be used for emergency; 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. 182**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Boggs.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2648) 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. 2662, Eye Care Consumer Protection Law; on third reading, coming up in regular order, was read a third time.

Delegate Stansbury requested to be excused from voting on the passage of Com. Sub. for H. B. 2662 under the provisions of House Rule 49.

The Speaker replied that the Delegate was a member of a class of persons possibly to be affected by the passage of the bill but exhibited

no direct personal or pecuniary interest therein, and refused to excuse the Member from voting.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 183**), and there were—yeas 89, nays 10, absent and not voting 1, with the nays and absent and not voting being as follows:

NAYS: Azinger, Canterbury, Folk, Hill, Ihle, McGeehan, Moffatt, J. Nelson, Trecoast and Upson.

ABSENT AND NOT VOTING: Boggs.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2662) passed.

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

H. B. 2733, Removing certain combinations of drugs containing hydrocodone from Schedule III of the controlled substances law; 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. 184**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Boggs.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2733) passed.

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

H. B. 2879, Relating to certain limitations on amount of state funds on deposit in any depository; 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. 185**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Boggs.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2879) passed.

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

SECOND READING

Com. Sub. for S. B. 175, Authorizing DHHR promulgate legislative rules; on second reading, coming up in regular order, was, at the request of Delegate Cowles, and by unanimous consent, laid over one day, retaining its place on the calendar.

S. B. 238, Limiting certain county board of education liability arising from unorganized recreation; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for H. B. 2240, Providing that an act of domestic violence or sexual offense by strangling is an aggravated felony offense; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2283, Authorizing the Department of Environmental Protection to promulgate legislative rules; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2627, Providing protection against property crimes committed against coal mines, utilities and other industrial facilities; 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 two, section twenty-nine, line two, after the word “any”, by inserting the words “commercial or industrial”.

On page three, section twenty-nine, line fourteen, after the word “any”, by inserting the words “commercial or industrial”.

On page three, section twenty-nine, line twenty-eight, after the word “any”, by inserting the words “commercial or industrial”.

And,

On page four, section twenty-nine, line forty-one, after the word “any”, by inserting the words “commercial or industrial”.

The bill was then ordered to engrossment and third reading.

H. B. 2628, Changing the date of filing announcements of candidacies; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2674, Making home schooled students eligible for a Promise scholarship without taking the GED test; on second reading, coming up in regular order, was read a second time.

Delegates Hornbuckle and Reynolds moved to amend the bill on page three, section six, line thirty-seven, following the semi-colon, by striking out the word “or”, and inserting a new subdivision (B) to read as follow:

“(B) After two continuous years of the individual having lost his or her job in the coal industry, a coal miner is eligible for a PROMISE scholarship for a baccalaureate degree, or to attend a two year trade school or community college pursuant to rules promulgated by the board, or”.

And,

By re-lettering existing paragraph (B) on page four, line thirty-eight, as paragraph (C).

Delegate O'Neal arose to a point of order as to the germaneness of the amendment.

To the point of order the Speaker replied, stating that the fundamental purpose of the bill was to clarify eligibility requirements, and the purpose of the amendment was to make another category of individuals eligible to receive the scholarship, therefore, the amendment was not germane to the fundamental purpose of the bill.

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 2718, Transferring funds remaining in the Racetrack Modernization Fund to the State Road Fund and closing the Racetrack Modernization Fund; on second reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Cowles, and by unanimous consent, the bill was advanced to third reading with the amendment pending and the restricted right to amend jointly by Delegates E. Nelson and Perdue, and the rule was suspended to permit the consideration of the pending amendments on that reading.

Com. Sub. for H. B. 2773, Relating to the West Virginia Film Industry Investment tax credit; on third reading, coming up in regular order, was, at the request of Delegate Cowles, and by unanimous consent, laid over one day, retaining its place on the calendar.

Com. Sub. for H. B. 2778, State Infrastructure Fund Program; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2820, Relating to affirmative defenses against mechanics' liens; 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 three, section twenty-one, line thirty-two, immediately following the words “wish to”, by striking out the words “preserve their mechanic’s lien rights pursuant to this article” and inserting in lieu thereof “to avoid affirmative defenses provided pursuant to this section and subsection (c) of section thirty-four of this article”.

And,

On page seven, section thirty-four, line thirty-three, by striking out the entirety of subsection (d) and inserting in lieu thereof the following:

“(d) ‘Dwelling’ or ‘residence’ means any building or structure intended for habitation, in whole or part, and includes, but is not limited to, any house, apartment, mobile home, house trailer, modular home, factory-built home, and, any adjacent outbuilding or structure which adjoins, is part of, belongs to, or is used in connection with a dwelling and shall include, but not be limited to, any garage, shop, shed, barn or stable.”

On motion of Delegate Foster, the bill was amended on page four, line forty-one, by striking out everything after word “above” and inserting a period.

At the request of Delegate Manchin, and by unanimous consent, the bill was advanced to third reading with the restricted right to amend jointly by Delegates Shott and Manchin, and the rule was suspended to permit the consideration of the amendment on that reading.

FIRST READING

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

Com. Sub. for S. B. 60, Requiring food handler examinations and cards,

S. B. 398, Extending expiration date for health care provider tax on eligible acute care hospitals,

Com. Sub. for H. B. 2103, Relating generally to boards of examination and registration,

Com. Sub. for H. B. 2202, Relating to more equitable disbursement of funds to county boards,

Com. Sub. for H. B. 2268, Removing the severance tax on timber,

Com. Sub. for H. B. 2462, Relating to certain deposits of tax proceeds,

H. B. 2569, Relating to the Dealer Recovery Program,

Com. Sub. for H. B. 2571, Creating a fund for pothole repair contributed to by private businesses or entities,

Com. Sub. for H. B. 2652, Reducing the assessment paid by hospitals to the Health Care Authority,

H. B. 2657, Allowing members of the Livestock Care Standards Board to be reimbursed for expenses consistent with the West Virginia Department of Agriculture Travel Policy and Procedure,

H. B. 2835, Reorganizing the Hatfield-McCoy Regional Recreation Authority,

H. B. 2839, Eliminating late fees charged by the Secretary of State,

H. B. 2880, Creating an addiction treatment pilot program,

H. B. 2888, Allowing the use of rotary drum composters to destroy or dispose of the carcass of any animal to prevent the spread of disease,

And,

H. B. 2933, Making a supplementary appropriation to the Department of Administration, Public Defender Services.

LEAVES OF ABSENCE

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

MISCELLANEOUS BUSINESS

Delegate Guthrie announced that she was absent on yesterday when the votes were taken on Roll Nos. 172 through 178, and that had she been present, she would have voted “NAY” on Roll Nos. 172 through 174 and “YEA” on Roll Nos. 175 through 178.

Delegate L. Phillips noted that she was absent on yesterday when the votes were taken on Roll Nos. 176 through 178, and that had she been present, she would have voted “YEA” thereon.

Delegate Stansbury noted that he was absent on yesterday when the vote was taken on H. B. 2025, and had he been present he would have voted “YEA” thereon.

REMARKS BY MEMBERS

Delegate Rohrbach asked and obtained unanimous consent that the remarks of Delegate Sobonya regarding H. B. 2457, Prohibiting the use of the name or likeness of elected or appointed officials on publicly-owned vehicles, be printed in the Appendix to the Journal.

Delegate Westfall asked and obtained unanimous consent that the remarks of Delegate McCuskey regarding H. B. 2493, Relating to requirements for insurance policies and contracts providing accident and sickness insurance or direct health care services that cover anti-cancer medications, be printed in the Appendix to the Journal.

At 1:36 P.M., on motion of Delegate Cowles, the House of Delegates recessed until 6:00 P.M.

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EVENING SESSION

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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:

H. B. 2161, Adopting the Uniform Act on Prevention of and Remedies for Human Trafficking,

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

In the absence of objection, reference of the bill (H. B. 2161) to the Committee on Finance was abrogated.

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

Your Committee on Education has had under consideration:

H. B. 2780, Enhancing the ability of campus police officers at state institutions of higher education to perform their duties,

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

In the absence of objection, reference of the bill (H. B. 2780) to the Committee on Finance was abrogated.

Delegate Gearheart, Chair of the Committee on Roads and Transportation, submitted the following report, which was received:

Your Committee on Roads and Transportation has had under consideration:

H. C. R. 39, The USMC LCPL Julius C. “Corky” Foster Memorial Bridge,

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

Com. Sub. for H. C. R. 39 - “Requesting the Division of Highways to name the bridge on Route 52 over Tug Fork in McDowell County, bridge number 24-52-20.04 (24A129), latitude 37.41709, longitude -81.58999, locally known as the Coney Island Bridge, as the ‘USMC LCpl Julius C. “Corky” Foster Memorial Bridge’,”

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 resolution (Com. Sub. for H. C. R. 39) was referred to the Committee on Rules.

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

Your Committee on Government Organization has had under consideration:

H. B. 2744, Preempting any local law, rule, regulation, ordinance, or policy regulating the environmental or operational aspects of any public utility within the jurisdiction of the Public Service Commission; providing exceptions,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2744) was referred to the Committee on the Judiciary.

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. 357, Creating Coal Jobs and Safety Act of 2015,

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

Delegate Miley was recognized and expressed opposition to the receipt of the committee report, stating that the bill violated the single object provisions of the Constitution of the State, and moved that the report be rejected and recommitted to the Committee on the Judiciary.

On this motion, Delegate Miley demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 186**), and there were—yeas 30, nays 64, absent and not voting 6, with the yeas and absent and not voting being as follows:

YEAS: Bates, Byrd, Campbell, Caputo, Eldridge, Fleischauer, Fluharty, Guthrie, Hartman, Longstreth, Lynch, Manchin, Marcum, Miley, Moore, Moye, Perdue, Perry, Pethel, L. Phillips, Pushkin, Reynolds, Rodighiero, Rowe, Skinner, P. Smith, Sponaugle, Trecost, H. White and Williams.

ABSENT AND NOT VOTING: Boggs, Deem, Ferro, Hicks, Hornbuckle and Morgan.

So, a majority of the members present and voting not having voted in the affirmative, the Speaker declared Delegate Miley's aforesated motion had not prevailed.

Whereupon, the Speaker declared the report from the Committee on the Judiciary for Com. Sub. for S. B. 357 received.

MESSAGES FROM THE SENATE

A message from the Senate, by

The Clerk of the Senate, announced the adoption of the report of the Committee of Conference on and the passage, as amended by said report, of

Com. Sub. for H. B. 2002, Predicating actions for damages upon principles of comparative fault.

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. 89 - "A Bill to amend and reenact §6-7-2a of the Code of West Virginia, 1931, as amended; and to amend and reenact §7-4-6 of said code, all relating to providing that the salary of the Executive Director of the West Virginia Prosecuting Attorneys Institute shall be established by the executive council of the institute, with a minimum salary of \$70,000"; which was referred to the Committee on Finance.

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. 283 - "A Bill to amend and reenact §31A-4-40 of the Code of West Virginia, 1931, as amended; and to amend and reenact §31A-8-12d of said code, all relating to replacing requirement of a board resolution and legal advertisement for any change in days or hours a bank office is open for business with a requirement that the

banking institution provide forty-five days' advance written notice in the form of signage at the office and written notice to the Commissioner of Financial Institutions; and reducing time for consideration of expedited branch applications from thirty-five days to twenty-one days"; which was referred to the Committee on Banking and Insurance 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

S. B. 285 - "A Bill to amend and reenact §31-17-1 and §31-17-8 of the Code of West Virginia, 1931, as amended, all relating to including consumer credit sales that are secured by mortgage, deed of trust or other equivalent consensual security interest on a dwelling or residential real estate in definitions of 'primary mortgage loan' and 'subordinate mortgage loan'; providing exception to prohibition of balloon payments; and further extending exception to the ban on loans greater than one hundred percent loan-to-value for loan modifications or refinancing loans done through and in compliance with government programs or litigation settlements"; which was referred to the Committee on Banking and Insurance 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

S. B. 292 - "A Bill to amend and reenact §32A-2-4 and §32A-2-13 of the Code of West Virginia, 1931, as amended, all relating to licenses for business of currency exchange, transportation or transmission; establishing expiration date of December 31 for those licensees; and requiring licensees to provide sixty days' advance notice of any change in control or change in principals"; which was referred to the Committee on Banking and Insurance then Finance.

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. 370 - "A Bill to amend and reenact §15-9-1, §15-9-2, §15-9-3 and §15-9-5 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §15-9-6; to amend and reenact §15-9A-1, §15-9A-2 and §15-9A-3 of said code; to amend and reenact §15-9B-1 and §15-9B-2 of said code; to amend and reenact §30-29-2, §30-29-3, §30-29-4, §30-29-5, §30-29-6 and §30-29-7 of said code; and to amend and reenact §62-11C-2, §62-11C-3, §62-11C-4, §62-11C-6 and §62-11C-8 of said code, all relating to reorganization of the Governor's Committee on Crime, Delinquency and Correction and its subcommittees; continuing the Governor's Committee on Crime, Delinquency and Correction and providing for membership, terms and authority of the chair; requiring facility inspection in accordance with the Prison Rape Elimination Act; granting authority to the Governor's Committee on Crime, Delinquency and Correction to establish bylaws, policies and procedures; establishing responsibilities of the Governor's Committee on Crime, Delinquency and Correction; stating legislative findings; designating a staffing agency for the Governor's Committee on Crime, Delinquency and Correction and providing authority and responsibilities; establishing duties of the Director of the Governor's Committee on Crime, Delinquency and Correction; establishing membership criteria and subcommittee status of the Sexual Assault Forensic Examination Commission; establishing powers and duties of the Sexual Assault Forensic Examination Commission; establishing membership criteria and subcommittee status of the Law-Enforcement Professional Standards Subcommittee; establishing powers and duties of the Law-Enforcement Professional Standards Subcommittee; providing for uses of fees collected for the Law-Enforcement Professional Standards Subcommittee and authorizing adjustments of such fees by legislative rule; establishing the Community Corrections Subcommittee, membership and authority; and making technical

edits”; which was referred to the Committee on the Judiciary then Finance.

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. 445 - “A Bill to amend and reenact §31-20-10 of the Code of West Virginia, 1931, as amended, relating to the use and investment of Regional Jail and Correctional Facility Authority funds”; which was referred to the Committee on Finance.

REORDERING OF THE CALENDAR

Delegate Cowles announced that the Committee on Rules had transferred Com. Sub. for S. B. 175, Com. Sub. for H. B. 2773, H. B. 2839 and H. B. 2880, on second reading, Special Calendar, to the House Calendar.

Delegate Cowles asked and obtained unanimous consent that his own remarks and the remarks of Delegates Caputo, Fast, Fleischauer, Lane, Manchin, Miley, Sobonya, Rowe and Zatezalo regarding the motion to recommit S. B. 357 to the Committee on the Judiciary be printed in the Appendix to the Journal.

MISCELLANEOUS BUSINESS

Delegates Azinger, Faircloth, Folk and J. Nelson filed forms with the Clerk’s Office per House Rule 94b to be added as cosponsors of H. B. 2994.

Delegate Cowles filed forms with the Clerk’s Office per House Rule 94b to be added as a cosponsor of H. B. 2948 and H. B. 2949.

Delegate Eldridge filed a form with the Clerk’s Office per House Rule 94b to be removed as a cosponsor of H. B. 2910.

Delegate Ihle filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2911.

Delegate Kurcaba filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2258.

Delegate Miller filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2957.

At 7:12 P.M., the House of Delegates adjourned until 11:00 A.M., Wednesday, February 25, 2015.

WEDNESDAY, FEBRUARY 25, 2015

FORTY-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 Tuesday, February 24, 2015, being the first order of business, when the further reading thereof was dispensed with and the same approved.

REORDERING OF THE CALENDAR

Delegate Cowles announced that the Committee on Rules had transferred Com. Sub. for H. B. 2718, on third reading, Special Calendar, to the House Calendar, and Com. Sub. for S. B. 60, on second reading, Special Calendar, to the House Calendar.

COMMITTEE REPORTS

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

Your Committee on Rules has had under consideration:

H. C. R. 51, Proclaiming and making the fiddle the official musical instrument of the State of West Virginia,

And reports the same back with recommendation that it be adopted.

Delegate Ellington, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2658, Relating to the inspection and slaughter of nontraditional agriculture,

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

Delegate Ellington, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2834, Amending the Uniform Interstate Family Support Act,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2834) was referred to the Committee on the Judiciary.

Delegate Ellington, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2258, “Parents’ Bill of Rights”,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 2258) was referred to the Committee on Finance.

Delegate Ellington, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2440, Preventing taxpayer subsidization of health insurance covering elective abortions,

And,

H. B. 2887, Prohibiting the Division of Motor Vehicles from issuing instruction permits to applicants who have not successfully passed drug tests,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2440 and H. B. 2887) were each referred to the Committee on the Judiciary.

MESSAGES FROM THE EXECUTIVE

Mr. Speaker, Mr. Armstead, presented a communication from His Excellency, the Governor, advising that on February 24, 2015, he approved **Com. Sub. for S. B. 7**.

RESOLUTIONS INTRODUCED

Delegates Eldridge, Reynolds, Marcum, Moffatt, R. Phillips, Hornbuckle, Morgan and Rodighiero offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 90 - “Requesting the Division of Highways to name the road from the beginning of Sand Creek Road on CR 10/15 at the bend of the Guyandotte River and SR 10 running one-half mile on Sand Creek Road in Lincoln County, the ‘U. S. Army CPL Wilson B. Lambert, Jr. Memorial Road’.”

WHEREAS, Wilson B. Lambert, Jr. was born on June 14, 1930 in Harts, Lincoln County, West Virginia. Corporal Wilson B. Lambert, Jr. was an infantryman in the Heavy Mortar Co, 38th Infantry Regiment, 2nd Division, Korea and was injured on February 13, 1951 in Wonju Korea. He received a Purple Heart Combat Infantry Badge and Korean Service Medal with 2 Bronze Stars. Wilson B. Lambert, Jr. returned to West Virginia where he worked in coal mining and construction. He died on May 5, 2011; and

WHEREAS, Naming the road from the beginning of Sand Creek Road on CR 10/15 at the bend of the Guyandotte River and SR 10 running one-half mile on Sand Creek Road in Lincoln County, the “U. S. Army CPL Wilson B. Lambert, Jr. Memorial Road” is an appropriate recognition of his service to his country, state and Lincoln County; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the road from the beginning of Sand Creek Road on CR 10/15 at the bend of the Guyandotte River and SR 10 running one-half mile on Sand Creek Road in Lincoln County, the “U. S. Army CPL Wilson B. Lambert, Jr. Memorial Road”; and, be it

Further Resolved, That the Division of Highways is requested to have made and be placed signs identifying the road the “U. S. Army CPL Wilson B. Lambert, Jr. Memorial Road”; 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 the surviving family of Wilson B. Lambert, Jr.

Delegates J. Nelson, Eldridge, Hicks, Bates, Boggs, Butler, Campbell, Caputo, Ferro, Fluharty, Folk, Gearheart, Hill, Hornbuckle, Ireland, Manchin, Marcum, McGeehan, Miley, Moore, Morgan, Moyer, Perdue, Perry, Pethtel, L. Phillips, Rodighiero, Rohrbach, Skinner, R. Smith, Sobonya, Sponaugle, Stansbury, Statler, Summers, Trecost, Wagner, Westfall, H. White, Williams and Longstreth offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 91 - “Designating days for the display of the Honor and Remember Flag.”

WHEREAS, The Legislature approved H. C. R. 94 in the 2011 Regular Session of the Legislature supporting the “Honor and Remember” Flag as an official emblem of the service and sacrifice by the brave men and women of the United States Armed Forces who have given their lives in the line of duty; and

WHEREAS, The 112th Congress, 1st Session passed H. R. 546 designating the Honor and Remember Flag as an official symbol to recognize and honor members of the United States Armed Forces who have given their lives in the line of duty and for other purposes and designating locations and days on which the Honor and Remember Flag may be displayed; and

WHEREAS, The State of West Virginia should adopt and follow the days for display of the Honor and Remember Flag, which are: Armed Forces Day, the third Saturday in May; Memorial Day, the last Monday in May; Flag Day, June 14; Independence Day, July 4; National POW/MIA Recognition Day; and Veterans Day, November 11; therefore, be it

Resolved by the Legislature of West Virginia:

That this Legislature designates the days for display of the Honor and Remember Flag in West Virginia as Armed Forces Day, the third Saturday in May; Memorial Day, the last Monday in May; Flag Day, June 14; Independence Day, July 4; National POW/MIA Recognition Day; and Veterans Day, November 11.

Delegates Fleischauer, Pasdon, Statler, Lane, Fast, Kurcaba, Weld, Moye, Byrd, Guthrie and Manchin offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 92 - "Requesting the Joint Committee on Government and Finance to study the need to require liability insurance coverage by businesses licensed to sell alcoholic beverages, nonintoxicating beer or wine on premises."

WHEREAS, Incidents of persons injured or killed by drivers under the influence of alcoholic beverages in West Virginia occur in numbers sufficient to raise the question of the amounts of liability insurance by the licensed businesses selling the alcoholic beverages as well as the liability insurance of offending driver; and whether these licensed businesses should be mandated to maintain a liability insurance policy; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is requested to study the need to require liability insurance coverage by businesses licensed to sell alcoholic beverages, nonintoxicating beer or wine on premises; 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, 2016, 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.

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

H. C. R. 93 - “Requesting the Division of Highways to name the bridge on U. S. Route 50, crossing the North Fork of the Cacapon River near Augusta, Hampshire County, West Virginia, map coordinates 39.31518 -78.65962, milepost 14.95, the ‘CSA LTG Thomas J. “Stonewall” Jackson Bridge’.”

WHEREAS, Thomas Jonathan Jackson was born in Virginia, now West Virginia, January 21, 1824; and

WHEREAS, Young Jackson spent many years of his youth living with an uncle, Cummins Jackson, who owned what is now Jackson’s Mill near Weston, in Lewis County, West Virginia; and

WHEREAS, Thomas J. Jackson graduated from the United States Military Academy at West Point in 1846 and was assigned to an artillery regiment sent to fight in the Mexican-American War from 1846 to 1848, where he distinguished himself in several battles; and

WHEREAS, Following military service with the United States Army, Jackson began teaching at Virginia Military Institute in Lexington, Virginia; and

WHEREAS, As the American Civil War began, Thomas J. Jackson joined the Army of the Confederate States of America, in which he reached the rank of Lieutenant General. His practices of discipline, surprises and maneuvers made him one of the most revered generals of the Confederacy; and

WHEREAS, At the first battle of Bull Run, Jackson was said to have stood against the enemy as a “stone wall”, earning him his famous nickname, “Stonewall” Jackson; and

WHEREAS, “Stonewall” Jackson, and the “Stonewall Brigade” as his troops were known, fought many battles in present day West Virginia and often engaged Union forces in Romney and other Hampshire County locations, because of the area’s strategic importance; and

WHEREAS, General “Stonewall” Jackson was wounded by friendly fire during the Battle of Chancellorsville in Virginia and died May 10, 1863, at the age of thirty-nine; and

WHEREAS, The fifth grade class of Augusta Elementary School in Hampshire County, West Virginia, wishes to honor the memory of West Virginia’s famous general who fought many battles in their home county; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the bridge on U. S. Route 50, crossing the North Fork of the Cacapon River near Augusta, Hampshire County, West Virginia, map coordinates 39.31518 -78.65962, milepost 14.95, the “CSA LTG Thomas J. ‘Stonewall’ Jackson Bridge”; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge the “CSA LTG Thomas J. ‘Stonewall’ Jackson Bridge”; and, be it

Further Resolved, That the Clerk of the House of Delegates is directed to forward a certified copy of this resolution to the Commissioner of the Division of Highways.

Delegates B. White, Stansbury, Espinosa, Sobonya, Arvon, Cadle, Fast, Folk, Hill, Householder, Pushkin, Guthrie, Rowe, Lynch, McCuskey, Westfall, Howell, Ihle, Kessinger, Kurcaba, Lane, Rohrbach, Rowan, Sobonya, Statler, Waxman, Weld, Byrd and

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

H. C. R. 94 - "Requesting the Division of Highways to name bridge number 20-77-99.01 (20A418), locally known as I-77 Greenbrier Street Overpass, NB with featured intersected of WV 114 Greenbrier Street, with latitude of 38.34157 and longitude of -81.61183 in Kanawha County, 'The Rosie the Riveter Memorial Bridge'."

WHEREAS, Women who worked on the home front during World War II were a significant force in shortening and winning that history-changing war. West Virginia women contributed significantly to the effort by working in factories, farms, government and as volunteers doing any and all that could be done on the home front; and

WHEREAS, Rosie the Riveters as a group and with individual examples in West Virginia are noted for caring for their loved ones who were wounded in many ways by the war, who pioneered proof of what women do for society, and who showed what older Americans do when given the right guidance and opportunity. Most Rosies the Riveters have died without being recognized or learned from; and

WHEREAS, The West Virginia Rosie the Riveter Program has proven from 2009 to the present that these women were critical to the well-being of America, Allied Nations, freedom and showing the value of the strengths of women; and

WHEREAS, The Greater Kanawha Valley is the first Model Rosie the Riveter Community in America, based on work done by the nonprofit called, Thanks! Plain and Simple, Inc. ("Thanks!") which has the mission of creating projects that need to be done in America and then guiding other Americans to join in the effort. "Thanks!" has been significantly helped by Rosie the Riveters, many of whom have died since "Thanks!" began work in 2009. Families and the overall

communities of West Virginia have been supporting these and other efforts to honor Rosie the Riveters; and

WHEREAS, The Charleston Gold Dome Lions Club has initiated naming a bridge “The Rosie the Riveter Memorial Bridge” as an example of what can be done by communities nationwide. Increasing numbers of entities across the United States and internationally are recognizing that the ways West Virginia has recognized Rosie the Riveters are significant and achievable. A small bridge in Wetzel County, WV was named for a living Rosie, Freda Bell, which is a first in America and shows West Virginia’s spirit and commitment to contributors to freedom; and

WHEREAS, It is only fitting and proper that the class of Americans known as Rosie the Riveters and their good work for family, community, the nation and the world be recognized and remembered; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways name bridge number 20-77-99.01 (20A418), locally known as I-77 Greenbrier Street Overpass, NB with featured intersected of WV 114 Greenbrier Street, with latitude of 38.34157 and longitude of -81.61183 in Kanawha County, “The Rosie the Riveter Memorial Bridge”; and, be it

Further Resolved, that the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge “The Rosie the Riveter Memorial Bridge”; and, be it

Further resolved, That the Clerk of the House of Delegates, forward a certified copy of this resolution to the Commissioner of the Department of Highways and to “Thanks! Plain and Simple, Inc.” and to the Charleston Gold Dome Lions Club.

Delegates J. Nelson, R. Phillips, O’Neal, Azinger, Blair, Butler, Gearheart, Hill, Ihle, Ireland, McGeehan and Statler offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 95 - “Urging the President of the United States to approve the Keystone XL pipeline.”

WHEREAS, On February 16, 2015 a train hauling one hundred seven tank cars of crude oil from North Dakota to Virginia when twenty-six cars derailed, with nineteen eventually catching fire and several exploding and sending fireballs into the sky near Montgomery, West Virginia; and

WHEREAS, Each tanker car carried 29,500 gallons of oil; and

WHEREAS, The derailment caused large amounts of crude oil to be spilled in a river that is the drinking water supply for the surrounding communities; and

WHEREAS, Individuals, families, employees, businesses and commerce were negatively affected in the surrounding communities causing many to find shelter away from their homes; and

WHEREAS, The short-term and long-term effects to the environment and the health of the residents is still unknown; and

WHEREAS, Many West Virginians, even those in areas not affected by the derailment, are unsure of the safety of trains hauling huge amounts of crude oil; and

WHEREAS, The hauling of crude oil in pipelines is regulated by the United States Department of Transportation and it has been demonstrated that pipeline transportation is the safest form of transportation; therefore, be it

Resolved by the Legislature of West Virginia:

That the West Virginia Legislature urges the President of the United States to approve the Keystone XL pipeline; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the President of the United States and the members of the West Virginia congressional delegation.

Delegate Perdue offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. R. 13 - "Designating March 2, 2015 as 'Self Injury Awareness Day'."

WHEREAS, Self-injury, also called self-harm, self-inflicted violence, or self-mutilation, is a coping mechanism used by an estimated 1% of the U.S. population; and

WHEREAS, Self-injury is seldom talked about and often misunderstood, leading to those who self-injure being treated unfairly or insensitively by police, doctors, therapists and emergency personnel; and

WHEREAS, Self-injurers, despite public perceptions, are generally not psychotic and present little danger to others; and

WHEREAS, Effective treatments for self-harm do exist, although many professionals may not be aware of them; and

WHEREAS, Raising professional and public awareness of the facts about self-injury will help dispel the fears, myths and taboos that surround the subject and that make it difficult for people who self-injure to obtain effective help; therefore, be it

Resolved by the House of Delegates:

That the House of Delegates hereby designates, March 2, 2015, as "Self Injury Awareness Day", and hereby urges all citizens and

professionals to increase their awareness of the truths about self-injury, thus allowing people who self-injure to receive fair and sensitive treatment; and, be it

Further Resolved, That the Clerk of the House of Delegates, forward a certified copy of this resolution to the Governor and the Secretary of the Department of Health and Human Resources.

SPECIAL CALENDAR

THIRD READING

S. B. 238, Limiting certain county board of education liability arising from unorganized recreation; 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. 187**), 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: Boggs and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 238) passed.

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

Com. Sub. for H. B. 2240, Providing that an act of domestic violence or sexual offense by strangling is an aggravated felony offense; 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. 188**), 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: Boggs and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2240) 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. 2283, Authorizing the Department of Environmental Protection to promulgate legislative rules; 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. 189**), and there were—yeas 85, nays 13, absent and not voting 2, with the nays and absent and not voting being as follows:

NAYS: Azinger, Cadle, Faircloth, Fast, Folk, Gearheart, Kelly, McGeehan, Moffatt, J. Nelson, Reynolds, Sobonya and Walters.

ABSENT AND NOT VOTING: Boggs and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2283) passed.

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

On this question, the yeas and nays were taken (**Roll No. 190**), and there were—yeas 87, nays 11, absent and not voting 2, with the nays and absent and not voting being as follows:

NAYS: Azinger, Cadle, Faircloth, Folk, Gearheart, Hornbuckle, Kelly, McGeehan, J. Nelson, R. Smith and Walters.

ABSENT AND NOT VOTING: Boggs and Storch.

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 H. B. 2283) takes effect from its passage.

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

H. B. 2627, Providing protection against property crimes committed against coal mines, utilities and other industrial facilities; 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. 191**), 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: Boggs and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2627) passed.

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

H. B. 2628, Changing the date of filing announcements of candidacies; 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. 192**), 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: Boggs and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2628) 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. 2674, Making home schooled students eligible for a PROMISE scholarship without taking the GED test; 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. 193**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

NAYS: Lynch.

ABSENT AND NOT VOTING: Boggs and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2674) passed.

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

On this question, the yeas and nays were taken (**Roll No. 194**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Boggs.

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 H. B. 2674) takes effect from its passage.

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

Com. Sub. for H. B. 2778, State Infrastructure Fund Program; 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. 195**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

NAYS: McGeehan.

ABSENT AND NOT VOTING: Boggs.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2778) passed.

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

H. B. 2820, Relating to affirmative defenses against mechanics' liens; on third reading with the restricted right to amend jointly by Delegates Shott and Manchin, was reported by the Clerk.

On motion of Delegates Shott and Manchin, the bill was amended on page three, section twenty-one, line five, immediately following the words "certified mail", by inserting a comma and the words "return receipt requested" followed by a comma.

Having been engrossed, the bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 196**), and there were—yeas 97, nays 2, absent and not voting 1, with the nays and absent and not voting being as follows:

NAYS: Ireland and Lane.

ABSENT AND NOT VOTING: Boggs.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2820) passed.

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

SECOND READING

S. B. 398, Extending expiration date for health care provider tax on eligible acute care hospitals; on second reading, coming up in regular order, was read a second time.

On motion of Delegate E. Nelson, the bill was amended on page eight, line six, by striking out subsection (g) in its entirety and inserting in lieu thereof the following:

“(g) The changes to the tax rate in this section enacted in the 2015 Regular Session are effective July 1, 2015, upon the approval of the state plan amendment.”

The bill was then ordered to third reading.

Com. Sub. for H. B. 2103, Relating generally to boards of examination and registration; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2202, Relating to more equitable disbursement of funds to county boards; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2268, Removing the severance tax on timber; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2462, Relating to certain deposits of tax proceeds; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2569, Relating to the Dealer Recovery Program; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2571, Creating a fund for pothole repair contributed to by private businesses or entities; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2652, Reducing the assessment paid by hospitals to the Health Care Authority; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2657, Allowing members of the Livestock Care Standards Board to be reimbursed for expenses consistent with the West Virginia Department of Agriculture Travel Policy and Procedure; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2835, Reorganizing the Hatfield-McCoy Regional Recreation Authority; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Government Organization, was reported by the Clerk and adopted, amending the bill on page thirteen, section three, line eleven, by striking out the underlined words “or who is associated with a mining, logging, natural gas or other resource-extraction industry or who is a licensed land surveyor or licensed professional engineer”.

On page thirteen, section three, line fifteen, after the word “county”, by inserting the words “or who is associated with a mining, logging, natural gas or other resource-extraction industry or who is a licensed land surveyor or licensed professional engineer”.

And,

On page thirteen, section three, line eleven, after the word “project”, by inserting the words “or their designee”.

The bill was then ordered to engrossment and third reading.

H. B. 2888, Allowing the use of rotary drum composters to destroy or dispose of the carcass of any animal to prevent the spread of disease;

on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2933, Making a supplementary appropriation to the Department of Administration, Public Defender Services; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

FIRST READING

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

Com. Sub. for S. B. 187, Authorizing Department of Revenue promulgate legislative rules,

Com. Sub. for S. B. 357, Creating Coal Jobs and Safety Act of 2015,

H. B. 2161, Adopting the Uniform Act on Prevention of and Remedies for Human Trafficking,

H. B. 2780, Enhancing the ability of campus police officers at public colleges to perform their duties,

And,

H. B. 2884, Modifying training and development requirement for certain members of certain higher education boards.

LEAVES OF ABSENCE

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

MISCELLANEOUS BUSINESS

Delegate Rohrbach asked and obtained unanimous consent that the remarks of Delegate R. Smith regarding Com. Sub. for S. B. 357,

Creating Coal Jobs and Safety Act of 2015 be printed in the Appendix to the Journal.

Delegate Miley asked and obtained unanimous consent that the remarks of Delegate Caputo regarding Com. Sub. for S. B. 357, Creating Coal Jobs and Safety Act of 2015, be printed in the Appendix to the Journal.

Delegate R. Phillips asked and obtained unanimous consent that the remarks of Delegates Perdue and Walters regarding H. B. 2920, Vesting the Public Employees Insurance Agency with the authority to negotiate and executing all health care and ancillary contracts for the Medicaid program, be printed in the Appendix to the Journal.

Delegate Hartman noted to the Clerk that he was absent when the votes were taken on Roll Nos. 164, 165, 166, 167 and 169, and that had he been present, he would have voted “YEA” thereon.

Delegate Duke noted to the Clerk that he was absent when the votes were taken on Roll Nos. 124-163, and that had he been present, he would have voted “YEA” thereon.

Mr. Speaker, Mr. Armstead, filed a form with the Clerk’s Office per House Rule 94b to be added as a cosponsor of H. C. R. 94.

Delegate Miller filed a form with the Clerk’s Office per House Rule 94b to be removed as a cosponsor of H. B. 2932.

Delegate Marcum filed a form with the Clerk’s Office per House Rule 94b to be removed as a cosponsor of H. B. 2910.

Delegate E. Nelson filed a form with the Clerk’s Office per House Rule 94b to be added as a cosponsor of H. B. 2716.

Delegate H. White filed a form with the Clerk’s Office per House Rule 94b to be removed as a cosponsor of H. B. 2910.

At 1:05 P.M., on motion of Delegate Cowles, the House of Delegates recessed until 6:00 P.M.

EVENING SESSION

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

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. 29, That April 2 be designated as West Virginia Autism Awareness Day,

And,

Com. Sub. for H. C. R. 39, The USMC LCpl Julius C. "Corky" Foster Memorial Bridge,

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

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

Your Committee on Finance has had under consideration:

H. B. 2716, Relating to charitable organizations,

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

Com. Sub. for H. B. 2716 - “A Bill to amend and reenact §29-19-5 of the Code of West Virginia, 1931, as amended, relating generally to annual statements of charitable organizations; requiring reports of financial audits and financial reviews of certain registered charitable organizations; and requiring additional information on annual statement,”

H. B. 2811, Deleting obsolete provisions regarding the Physicians’ Mutual Insurance Company,

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

Com. Sub. for H. B. 2811 - “A Bill to amend and reenact §33-20F-4 of the Code of West Virginia, 1931, as amended, relating to the Physicians’ Mutual Insurance Company; deleting obsolete provisions regarding the Physicians’ Mutual Insurance Company; and providing that the company need not be organized as a nonprofit corporation,”

And,

H. B. 2812, Clarifying use of subsistence allowance in determining compensation for purposes of calculating pension benefits for natural resources police officers,

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

Com. Sub. for H. B. 2812 - “A Bill to amend and reenact §20-7-1 of the Code of West Virginia, 1931, as amended, relating to certain subsistence allowance considered compensation for purposes of calculating pension benefits for natural resources police officers,”

With the recommendation that the committee substitutes each do pass.

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

Your Committee on Finance has had under consideration:

H. B. 2876, Finding and declaring certain claims against the state and its agencies to be moral obligations of the state,

And,

S. B. 382, Declaring claims against state,

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

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

Your Committee on Education has had under consideration:

H. B. 2934, Repealing the common core standards,

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

Com. Sub. for H. B. 2934 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2E-5b, relating to repealing the common core standards; making findings with respect to a thorough and efficient education and role of the Legislature; making findings with respect to the Elementary and Secondary Education act and the affect of certain amendments; making findings with respect to changes in standards and assessments; making findings with respect to reverse in trend of improving student National Assessment of Educational Progress scores

and likely causes; making findings with respect to ESEA flexibility relief, state application and subsequent actions; and making findings with respect to school funding sources, the influence of federal funds and the use of federal funds to coerce changes in standards, assessments and accountability system; making findings with respect to inappropriate usurpation of state sovereignty over public education and results sufficient to impede process for improving education; directing certain actions by state board in response to findings; providing comprehensive review of standards by board to ensure repeal of certain common core standards, certain aligned college and career ready standards and revised as needed, adequate and appropriate curriculum and instructional strategies, sufficient training and professional development, and information and resources to engage and assist parents; requiring state board appoint stakeholder commission to participate in review with certain legislative member appointments; requiring state board appointment of standards development committees to advise and assist commission; requiring state board conduct regional town hall meetings with certain format for discussion and input; suspending use of summative assessment scores except for certain purpose until certain date; prohibiting collection and disclosure of certain student information; requiring regular information to Legislature on actions with respect to standards, assessment, accountability and capacity building; providing for responsibilities, appointment and membership of standards development committees; directing certain actions in response to findings by Governor, Legislature, state board and state superintendent with respect to reauthorization of Elementary and Secondary Education Act; and requiring monitoring by Legislative Oversight Commission,”

With the recommendation that the committee substitute do pass.

Delegate Miley asked unanimous consent that the bill be committed to the Committee on Finance, which consent was not given, objection being heard.

Delegate Miley then so moved.

On this question, the yeas and nays were taken (**Roll No. 197**), and there were—yeas 27, nays 64, absent and not voting 9, with the yeas and absent and not voting being as follows:

YEAS: Bates, Byrd, Campbell, Caputo, Eldridge, Ferro, Fleischauer, Fluharty, Hartman, Hornbuckle, Lynch, Manchin, Miley, Moore, Moye, Perry, Pethtel, Pushkin, Reynolds, Rodighiero, Rowe, Skinner, P. Smith, Sponaugle, Trecost, H. White and Williams.

ABSENT AND NOT VOTING: Boggs, Deem, Guthrie, Longstreth, Morgan, Perdue, L. Phillips, Rohrbach and Romine.

So, two thirds of the members present and voting not having voted in the affirmative, the motion was rejected.

On motion for leave, a bill was introduced (Originating in the Committee on Health and Human Resources and reported with the recommendation that it do pass), which was read by its title, as follows:

By Delegates Ellington, Householder, Rohrbach, Stansbury, Hill and Westfall:

H. B. 3016 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-12A-1 and §15-12A-2; and to amend and reenact §60A-10-4, §60A-10-6 and §60A-10-7 of said code, all relating to methamphetamine; creating a registry; requiring that certain persons be added to registry; requiring certain drug products be obtained by prescription only; requiring registered persons to obtain to prescription; providing certain discretionary authority to the Board of Pharmacy; increasing criminal penalties; and providing criminal penalties.”

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

Your Committee on Government Organization has had under consideration:

Com. Sub. for S. B. 361, Eliminating prevailing hourly wage requirement for construction of public improvements,

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

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

Your Committee on Government Organization has had under consideration:

H. B. 2881, West Virginia Intrastate Commerce Improvement Act,

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

Delegate McCuskey, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 25th day of February, 2015, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

(Com. Sub. for S. B. 13), Reinstating open and obvious doctrine for premises liability,

And,

(S. B. 262), Transferring CHIP and Children's Health Insurance Agency from Department of Administration to DHHR.

Delegate McCuskey, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 25th day of February, 2015, presented to His

Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

(S. B. 389), Relating to Board of Registration for Professional Engineers license renewals and reinstatements.

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

Your Committee on Education has had under consideration:

H. B. 2976, Expanding the eligible master's and doctoral level programs for which a Nursing Scholarship may be awarded,

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

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

Your Committee on Finance has had under consideration:

H. B. 2760, Making a supplementary appropriation to the Bureau of Senior Services - Lottery Senior Citizens Fund,

And,

H. B. 2764, Making a supplementary appropriation to the State Department of Education - School Building Authority,

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

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

Your Committee on Education has had under consideration:

H. B. 2713, Providing taxpayers repaying their own student loans a modification reducing federal adjusted gross in the amount of the interest paid,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 2713) was referred to the Committee on Finance.

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

Your Committee on Education has had under consideration:

H. B. 2793, Relating generally to home schooling,

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

Com. Sub. for H. B. 2793 - "A Bill to amend and reenact §18-8-1 of the Code of West Virginia, 1931, as amended, relating to exemptions from mandatory school attendance; restoring historical exemption nomenclature; clarifying that parents and guardians of exempt children may not be prosecuted under §18-8-2; clarifying that exempt children are not status offenders; requiring leave of court and probable cause before petition may be filed to deny home schooling; providing for one-time notice of intent to home school and revising notice contents; removing waiting period; providing for notice of termination; providing for notice when children move between counties; removing required submissions; revising requirements and standards for annual assessments and acceptable progress; removing requirement that parents pay costs of assessments not conducted in public schools; requiring parents to retain copies of assessments; and requiring evaluations for learning disabilities when children fail to make acceptable progress,"

With the recommendation that the committee substitute do pass.

Delegate McCuskey, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 25th day of February, 2015, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

(Com. Sub. for H. B. 2004), Providing a procedure for the development of a state plan under section 111(d) of the Clean Air Act,

(H. B. 2114), Updating the meaning of federal adjusted gross income and certain other terms used in the West Virginia Personal Income Tax Act,

And,

(H. B. 2115), Updating the meaning of the term “federal taxable income” and certain other terms used in the West Virginia Corporation Net Income Tax Act.

Delegate McCuskey, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 25th day of February, 2015, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

(Com. Sub. for H. B. 2008), Auditing the Division of Highways,

And,

(H. B. 2274), Authorizing the Commissioner of Corrections to enter into mutual aid agreements.

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

Your Committee on Finance has had under consideration:

H. B. 2381, Providing a teacher mentoring increment for classroom teachers with national board certification who teach and mentor at certain schools,

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

Com. Sub. for H. B. 2381 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-4-2c, relating to providing a teacher mentoring increment for classroom teachers with national board certification who teach and mentor at persistently low performing schools; defining persistently low performing schools; defining mentoring; specifying method of payment; and specifying eligibility,”

H. B. 2478, Relating to public school finance,

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

Com. Sub. for H. B. 2478 - “A Bill to amend and reenact §11-8-6f of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-9A-4, §18-9A-5, §18-9A-7, §18-9A-11 and §18-9A-12 of said code, all relating to public school finance; eliminating authority of growth county boards of education to designate regular school board levy revenues due to new construction or improvements to a growth county school facilities act fund; removing the reduction in a county’s basic foundation allowance to a county school system for professional educators and service personnel if the number employed is less than the maximum allowed for formula funding; adjusting the foundation school program allowance for transportation costs for the school years 2015-2016 and 2016-2017; including propane as an eligible fuel for the

ten percent additional percentage allowance for school bus systems using alternative fuels; changing the percent of the replacement value of bus fleets included in the calculation of the allowance in the foundation school program for transportation; and eliminating certain adjustments in basic foundation program,”

And,

H. B. 2823, Eliminating the street and interurban and electric railways tax,

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

Com. Sub. for H. B. 2823 - “A Bill to amend and reenact §11-13-2d of the Code of West Virginia, 1931, as amended, relating to eliminating a certain tax on persons engaging or continuing within this state in the service or business of street and interurban and electric railways,”

With the recommendation that the committee substitutes each do pass.

MESSAGES FROM THE SENATE

A message from the Senate, by

The Clerk of the Senate, announced the adoption of the report of the Committee of Conference on and the passage, as amended by said report, of

Com. Sub. for H. B. 2025, Prohibiting certain sex offenders from loitering within one thousand feet of a school or child care facility.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates as follows:

H. B. 2212, Changing the amount of severance tax revenue annually dedicated to the West Virginia Infrastructure General Obligation Debt Service Fund.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had receded from its amendment and again passed

Com. Sub. for H. B. 2234, Requiring a court to permit a party in a divorce proceeding to resume using the name he or she used prior to the marriage.

A message from the Senate, by

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

Com. Sub. for H. B. 2568, The Pain-Capable Unborn Child Protection Act.

On motion of Delegate Cowles, the bill was taken up for immediate consideration.

The following Senate title amendment was reported by the Clerk:

Com. Sub. for H. B. 2568 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2M-1, §16-2M-2, §16-2M-3, §16-2M-4, §16-2M-5, §16-2M-6 and §16-2M-7, all relating to prohibiting certain abortions; stating legislative findings; defining terms; requiring a calculation of gestational age before an abortion is performed or attempted, except in certain cases; prohibiting abortions when the gestational age of the fetus reaches pain capable gestational age; creating certain exceptions to that prohibition; requiring a physician performing an abortion of a fetus that has reached pain capable gestational age to use the process most likely to allow the fetus to survive, with certain exceptions; requiring reporting of all completed abortions and that the reports contain certain information regarding the abortion; requiring an annual

public report that provides statistics of the abortions while keeping the identities of the persons involved confidential; deeming violations by physicians and other licensed medical practitioners to be a breach of the standard of care and outside the scope of practice that is permitted by law; allowing for discipline from the applicable licensure board for that conduct, including, but not limited to, loss of professional license to practice for violation; constituting violations for nonphysician and nonlicensed medical practitioners as unauthorized practice of medicine and subject to criminal penalties; preserving existing legal remedies for violations; clarifying that no penalty may be assessed against a patient; and making provisions severable.”

On motion of Delegate Cowles, the House of Delegates concurred in the Senate title amendment.

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

On motion of Delegate Cowles, the House of Delegates concurred in the Senate amendment.

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 198**), and there were—yeas 82, nays 9, absent and not voting 9, with the nays and absent and not voting being as follows:

NAYS: Caputo, Fleischauer, Fluharty, Hornbuckle, Moore, Pethtel, Pushkin, Rowe and Skinner.

ABSENT AND NOT VOTING: Boggs, Deem, Guthrie, Longstreth, Morgan, Perdue, L. Phillips, Rohrbach and Romine.

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. 2568) passed.

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

On this question, the yeas and nays were taken (**Roll No. 199**), and there were—yeas 83, nays 8, absent and not voting 9, with the nays and absent and not voting being as follows:

NAYS: Caputo, Fleischauer, Fluharty, Hornbuckle, Moore, Pethtel, Pushkin and Skinner.

ABSENT AND NOT VOTING: Boggs, Deem, Guthrie, Longstreth, Morgan, Perdue, L. Phillips, Rohrbach and Romine.

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 H. B. 2568) takes effect from its passage.

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, without amendment, a bill of the House of Delegates as follows:

H. B. 2669, Relating to compulsory tuberculosis testing.

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. 88 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-46-1, §16-46-2, §16-46-3, §16-46-4, §16-46-5, §16-46-6, §16-46-7, §16-46-8, §16-46-9 and §16-46-10, all relating to requiring background checks for individuals who have direct access to residents, members or beneficiaries of covered providers or covered contractors participating in the West Virginia Clearance for Access: Registry and Employment Screening program; providing short title; defining terms; requiring the Secretary of the Department of Health and Human Resources to develop plan and program for conducting background

checks; requiring centralized database to maintain criminal history record information and results; establishing prescreening process conducted by covered providers and covered contractors; requiring applicants to provide fingerprints and undergo criminal background check; establishing procedures and criteria for obtaining and reviewing criminal history record information; establishing criteria for approving applicants for employment; authorizing contractors and fees; creating special revenue account for administrative fees; providing for protests of the secretary's decisions and permitting variances; creating exceptions; authorizing legislative rules; providing monetary penalties; and providing for civil and criminal immunity"; 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. 109 - "A Bill to amend and reenact §16-2-11 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §16-2-16, all relating to local indoor smoking prohibition; exempting certain veterans' organizations from local indoor smoking prohibition; and establishing a procedure for certain establishments to apply for exemption from local indoor smoking prohibition"; which was referred to the Committee on Health and Human Resources 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. 140 - "A Bill to repeal §29A-2-8 of the Code of West Virginia, 1931, as amended; to amend and reenact §29A-1-2 of said code; to amend said code by adding thereto two new sections, designated §29A-1-3a and §29A-1-3b; and to amend and reenact §29A-3-1a, §29A-3-4, §29A-3-8, §29A-3-13 and §29A-3-15 of said code, all relating generally to the State Administrative Procedures Act;

defining ‘legislative exempt rule’; providing certain technical amendments; providing for nullification and voiding of rules; setting forth requirements for amendments to existing rules, proposed new rules and repeal of existing rules; establishing filing and adoption requirements for legislative exempt rules; making legislative rules effective upon filing; requiring agency to provide list of interested parties with emergency rules; and changing number of copies required when filing an emergency rule’; 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. 199 - “A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating generally to the promulgation of administrative rules by miscellaneous agencies and boards; legislative mandate or authorization for the promulgation of certain legislative rules by various executive or administrative agencies of the state; authorizing certain of the agencies to promulgate certain legislative rules as amended by the Legislature; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing certain of the agencies to promulgate certain legislative rules with various modifications; authorizing Board of Registration for Professional Engineers to promulgate a legislative rule relating to the examination, licensure and practice for professional engineers; authorizing Governor’s Committee on Crime, Delinquency and Correction to promulgate a legislative rule relating to law-enforcement training and certification standards; authorizing Real Estate Appraiser Licensing and Certification Board to promulgate a legislative rule relating to requirements for registration and renewal of appraisal management companies; authorizing Board of Medicine to promulgate a legislative

rule relating to licensure, disciplinary and complaint procedures, continuing education and physician assistants; authorizing Enterprise Resource Planning Board to promulgate a legislative rule relating to the enterprise resource planning system user fee; authorizing Board of Physical Therapy to promulgate a legislative rule relating to fees for physical therapists and physical therapist assistants; authorizing Board of Osteopathic Medicine to promulgate a legislative rule relating to fees for services rendered by the board; authorizing Board of Osteopathic Medicine to promulgate a legislative rule relating to osteopathic physician assistants; authorizing Board of Pharmacy to promulgate a legislative rule relating to immunizations administered by pharmacists; authorizing Board of Pharmacy to promulgate a legislative rule relating to the registration of pharmacy technicians; authorizing Board of Pharmacy to promulgate a legislative rule relating to controlled substances monitoring; authorizing Board of Pharmacy to promulgate a legislative rule relating to licensure and the practice of pharmacy; authorizing Board of Dental Examiners to promulgate a legislative rule relating to formation and approval of professional limited liability companies; authorizing Board of Dental Examiners to promulgate a legislative rule relating to the board; authorizing Board of Dental Examiners to promulgate a legislative rule relating to dental recovery networks; authorizing Board of Dental Examiners to promulgate a legislative rule relating to the formation and approval of dental corporations and dental practice ownership; authorizing Commissioner of Agriculture to promulgate a legislative rule relating to frozen desserts and imitation frozen desserts; authorizing Commissioner of Agriculture to promulgate a legislative rule relating to animal disease control; authorizing Commissioner of Agriculture to promulgate a legislative rule relating to auctioneers; authorizing Commissioner of Agriculture to promulgate a legislative rule relating to fee structure for the Pesticide Control Act of 1990; authorizing Commissioner of Agriculture to promulgate a legislative rule relating to the West Virginia Plant Pest Act; authorizing Commissioner of Agriculture to promulgate a legislative rule relating to inspection of meat and poultry; authorizing Commissioner of Agriculture to

promulgate a legislative rule relating to the West Virginia Spay Neuter Assistance Program; authorizing Commissioner of Agriculture to promulgate a legislative rule relating to livestock care standards; authorizing Commissioner of Agriculture to promulgate a legislative rule relating to equine rescue facilities; authorizing Commissioner of Agriculture to promulgate a legislative rule relating to the Rural Rehabilitation Loan Program; authorizing Commissioner of Agriculture to promulgate a legislative rule relating to aquaculture importation; authorizing Commissioner of Agriculture to promulgate a legislative rule relating to industrial hemp; authorizing Commissioner of Agriculture to promulgate a legislative rule relating to dangerous wild animals; authorizing Secretary of State to promulgate a legislative rule relating to the procedures for recount of election results; authorizing Secretary of State to promulgate a legislative rule relating to the standards and guidelines for electronic notarization; authorizing Secretary of State to promulgate a legislative rule relating to notaries public; authorizing Secretary of State to promulgate a legislative rule relating to a schedule of fees for notaries public; authorizing Family Protection Services Board to promulgate a legislative rule relating to perpetrator intervention programs licensure; authorizing Family Protection Services Board to promulgate a legislative rule relating to domestic violence program licensure standards; authorizing Family Protection Services Board to promulgate a legislative rule relating to the Monitored Parenting and Exchange Program certification; authorizing Family Protection Services Board to promulgate a legislative rule relating to the operation of the board; and authorizing Family Protection Services Board to promulgate a legislative rule relating to perpetrator intervention programs licensure for correctional institutions”; 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. 273 - “A Bill to amend and reenact §11-16-3, §11-16-6, §11-16-9 and §11-16-12 of the Code of West Virginia, 1931,

as amended; and to amend said code by adding thereto two new sections, designated §11-16-6a and §11-16-6b, all relating to brewer, resident brewer and brewpub licensing and operations; clarifying definitions; providing legislative findings; authorizing licensed brewers and resident brewers to offer complimentary nonintoxicating beer and nonintoxicating craft beer samples; authorizing licensed brewers and resident brewers to sell growlers with limitations; authorizing licensed brewpubs, Class A retail dealers, Class B retail dealers, private clubs, Class A retail licensees and Class B retail licensees to sell growlers with limitations; clarifying licensing and operational requirements for brewers, resident brewers and brewpubs; changing the license fee schedule for certain brewers and resident brewers; decreasing the license fee for brewpubs; requiring brewers and resident brewers to submit annual reports of production; and removing brewpub bonding requirements”; which was referred to the Committee on Small Business, Entrepreneurship and Economic Development 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

S. B. 304 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-35-1, §19-35-2, §19-35-3, §19-35-4 and §19-35-5, all relating to farmers markets; stating purpose and definitions; establishing farmers market vendor permit, scope and fees; permitting consignment farmers markets; and requiring rulemaking”; which was referred to the Committee on Agriculture and Natural Resources then Finance.

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. 351 - “A Bill to amend and reenact §29-19-5 of the Code of West Virginia, 1931, as amended, relating to

contribution levels by charitable organizations necessary for submission of an audit report of the organization by an independent certified public accountant; and requiring additional information on registration statement”; which was referred to the Committee on Finance.

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. 353 - “A Bill to amend and reenact §17C-16-4 of the Code of West Virginia, 1931, as amended, relating to designating the Superintendent of the West Virginia State Police as current administrator and enforcer of the motor vehicle inspection program”; which was referred to the Committee on Roads and Transportation then the Judiciary.

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

S. B. 360 - “A Bill to repeal §51-4-9 and §51-4-11 of the Code of West Virginia, 1931, as amended, relating to outdated provisions containing circuit clerk responsibilities with regard to indexes of books and reports concerning claims against the state”; 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

Sub. Com. for S. B. 373 - “A Bill to amend and reenact §17D-2A-4 of the Code of West Virginia, 1931, as amended, relating to allowing image displayed on a wireless communication device to serve as proof of insurance on a motor vehicle”; which was referred to the Committee on Banking and Insurance 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

S. B. 399 - “A Bill to amend and reenact §16-5G-2 and §16-5G-4 of the Code of West Virginia, 1931, as amended, all relating to hospitals owned or operated by nonprofit corporations, nonprofit associations or local governmental units; clarifying that these hospitals may have only one governing body whose meetings shall be open to the public; enumerating matters which may be acted upon in executive session; and clarifying and expanding authorization for holding of executive sessions”; which was referred to the Committee on Health and Human Resources 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

S. B. 403 - “A Bill to amend and reenact §17A-4A-15 of the Code of West Virginia, 1931, as amended, relating to liens on vehicles; expanding period of time during which a recorded lien on a vehicle is valid; expanding period of time during which a refiled lien on a vehicle is valid; and clarifying that the lienholder may refile a lien or encumbrance without obtaining the owner’s consent”; which was referred to the Committee on Roads and Transportation 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

S. B. 418 - “A Bill to amend and reenact §38-1-7 of the Code of West Virginia, 1931, as amended, relating to providing that a defendant in a civil action to recover a deficiency after a sale under a deed of trust may not assert as a defense that fair market value was not obtained for property sold at foreclosure sale”; 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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 463 - “A Bill making a supplementary appropriation from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2015, to the Department of Health and Human Resources, Division of Human Services - Health Care Provider Tax - Medicaid State Share Fund, fund 5090, fiscal year 2015, organization 0511, by supplementing and amending the appropriation for the fiscal year ending June 30, 2015”; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 466 - “A Bill making a supplementary appropriation of federal funds out of the treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2015, to the Department of Commerce, Workforce West Virginia - Workforce Investment Act, fund 8749, fiscal year 2015, organization 0323, and to the Department of Commerce, Office of the Secretary - Office of Economic Opportunity - Community Services, fund 8781, fiscal year 2015, organization 0327, by supplementing and amending the appropriation for the fiscal year ending June 30, 2015”; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 467 - “A Bill making a supplementary appropriation of federal funds out of the treasury from the balance of federal moneys

remaining unappropriated for the fiscal year ending June 30, 2015, to the Department of Agriculture, State Conservation Committee, fund 8783, fiscal year 2015, organization 1400, by supplementing and amending the appropriations for the fiscal year ending June 30, 2015”; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 469 - “A Bill making a supplementary appropriation of federal funds out of the treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2015, to the Department of Environmental Protection, Division of Environmental Protection, fund 8708, fiscal year 2015 organization 0313, by supplementing and amending the appropriations for the fiscal year ending June 30, 2015”; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 471 - “A Bill making a supplementary appropriation of federal funds out of the treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2015, to the Department of Health and Human Resources, Human Rights Commission, fund 8725, fiscal year 2015, organization 0510, to the Department of Health and Human Resources, Division of Human Services, fund 8722, fiscal year 2015, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2015”; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 473 - “A Bill making a supplementary appropriation of federal funds out of the treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2015, to the Department of Military Affairs and Public Safety, West Virginia State Police, fund 8741, fiscal year 2015, organization 0612, by supplementing and amending the appropriations for the fiscal year ending June 30, 2015”; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 475 - “A Bill making a supplementary appropriation from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2015, to the Department of Military Affairs and Public Safety, West Virginia Division of Corrections - Parolee Supervision Fees, fund 6362, fiscal year 2015, organization 0608, and to the Department of Military Affairs and Public Safety, West Virginia State Police - Motor Vehicle Inspection Fund, fund 6501, fiscal year 2015, organization 0612, by supplementing and amending the appropriation for the fiscal year ending June 30, 2015”; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 476 - “A Bill making a supplementary appropriation from the balance of moneys remaining unappropriated for the fiscal year ending

June 30, 2015, to the Department of Administration, Division of Purchasing - Purchasing Improvement Fund, fund 2264, fiscal year 2015, organization 0213, by supplementing and amending the appropriation for the fiscal year ending June 30, 2015"; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 477 - "A Bill supplementing, amending, decreasing and increasing items of the existing appropriations from the State Road Fund to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2015, organization 0803, for the fiscal year ending June 30, 2015"; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 484 - "A Bill to amend and reenact §6-6-7 of the Code of West Virginia, 1931, as amended, relating to altering ways to remove public officials"; which was referred to the Committee on Political Subdivisions then the Judiciary.

A message from the Senate, by

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

S. B. 489 - "A Bill to amend and reenact §55-2-6a of the Code of West Virginia, 1931, as amended, relating to imposing a statute of limitations for bringing a civil action derived from actual surveying of real property more than ten years after performance or furnishing of services"; 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, to take effect from passage, and request the concurrence of the House of Delegates in the passage, of

S. B. 498 - “A Bill to amend and reenact §11-1C-2, §11-1C-4 and §11-1C-7 of the Code of West Virginia, 1931, as amended, all relating to reproduction, distribution and sale of tax maps; defining terms; specifying powers of the Property Valuation Training and Procedures Commission to promulgate rules; specifying duties of county assessors; requiring that sale, reproduction and distribution of certain records be in accordance with specified legislative rules; and specifying certain fees”; 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, to take effect from passage, and request the concurrence of the House of Delegates in the passage, of

S. B. 507 - “A Bill to amend and reenact §31-20-5e of the Code of West Virginia, 1931, as amended, relating to allowing emails and other types of electronic communications to and from regional jail inmates be monitored, intercepted, recorded and disclosed; and providing exception for attorney-client privileged communications”; 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 request the concurrence of the House of Delegates in the passage, of

S. B. 508 - “A Bill to repeal §20-14-6 and §20-14-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §15-10-3 and §15-10-4 of said code; to amend and reenact §20-7-1 of said code; to amend and reenact §20-14-1, §20-14-2, §20-14-3, §20-14-4, §20-14-5, §20-14-8 and §20-14-9 of said code; to amend said code by adding thereto four new sections, designated §20-14-4a, §20-14-10, §20-14-11

and §20-14-12; to amend and reenact §20-15-2 and §20-15-5 of said code; to amend and reenact §30-29-1 of said code; and to amend and reenact §61-7-6 of said code, all relating to reorganization of Hatfield-McCoy Regional Recreation Authority; removing rangers as law-enforcement officers; providing for law-enforcement services to be provided by natural resources police officers under reimbursement by authority; converting authority to a joint development entity of counties; altering composition of authority's board; removing authorization to issue revenue bonds and create security interests; providing for financial review and oversight of public funds; defining prohibited uses and conduct in recreation area; establishing requirements for bidding and purchasing; prohibiting conflicts of interest; creating criminal penalties and civil remedies; and declaring responsibilities of participants to landowners and lessors in the recreation area.”

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the bill (S. B. 508) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

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

Com. Sub. for S. B. 523 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-47-1, §16-47-2, §16-47-3, §16-47-4, §16-47-5 and §16-47-6, all relating to obtaining emergency medical assistance for persons who may be experiencing alcohol or drug overdose; establishing short title; stating legislative findings; defining terms; providing immunity from prosecution in limited circumstances for persons who call for emergency medical assistance for person who reasonably appears to be experiencing drug or alcohol overdose; specifying actions that must be taken to be eligible for immunity from prosecution for certain misdemeanor offenses; providing seeking emergency medical

assistance may be raised as mitigating factor at sentencing in certain criminal proceedings; clarifying limited immunity does not preclude civil claims based on violation of misdemeanor criminal statutes at issue; providing option of limited immunity from prosecution; and providing deferred prosecution, pretrial diversion, adjudication in drug court and other clemency options for prosecution to consider for persons who experienced drug or alcohol overdose for whom emergency medical assistance was sought; allowing persons to plead guilty to certain exempted criminal offenses if desired; and providing limited civil immunity to law-enforcement officers except in cases of willful, wanton and reckless misconduct in arresting or issuing citations”; which was referred to the Committee on Health and Human Resources then the Judiciary.

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 Roads and Transportation then Rules:

S. C. R. 6 - “Requesting that the Division of Highways to name bridge number 41-3-35.96 (41A027), carrying W. Va. Route 3 over I-77/64 in Raleigh County, West Virginia, and locally known as the Harper Road Bridge, the ‘John Thomas Scott II Memorial Bridge’.”

WHEREAS, John Thomas Scott II was the son of J. T. and Lynn Scott of Beckley, attended Central Elementary, Crescent Elementary and Park Junior High School and graduated from Independence High School in June, 2006; and

WHEREAS, John Thomas Scott II played Beckley Little League baseball for six years and was on the wrestling teams at Park Junior High School and Independence High School; and

WHEREAS, John Thomas Scott II was a member of the First Baptist Church in Beckley; and

WHEREAS, John Thomas Scott II, age eighteen, died September 9, 2006, as a result of a motorcycle accident; and

WHEREAS, Throughout his lifetime, John Thomas Scott II showed great kindness and compassion toward others; and

WHEREAS, John Thomas Scott II, from an early age, expressed a desire to become a State Police trooper. He focused his senior project around this interest and, at the time of his death, was preparing to take the civil service police test for the City of Beckley; and

WHEREAS, John Thomas Scott II enjoyed outdoor activities, including snowboarding and fishing; and

WHEREAS, Members of the Exile Car Club have organized an annual car show to raise money for scholarships to assist recipients with expenses of college or technical school. The John Thomas Scott II scholarship is to be awarded annually to an “average student with a C or B grade point” who demonstrates both merit and financial need and who is a senior graduating from Independence, Shady Spring or Woodrow Wilson High Schools; and

WHEREAS, It is fitting to establish a lasting memorial to this young man who exemplified true friendship to those who knew him; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 41-3-35.96 (41A027), carrying W. Va. Route 3 over I-77/64 in Raleigh County, West Virginia, and locally known as the Harper Road Bridge, the “John Thomas Scott II 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 “John Thomas Scott II 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.

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:

Com. Sub. for S. C. R. 14 - “Requesting the Division of Highways erect signs along Interstate-79 at locations entering Marion County on the borders of Harrison and Monongalia counties and the signs shall respectively exhibit ‘Home of Francis H. Pierpont – Father of West Virginia and Governor of Restored Virginia’.”

WHEREAS, Francis H. Pierpont was one of the Delegates to the Great Railroad Convention to develop a strategy to bring the Baltimore and Ohio Railroad into Marion County; and

WHEREAS, Francis H. Pierpont, working along with James Otis Watson, opened the first rail-shipping bituminous coal mine west of the Allegheny Mountains; and

WHEREAS, May 13, 1861, Francis H. Pierpont became Delegate of the First Wheeling Convention; and

WHEREAS, June 20, 1861, Francis H. Pierpont was elected Provisional Governor of Restored Virginia by a unanimous 77 votes; and

WHEREAS, May 13, 1862, Francis H. Pierpont called a special session of the Restored Virginia General Assembly which granted counties in Northwestern Virginia permission for their separation from the remainder of Virginia and the formation of a new state into the Union: West Virginia; and

WHEREAS, May 22, 1862, Francis H. Pierpont was elected Governor of the Restored Virginia; and

WHEREAS, June 1863, Francis H. Pierpont declined to be Governor of West Virginia - remaining Governor of Restored Virginia until April 4, 1868; and

WHEREAS, In 1869, Francis H. Pierpont was elected to the West Virginia Legislature; and

WHEREAS, Francis H. Pierpont established the first local school for African Americans; and

WHEREAS, April 30, 1910, a statue honoring Francis H. Pierpont as the “Father of West Virginia” was accepted by the Capitol Building in Washington, D.C., one of only two statues representing West Virginia in Statuary Hall in the United States Capitol Building; and

WHEREAS, Stephen B. Elkins, former Secretary of War, on the day of the statue dedication proclaimed, “He (Francis H. Pierpont) founded a state whose people will love and bless his memory as the sun rolls on.”; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to erect signs along Interstate-79 at locations entering Marion County on the borders of Harrison and Monongalia counties and the signs shall respectively exhibit “Home of Francis H. Pierpont – Father of West Virginia and Governor of Restored Virginia”; and, be it

Further Resolved, That the Division of Highways is to have made and be placed brown-colored signs along Interstate 79 at locations entering Marion County on the borders of Harrison and Monongalia counties and said signs shall respectively exhibit “Home of Francis H. Pierpont – Father of West Virginia and Governor of Restored Virginia”; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Marion County Commission and the Marion County Historical Society.

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 Roads and Transportation then Rules:

Com. Sub. for S. C. R. 18 - “Requesting the Division of Highways name the bridge on WV Route 20 over Fishing Creek, South Fork, in Wetzel County, locally known as the Pine Grove Bridge, bridge number 52-20-16.04, as the ‘U. S. Army COL William L. Glover Memorial Bridge’.”

WHEREAS, Colonel Glover was born in Pine Grove, West Virginia, on May 27, 1939, the son of Herdman and Merle Glover, and graduated from Pine Grove High School in 1957; and

WHEREAS, Colonel Glover attended West Virginia University and was a member of the ROTC program. He graduated in 1961 with a degree in business and entered the United States Army as a Second Lieutenant; and

WHEREAS, During his distinguished military career, Colonel Glover was stationed in France and Korea before serving a tour of duty in Vietnam, where he was awarded the Bronze Star for his service; and

WHEREAS, Colonel Glover was commissioned a Colonel in 1982 with the United States Army, retired in 1991 with 30 years of honorable military service to his country and afterward he resided in Massachusetts where he worked as a computer consultant; and

WHEREAS, After a brief stint in Arizona, Colonel Glover moved back to West Virginia and in 1997 married his beloved wife Nelda E. Kocher, a fellow graduate of Pine Grove High School; and

WHEREAS, Colonel Glover loved to sing, which lead him to record as a teenager and later in life he was a prominent voice in his church choir and performed in musicals; and

WHEREAS, Sadly, Colonel Glover passed away on July 20, 2012, leaving behind his wife Nelda, sister Beulah, a daughter, two sons, a stepdaughter, six grandchildren, three step-grandchildren and three step-great grandsons, and a legacy of dedicated public and military service to his country and to his family and friends; and

WHEREAS, As it was his wish, Colonel Glover was buried on January 25, 2013, in his final resting place, Arlington National Cemetery; and

WHEREAS, It is fitting that an enduring memorial be established to commemorate a native son who so ably served his state and his country by naming the bridge on WV Route 20 over Fishing Creek, South Fork, in Wetzel County, locally known as the Pine Grove Bridge, bridge number 52-20-16.04, as the “U. S. Army Colonel William L. Glover Memorial Bridge”; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the bridge on WV Route 20 over Fishing Creek, South Fork, in Wetzel County, locally known as the Pine Grove Bridge, bridge number 52-20-16.04, as the “U. S. Army COL William L. Glover Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Army COL William L. Glover 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 Secretary of the Department of Transportation and to Colonel Glover’s widow, Nelda E. Glover.

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 Roads and Transportation then Rules:

Com. Sub. for S. C. R. 19 - “Requesting the Division of Highways name that stretch of WV Route 37 beginning at the Town of Wayne, mile post 16.0, and running to the Lincoln County line in Wayne County, mile post 38.0, the ‘Darrell W. Sanders Memorial Highway’.”

WHEREAS, Darrell W. Sanders was born in Wayne, West Virginia, on October 6, 1945, where he grew up and was educated in the local schools. He held the rank of SP4 in the United States Army when he was killed in Vietnam on November 17, 1965, at the age of 20; and

WHEREAS, His service and ultimate sacrifice to his country, state and county should not go unnoticed; and

WHEREAS, Naming that stretch of WV Route 37 in Wayne County the “Darrell W. Sanders Memorial Highway” is an appropriate recognition of his service and sacrifice; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name that stretch of WV Route 37 beginning at the Town of Wayne, mile post 16.0, and running to the Lincoln County line in Wayne County, mile post 38.0, the “Darrell W. Sanders Memorial Highway”; and, be it

Further Resolved, That the Division of Highways is requested to have made and be placed signs identifying the road as the “Darrell W. Sanders Memorial Highway”; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Secretary of the Department of Transportation and the surviving family of Darrell W. Sanders.

MISCELLANEOUS BUSINESS

Delegate Canterbury filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2881.

Delegate Hamrick filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2881.

Delegate Marcum filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2097, H. B. 2104, H. B. 2236, H. B. 2471, H. B. 2494, H. B. 2732, 2753, H. B. 2961 and H. B. 2123.

Delegate McCuskey filed forms with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2797 and H. B. 2885.

At 6:59 P.M., the House of Delegates adjourned until 11:00 A.M., Thursday, February 26, 2015.

THURSDAY, FEBRUARY 26, 2015

FORTY-FOURTH 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 Wednesday, February 25, 2015, 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. 2395, Storm Scammer Consumer Protection Act,

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

Com. Sub. for H. B. 2395 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §46A-6M-1, §46A-6M-2, §46A-6M-3, §46A-6M-4, §46A-6M-5 and §46A-6M-6, all relating generally to providing consumers with the right to cancel residential roofing contracts where the contract is expected to be paid from a property and casualty insurance policy; providing definitions; establishing a consumer's right to cancel;

creating standard disclosure and notice requirements; providing for advanced payment prohibition, refunds, emergency repairs and unenforceability of contract; prohibiting certain acts; private remedies; and misdemeanor criminal offense and penalty,”

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. 2536, Relating to travel insurance limited lines producers,

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

Com. Sub. for H. B. 2536 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-12-32b, relating to travel insurance limited lines producers; defining terms; authorizing the Commissioner of Insurance to issue travel insurance entity producer license; establishing fees, fines, and penalties; requiring licensee to maintain register of travel retailers offering insurance on its behalf and designate a responsible individual producer; authorizing travel retailer to offer travel insurance and receive compensation under certain conditions; requiring training of travel retailer employees offering travel insurance; exempting travel insurance entity producers and travel retailers and employees from examination and continuing education requirements; requiring travel retailer employees offering travel insurance to provide certain information; providing for enforcement; and permitting the Commissioner of Insurance to propose rules for legislative approval,”

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. 2496, Adopting the Interstate Medical Licensure Compact,

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

Com. Sub. for H. B. 2496 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-1C-1, §30-1C-2, §30-1C-3, §30-1C-4, §30-1C-5, §30-1C-6, §30-1C-7, §30-1C-8, §30-1C-9, §30-1C-10, §30-1C-11, §30-1C-12, §30-1C-13, §30-1C-14, §30-1C-15, §30-1C-16, §30-1C-17, §30-1C-18, §30-1C-19, §30-1C-20, §30-1C-21, §30-1C-22, §30-1C-23 and §30-1C-24, all relating to the establishment and operation of an interstate compact for medical licensure of physicians in multiple states; setting forth purposes for the compact; setting forth definitions; providing physician eligibility requirements; requiring a physician to designate a state of principal license; setting forth the procedure for application and issuance of an expedited license; providing for fees regarding expedited licensure; providing requirements for renewal of an expedited license; establishing a shared database for member boards; providing for joint investigation of physicians by member boards; establishing the effect of disciplinary actions against a physician; creating the interstate medical licensure compact commission to administer the compact; setting forth commission composition; establishing the authority of the commission; providing for commission meetings; setting forth provisions relating to disclosure of commission information and records; establishing an executive committee; setting forth provisions for funding; establishing member state’s right to charge licensing fees; limiting commission authority to incur financial obligation; requiring a financial audit; requiring the creation of bylaws; requiring annual election or appointment of commission officers; establishing that commission officers serve without remuneration; providing certain individuals defense, immunity, or limitation of liability for civil actions in certain circumstances unless their conduct was intentional willful and wanton; requiring the commission to defend certain civil actions; establishing commission

rule making authority and procedure; providing for judicial review; providing for state enforcement; requiring state courts take judicial notice of certain matters; providing the commission may intervene in proceedings; requiring service of process upon the commission; establishing that failure to serve process upon the commission voids a judicial decision; providing for legal enforcement of compact rules and provisions; setting forth provisions for default; providing for termination or withdrawal of a member state; setting forth provisions for resolution of disputes; establishing provisions for state eligibility; setting forth the circumstances under which the compact will become effective; providing for amending the compact; setting forth procedures for states to withdraw from the compact; establishing circumstances, effect and procedures related to dissolution of the compact; establishing provisions related to severability; and, establishing provisions related to the binding effect of the compact.”

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

S. B. 472 - “A Bill making a supplementary appropriation from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2015, to the Department of Transportation, Division of Motor Vehicles - Motor Vehicle Fees Fund, fund 8223, fiscal year 2015, organization 0802, by supplementing and amending the appropriation for the fiscal year ending June 30, 2015”; which was referred to the Committee on Finance.

RESOLUTIONS INTRODUCED

Delegates B. White, Stansbury, McCuskey, Byrd, Rowe and Guthrie offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 96 - “Requesting the Division of Highways to name the intersection of Alum Creek on SR 214 and Childress Road in Kanawha County, West Virginia, the ‘U. S. Army SGT Gary Lee DeBoard Memorial Intersection’.”

WHEREAS, Gary Lee DeBoard was the son of Gene and Yvonne Deboard. He was a veteran of the Iraqi War having served on active duty in 2004 and 2005. He served in the Army Reserve for a total of twenty-nine years. He suffered from PTSD and died on December 4, 2012, from cardio-vascular disease at age forty-nine. Gary Lee DeBoard was born on Alum Creek near the intersection of SR 214 and Childress Road; and

WHEREAS, It is only fitting and proper that U. S. Army SGT Gary Lee DeBoard be remembered and acknowledged for his dedicated service on behalf of his country, state and community; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the intersection of Alum Creek on SR 214 and Childress Road in Kanawha County, West Virginia, the “U. S. Army SGT Gary Lee DeBoard Memorial Intersection”; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect a sign at the intersection proclaiming the intersection the “U. S. Army SGT Gary Lee DeBoard Memorial Intersection”; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Commissioner of the Division of Highways and to the surviving family of Gary Lee DeBoard.

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

H. C. R. 97 - “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 Bridge’.”

WHEREAS, First Lieutenant Patricia Simon, known to her family and friends as Pat, served in the United States Army Nurse Corps during World War II, in the African and European Theatres of War; and

WHEREAS, First Lieutenant Patricia Simon, a great community leader in Logan County, passed away on January 14, 2013, at the age of ninety-five; and

WHEREAS, It is fitting that an appropriate memorial recognizing First Lieutenant Patricia Simon’s service to this country and her community be established near Chief Logan Park, where she walked every day for years; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested 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 Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U.S. Army 1LT Patricia Simon 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, the Logan Woman’s Club and the family of First Lieutenant Patricia Simon.

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

H. C. R. 98 - “Requesting the Division of Highways to rename the road from the entrance of the Summit Bechtel Family National Scout Reserve to Route 61, known as Mill Road or Garden Ground Mountain Road, as ‘Jack Furst Drive’ to match the name of the road through the Summit Bechtel Family National Scout Reserve.”

WHEREAS, Mr. Furst developed an interest in the Cub Scout and Boy Scout programs during his youth and, as an adult, became an Eagle Scout; and

WHEREAS, Mr. Furst serves as an officer and executive board member of Circle Ten Council of the Boy Scouts of America in Dallas, Texas, as an executive board member of Longhorn Council of the Boy Scouts of America in Fort Worth, Texas, and as an officer and executive board member of the National Council of the Boy Scouts of America; and

WHEREAS, Mr. Furst is the head volunteer that oversees all of the national council’s high adventure programs that serve over 50,000 scouts a year; and

WHEREAS, Mr. Furst serves as a team leader for developing and programming the Summit Bechtel Family National Scout Reserve near Mount Hope, West Virginia, the home of the National Scout Jamboree; and

WHEREAS, As an adult, Mr. Furst’s scouting activity honors include the Silver Beaver Award, the Silver Antelope Award, the Silver Buffalo Award and The Order of the Arrow’s Vigil Honor Award; and

WHEREAS, In 2007, Mr. Furst had the privilege to serve as head of the United States Contingent at the World Jamboree in Chelmsford, England, where 4,500 scouts from America attended. He is 21st

Century Wood Badge trained, has staffed several Wood Badge courses held at Philmont and the Florida Sea Base and has been a course director; and

WHEREAS, Mr. Furst is a distinguished private equity investor. He manages his own capital, making investments in real estate, oil and gas, fixed income securities and public and private equities. He has over twenty-five years of private investment experience, completing over \$50 billion in transactions which resulted in attractive returns for investors; and

WHEREAS, Mr. Furst was a founding partner in HM Capital Partners, established in 1989, specializing in private investments of companies primarily serving the energy, financial services, food, manufacturing and media sectors of the economy. Prior to founding HM Capital, Mr. Furst was a partner at Hicks & Haas Incorporated, a private investment firm from 1987 to 1989. From 1984 to 1986, he was a merger and acquisition/corporate finance specialist for The First Boston Corporation in New York. Before joining First Boston, Mr. Furst was a financial consultant at Price Waterhouse in Phoenix, Arizona; and

WHEREAS, Mr. Furst received his B. S. degree with honors from the College of Business Administration at Arizona State University and his M. B. A. degree with honors from the Graduate School of Business at the University of Texas at Austin; and

WHEREAS, Mr. Furst serves as a member of the University of Texas at Austin McComb's School of Business Advisory Council and is a founding Advisory Council member of the MBA Investment Fund. Mr. Furst is also an Adjunct Professor at the University of North Texas, the "Harvard of the Southwest", where he teaches finance and investments; and

WHEREAS, Mr. Furst is a founding family and board member of Cross Timbers Community Church in Argyle, Texas, is an advisory

board member of Christian Community Action in Lewisville, Texas, and serves as a trustee and board member of the National Safety Council in Chicago; and

WHEREAS, Mr. Furst is a 1998 Henry Crown Fellow, a fellowship of leaders that is administered by the Aspen Institute. He was inducted into W. P. Carey School of Business Hall of Fame at Arizona State University in 1999. In 2003, Mr. Furst received the Outstanding Young Texas Ex Award and in 2008 he received the W. P. Carey School of Business Distinguished Alumni Achievement Award. Mr. Furst also serves on the boards of directors of several companies; and

WHEREAS, Mr. Furst and his wife Debra have two children, Jackson and Jordan, and they reside at their ranch in Argyle, Texas; and

WHEREAS, It is fitting to commend Jack D. Furst's long-term passion, commitment and dedication to the Boy Scouts program and the Summit Bechtel Family National Scout Reserve near Mount Hope, West Virginia; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to rename the road from the entrance of the Summit Bechtel Family National Scout Reserve to Route 61, known as Mill Road or Garden Ground Mountain Road, as "Jack Furst Drive" to match the name of the road through the Summit Bechtel Family National Scout Reserve; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs at both ends of the road identifying it as "Jack Furst Drive"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Commissioner of the Division of Highways, the Boy Scouts of America and Jack D. Furst.

Delegates Fast, Rowan, Ambler, Anderson, Arvon, Azinger, Border, Cadle, Canterbury, Cooper, Duke, A. Evans, D. Evans, Folk, Frich, Hamilton, Hanshaw, Householder, Howell, Kelly, Kessinger, Miller, O'Neal, Overington, Romine, Shott, Sobonya, Statler and Walters offered the following resolution, which was read by its title and referred to the Committee on the Judiciary then Rules:

H. C. R. 99 - “Urging the United States Congress to propose an amendment to the Constitution of the United States that defines and limits marriage to a union between one man and one woman.”

WHEREAS, Article V grants Congress the power to propose amendments to the Constitution of the United States; and

WHEREAS, United States Congress is urged to propose an amendment to the Constitution of the United States stating “Only a union between one man and one woman may be a marriage valid in the United States. The states and their political subdivisions may not create or recognize a legal status for same-sex relationships to which is assigned the rights, benefits, obligations, qualities or effects of marriage”; and

WHEREAS, It is the solemn duty of Congress to protect the liberty of our people—particularly for the generations to come—by proposing an amendment to the Constitution of the United States under Article V for the purpose of defining that marriage be a union between one man and one woman; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby urges the United States Congress, under the authority vested to it in Article V of the United States Constitution, to propose an amendment to the United States Constitution prohibiting same-sex unions; and, be it

Further Resolved, That the State of West Virginia hereby requests that Congress, under the provisions of Article V of the Constitution of

the United States, to propose an amendment to the United States Constitution protecting the sanctity of marriage; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution and application to the President and Secretary of the United States Senate, to the Speaker and Clerk of the United States House of Representatives and to the members of West Virginia's congressional delegation.

Delegates Overington, Bates, Hartman, Marcum, Moye, Perry, R. Phillips, Wagner, B. White, Ambler, Arvon, Azinger, Blair, Border, Butler, Cadle, Canterbury, Cooper, Deem, Eldridge, Ellington, Espinosa, A. Evans, D. Evans, Faircloth, Fast, Folk, Foster, Frich, Hamilton, Hamrick, Hanshaw, Hill, Householder, Howell, Ihle, Ireland, Kelly, Kessinger, Kurcaba, Lane, McCuskey, McGeehan, Miller, Moffatt, J. Nelson, O'Neal, Pasdon, Rohrbach, Romine, Rowan, Shott, R. Smith, Sobonya, Stansbury, Statler, Storch, Summers, Upson, Walters, Waxman, Weld, Westfall, Zatezalo and Williams offered the following resolution, which was read by its title and referred to the Committee on the Judiciary then Rules:

H. C. R. 100 - "Applying for an Article V Amendments Convention to Propose a Constitutional Amendment permitting a calling of a convention of the states limited to proposing an amendment to the Constitution of the United States requiring that in the absence of a national emergency the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year together with any related and appropriate fiscal restraints."

WHEREAS, Article V of the Constitution of the United States provides authority for a Convention to be called by the Congress of the United States for the purpose of proposing amendments to the Constitution upon application of two thirds of the Legislatures of the several states ("amendments convention"); and

WHEREAS, This application is to be considered as covering the same subject matter as the presently outstanding balanced budget applications from other states, including, but not limited to, previously adopted applications from Alabama, Alaska, Arkansas, Colorado, Delaware, Florida, Indiana, Iowa, Kansas, Maryland, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, Pennsylvania and Texas, and this application shall be aggregated with same for the purpose of attaining the two thirds of states necessary to require the calling of a convention, but shall not be aggregated with any applications on any other subject; and

WHEREAS, This application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the Legislatures of at least two thirds of the several states have made applications on the same subject and supersedes all previous applications by this Legislature on the same subject; therefore, be it

Resolved by the Legislature of West Virginia:

That as provided in Article V of the Constitution of the United States the Legislature of the State of West Virginia herewith respectfully applies for an Amendments Convention to Propose a Constitutional Amendment limited to proposing an amendment to the Constitution of the United States requiring that in the absence of a national emergency the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year together with any related and appropriate fiscal restraints; and, be it

Further Resolved, That the amendments convention contemplated by this application shall be entirely focused upon and exclusively limited to the subject matter of proposing for ratification an amendment to the Constitution providing that in the absence of a national emergency the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated

federal revenues for that fiscal year together with any related and appropriate fiscal restraints; and, be it

Further Resolved, This application constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two thirds of the Legislatures of the several states have made application for an equivalently limited amendments convention; and, be it

Further Resolved, That the Clerk of the House of Delegates forward certified copies of this resolution to the President and Secretary of the United States Senate, to the Speaker and Secretary of the United States House of Representatives, the members of the West Virginia Congressional Delegation, and to the presiding officers of each house of the several State Legislatures, requesting their cooperation in applying for the amendments convention limited to the subject matter contemplated by this application.

Delegates J. Nelson, R. Smith, R. Phillips, Folk, McGeehan, Faircloth, Moffatt, Ihle, Householder, Kessinger and Butler offered the following resolution, which was read by its title and referred to the Committee on the Judiciary then Rules:

H. R. 14 - “Urging in the strongest manner that the Bureau of Alcohol, Tobacco, Firearms and Explosives of the United States Department of Justice not to trample on the Second Amendment to the United States Constitution by banning common .223 and 5.56 mm ammunition.”

WHEREAS, The Second Amendment to the United States Constitution guarantees the right to bear arms; and

WHEREAS, In spite of the clear language of the United States Constitution the Bureau of Alcohol, Tobacco, Firearms and Explosives of the United States Department of Justice has released a plan which would reclassify the popular .223 or 5.56 mm round as an armor

piercing round which would render AR-15 style rifles obsolete without the proper ammo; therefore, be it

Resolved by the Legislature of West Virginia:

That the State of West Virginia hereby respectfully urges in the strongest manner that the Bureau of Alcohol, Tobacco, Firearms and Explosives of the United States Department of Justice not trample on the Second Amendment to the United States Constitution by banning common .223 or 5.56 mm ammunition; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the President of the United States, to the Bureau of Alcohol, Tobacco, Firearms and Explosives of the United States Department of Justice and to West Virginia's delegation to the United States Congress.

SPECIAL CALENDAR

UNFINISHED BUSINESS

The following resolutions, coming up in regular order, as unfinished business, were reported by the Clerk and adopted:

H. C. R. 29, That April 2 be designated as West Virginia Autism Awareness Day,

Com. Sub. for H. C. R. 39, The USMC LCpl Julius C. "Corky" Foster Memorial Bridge,

And,

H. C. R. 51, Making the fiddle the official musical instrument of the State of West Virginia.

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

THIRD READING

S. B. 398, Extending expiration date for health care provider tax on eligible acute care hospitals; 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. 200**), and there were—yeas 92, nays 8, absent and not voting none, with the nays being as follows:

NAYS: Folk, Ihle, Manchin, McGeehan, Moffatt, J. Nelson, Skinner and Sponaugle.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 398) passed.

Delegate Cowles moved that the bill take effect July 1, 2015.

On this question, the yeas and nays were taken (**Roll No. 201**), and there were—yeas 93, nays 7, absent and not voting none, with the nays being as follows:

NAYS: Faircloth, Folk, Ihle, Manchin, McGeehan, Skinner and Sponaugle.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 398) takes effect July 1, 2015.

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

Com. Sub. for H. B. 2103, Relating generally to boards of examination and registration; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 202**), and there were—yeas 99, nays 1, absent and not voting none, with the nays being as follows:

NAYS: Trecost.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2103) 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. 2202, Relating to more equitable disbursement of funds to county boards; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 203**), 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 H. B. 2202) passed.

On motion of Delegate E. Nelson, the title of the bill was amended to read as follows:

Com. Sub. for H. B. 2202 – “A Bill to amend and reenact §18-20-5 of the Code of West Virginia, 1931, as amended, relating to the disbursement of funds to reimburse county boards of education for costs associated with educating high cost/high acuity special needs students; requiring the state superintendent to develop a new formula for the disbursement of the funds; removing the requirement for the superintendent to review policies and report annually to the Legislature.”

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. 2268, Removing the severance tax on timber; on third reading, coming up in regular order, was read a third time.

Delegate Butler requested to be excused from voting on the passage of Com. Sub. for H. B. 2268 under the provisions of House Rule 49.

The Speaker replied that the Delegate was a member of a class of persons possibly to be affected by the passage of the bill but exhibited no direct personal or pecuniary interest therein, and refused to excuse the Member from voting.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 204**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: B. White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2268) 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. 2462, Relating to certain deposits of tax proceeds; 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. 205**), and there were—yeas 72, nays 28, absent and not voting none, with the nays being as follows:

NAYS: Azinger, Cadle, Eldridge, Faircloth, Fluharty, Folk, Hicks, Hill, Hornbuckle, Ihle, Lane, Manchin, Marcum, McGeehan, Moffatt, Moye, J. Nelson, Perdue, Perry, Pushkin, Rodighiero, Rowe, Skinner, R. Smith, Sponaugle, Trecost, Upson and Wagner.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2462) passed.

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

H. B. 2569, Relating to the Dealer Recovery Program; on third reading, coming up in regular order, was read a third time.

Delegate Miller requested to be excused from voting on the passage of H. B. 2569 under the provisions of House Rule 49.

The Speaker replied that the Delegate was a member of a class of persons possibly to be affected by the passage of the bill but exhibited no direct personal or pecuniary interest therein, and refused to excuse the Member from voting.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 206**), and there were—yeas 80, nays 19, absent and not voting 1, with the nays and absent and not voting being as follows:

NAYS: Byrd, Caputo, Eldridge, Fleischauer, Guthrie, Hicks, Hornbuckle, Longstreth, Lynch, Manchin, Marcum, Miley, Moore, Morgan, Moye, Perdue, Reynolds, Rodighiero and Skinner.

ABSENT AND NOT VOTING: R. Phillips.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2569) passed.

On motion of Delegate E. Nelson, the title of the bill was amended to read as follows:

H. B. 2569 – “A Bill to amend and reenact §17A-6-2a of the Code of West Virginia, 1931, as amended, relating generally to the Dealer Recovery Fund; specifying that the Dealer Recovery Fund Control Board has discretionary jurisdiction to hear claims; and providing the types of claims for damages that may be awarded from the Dealer Recovery Fund.”

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. 2571, Creating a fund for pothole repair contributed to by private businesses or entities; 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. 207**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: R. Phillips.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2571) passed.

On motion of Delegate E. Nelson, the title of the bill was amended to read as follows:

Com. Sub. for H. B. 2571 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-8d, relating generally to repairs to state roads; creating a special fund within the State Road Fund for contributions by private businesses or entities for state road repair; allowing contributing entities to designate which repairs will be made with the contributions; providing for acknowledgment of contributions; providing rulemaking authority.”

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. 2652, Reducing the assessment paid by hospitals to the Health Care Authority; 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. 208**), and there were—yeas 93, nays 7, absent and not voting none, with the nays being as follows:

NAYS: Miley, Perdue, Pushkin, Reynolds, Skinner, Sponaugle and H. White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2652) passed.

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

On this question, the yeas and nays were taken (**Roll No. 209**), and there were—yeas 94, nays 6, absent and not voting none, with the nays being as follows:

NAYS: Hornbuckle, Pushkin, Reynolds, Skinner, Sponaugle and H. White.

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 H. B. 2652) takes effect from its passage.

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

H. B. 2657, Allowing members of the Livestock Care Standards Board to be reimbursed for expenses consistent with the West Virginia Department of Agriculture Travel Policy and Procedure; 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. 210**), 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 (H. B. 2657) passed.

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

H. B. 2835, Reorganizing the Hatfield-McCoy Regional Recreation Authority; on third reading, coming up in regular order, was, at the request of Delegate Cowles, and by unanimous consent, laid over one day, retaining its place on the calendar.

H. B. 2888, Allowing the use of rotary drum composters to destroy or dispose of the carcass of any animal to prevent the spread of disease; 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. 211**), 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 (H. B. 2888) passed.

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

H. B. 2933, Making a supplementary appropriation to the Department of Administration, Public Defender Services; on third reading, coming up in regular order, was read a third time.

Delegates Ashley, Fast and Ireland requested to be excused from voting on the passage of H. B. 2933 under the provisions of House Rule 49.

The Speaker replied that the Delegates were members of a class of persons possibly to be affected by the passage of the bill but exhibited no direct personal or pecuniary interest therein, and refused to excuse the Members from voting.

On the passage of the bill, the yeas and nays were taken (**Roll No. 212**), 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 (H. B. 2933) passed.

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

On this question, the yeas and nays were taken (**Roll No. 213**), 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 (H. B. 2933) takes effect from its passage.

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

Delegate R. Phillips announced that he was absent when the votes were taken on Roll Nos. 206 and 207, and that had he been present, he would have voted “YEA” thereon.

Delegate B. White announced that he was absent when the votes were taken on Roll No. 204, and that had he been present, he would have voted “YEA” thereon.

Delegate Guthrie noted to the Clerk that she was absent when the votes were taken on Roll Nos. 197 through 199, and that had she been present, she would have voted “YEA” on Roll No. 197 and “NAY” on Roll Nos. 198 and 199.

Delegate Border filed a form with the Clerk’s Office per House Rule 94b to be removed as a cosponsor of H. B. 2881.

Delegate McCuskey asked and obtained unanimous consent that the remarks of Delegate Fast regarding H. B. 2933, Making a supplementary appropriation to the Department of Administration, Public Defender Services be printed in the Appendix to the Journal.

At 12:52 P.M., on motion of Delegate Cowles, the House of Delegates recessed until 6:00 P.M.

EVENING SESSION

REORDERING OF THE CALENDAR

Delegate Cowles announced that the Committee on Rules had transferred Com. Sub. for S. B. 175, on second reading, House Calendar, to the Special Calendar, and H. B. 3016, on first reading, Special Calendar, to the House Calendar.

SPECIAL CALENDAR

SECOND READING

Com. Sub. for S. B. 175, Authorizing DHHR 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, on page two, line eleven, by striking out everything after the enacting section and inserting in lieu thereof the following:

“ARTICLE 5. AUTHORIZATION FOR DEPARTMENT OF HEALTH AND HUMAN RESOURCES TO PROMULGATE LEGISLATIVE RULES.

§64-5-1. Department of Health and Human Resources.

(a) The legislative rule filed in the State Register on the August 1, 2014, authorized under the authority of section four, article one, chapter sixteen of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-

Making Review Committee and refiled in the State Register on October 23, 2014, relating to the Department of Health and Human Resources (public water systems, 64 CSR 3), is authorized.

(b) The legislative rule filed in the State Register on July 31, 2014, authorized under the authority of section nine, article five-h, chapter sixteen of this code, relating to the Department of Health and Human Resources (chronic pain management clinic licensure, 69 CSR 8), is authorized.

(c) The legislative rule filed in the State Register on July 31, 2014, authorized under the authority of section four, article one, chapter sixteen of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 14, 2014, relating to the Department of Health and Human Resources (Fatality and Mortality Review Team, 64 CSR 29), is authorized.

(d) The legislative rule filed in the State Register on July 31, 2014, authorized under the authority of section eleven, article five-o, chapter sixteen of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 5, 2014, relating to the Department of Health and Human Resources (medication administration and performance of health maintenance tasks by approved medication assistive personnel, 64 CSR 60), is authorized.

(e) The legislative rule filed in the State Register on August 1, 2014, authorized under the authority of section two, article six, chapter nine of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 6, 2014, relating to the Department of Health and Human Resources (nurse aid abuse and neglect registry, 69 CSR 6), is authorized.

(f) The legislative rule filed in the State Register on August 1, 2014, authorized under the authority of section four, article one, chapter sixteen of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 6, 2014, relating to the Department of Health and Human Resources (nursing home licensure, 64 CSR 13), is authorized with the following amendments:

“On page 62, subdivision 9.7.f. by inserting a period after the word, ‘program’ and striking the words, ‘insecticidal strips are prohibitive’

And,

On page 62, by striking subdivision 9.7.g. and inserting a new subdivision 9.7.g. to read as follows, ‘Pesticides shall be applied only by an applicator certified by the West Virginia Department of Agriculture or a registered technician operating under the supervision of a certified applicator.

(g) The legislative rule filed in the State Register on July 31, 2014, authorized under the authority of section four, article one, chapter sixteen of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 14, 2014, relating to the Department of Health and Human Resources (state-wide trauma/emergency care system, 64 CSR 27), is authorized with the following amendment:

“On page 1, subsection 3.1 by removing the inserted language, ‘in the current edition of’ reinserting the stricken language, ‘edition’ ; and inserting a colon after the word ‘patient’ and the following, ‘2013’.”

On motion of Delegate Shott, the amendment was amended on page two, section one, line ten, by striking out subsection (f) and inserting in lieu thereof the following:

“(f) The legislative rule filed in the State Register on August 1, 2014, authorized under the authority of section four, article one, chapter sixteen of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 6, 2014, relating to the Department of Health and Human Resources (nursing home licensure, 64 CSR 13), is authorized with the following amendments:

On page 57, subdivision 9.1.b., by striking the entirety of that subdivision and inserting in lieu thereof the following: “9.1.b. The standards for construction, renovations, and alterations are the relevant sections of the 1996-1997 edition of “The Guidelines for Design and Construction of Hospitals and Health Care Facilities”, as recognized by the American Institute of Architects, Academy of Architecture for Health with assistance from the U.S. Department of Health and Human Services. Beginning on June 1, 2019, the relevant standards for construction, renovations, and alterations will be the latest edition of “The Guidelines for Design and Construction of Hospitals and Health Care Facilities”, according to Facilities Guidelines Institute (FGI) and published by American Society for Healthcare Engineering (ASHE) with assistance from the U.S. Department of Health and Human Services which can be located at www.hhs.gov.”

And,

On page 58, subdivision 9.1.c., immediately following the word “Facilities” by inserting “as adopted by the Centers for Medicare and Medicaid Services (CMS)”

And,

On page 58, subdivision 9.1.d., immediately following the word “Code” by inserting “as adopted by the State Fire Marshal”

And,

On page 62, subdivision 9.7.f.; by inserting a period after the word, ‘program’ and striking the words, ‘insecticidal strips are prohibitive’

And,

On page 62, by striking subdivision 9.7.g. and inserting a new subdivision 9.7.g. to read as follows, ‘Pesticides shall be applied only by an applicator certified by the West Virginia Department of Agriculture or a registered technician operating under the supervision of a certified applicator.’

The Judiciary Committee amendment, as amended, was then adopted.

The bill was then ordered to third reading.

Com. Sub. for S. B. 187, Authorizing Department of Revenue promulgate legislative rules; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Shott, the bill was amended on page six, section four, line three by striking out the period and adding the following:

With the amendments set forth below:

On page 3, subsection 2.18., by striking out the following: “Any container or jug not made of glass, ceramic or metal may be submitted to the Commissioner for review and approval or denial on a case-by-case basis.”;

On page 8, paragraph 3.6.a.2., by striking out the words “the agents or employees” and inserting in lieu thereof “the agents, employees or members”;

And,

On page 24, subdivision 13.2.a; by striking out the following: “A franchise agreement as defined in subsection 2.15., is the agreement,

that binds a brewer and a distributor so that an appointed distributor may distribute all of the brewer's nonintoxicating beer products, brands or family of brands, including line extensions, imported and offered for sale in West Virginia, including, but not limited to: existing brands, new brands and line extensions in the brewer's approved franchise distributor network and to a distributor's assigned territory."

The bill was then ordered to third reading.

Com. Sub. for S. B. 357, Creating Coal Jobs and Safety Act of 2015; 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 on page sixty-nine, section six, line one, by striking out all of section six and inserting in lieu thereof the following:

"Mining equipment being transported or trammed underground, other than ordinary sectional movements, shall be transported or trammed by qualified personnel. When equipment is being transported or trammed where trolley wire is energized on the split of air in which said equipment is being transported or trammed, no person shall be permitted to be in by the equipment in the ventilating split that is passing over such equipment, except those directly involved with transporting or tramping the equipment, and shall be under the supervision of a certified foreman. To avoid accidental contact with power lines, face equipment shall be insulated and assemblies removed, if necessary, so as to provide clearance."

On page seventy-four, section twenty-eight, line nine, after the word "cameras", by inserting "if permitted by the director".

On page seventy-four, section twenty-eight, lines eleven through thirteen, by striking out "The use of sideboards on shuttle cars on which cameras are installed shall not be prohibited by rule."

On page eighty-two, section thirty-seven, line one hundred nine, after the word “cameras”, by inserting “if permitted by the director”.

And,

On page eighty-two, section thirty-seven, lines line one hundred nine through one hundred sixty-one, by striking out “The use of sideboards on shuttle cars on which cameras are installed shall not be prohibited by rule.”

Delegate Caputo moved to amend the amendment recommended by the Committee on the Judiciary on page one, by striking out the provisions rewriting §22A-2-6, and inserting in lieu thereof the following:

“22A-2-6. Movement of mining equipment.

(a) Mining equipment being transported or trammed underground, other than ordinary sectional movements, shall be transported or trammed by qualified personnel under the supervision of a certified foreman. When equipment is being transported or trammed, no person shall be permitted to be inby the equipment in the ventilating split that is passing over such equipment. To avoid accidental contact with power lines, face equipment shall be insulated and assemblies removed, if necessary, so as to provide clearance.

(b) The task force shall, upon the effective date of the amendments to this section made during the 2008 Regular Session of the West Virginia Legislature, undertake a study of methods and technologies available related to transporting miners, mining equipment and supplies in underground mines.

(c) Upon completion of the study directed by the provisions of subsection (b) of this section, the task force may present recommendations to the West Virginia Board of Coal Mine Health and Safety designed to improve the safety and efficiency of underground mines transportation systems. The board may upon the consideration of any such task force recommendations, promulgate rules governing

the movement of mining equipment within coal mines in the State of West Virginia.

(d) The current legislative rule 36CSR4, effective July 19, 1979, relating to ‘Rules and Regulations Governing the Movement of Mining Equipment within Coal Mines in the State of West Virginia’, is hereby limited and qualified as to its force and effect and shall only be read to be effective to the extent provided as follows:

To the extent that the rule permits the movement of major pieces of heavy mining equipment with men inby the equipment in the ventilating split that is passing over such equipment, to-wit, Section 4: applying the prohibition only to ‘transporting’ and only ‘where energized D.C. powered trolley or feeder wires are present’; Sections 5.1, 9.1, 10.1, 12.1 and 13.1 to the extent that they involve transporting or tramping such equipment with men inby; Sections 6.1 and 6.2 only to the extent that such equipment is not designed by the manufacturer to operate on track; Section 7.1 only to the extent that such equipment exceeds the length or width of the mine car; and Section 11.1 only to the extent that such equipment in said section exceeds the length, width or cargo carrying capacity of the unit being used to transport such equipment. Construction work and rehabilitation work are not prohibited except to the extent that such would involve the movement of major pieces of heavy mining equipment into the precise area where such work is to be performed, with men inby.

(e) The provisions of subsection (d) of this section, as enforced upon February 1, 2008, shall remain in full force and effect until modified by any rules promulgated pursuant to subsection (c) of this section.”

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

The yeas and nays having been ordered, they were taken (**Roll No. 214**), and there were—yeas 31, nays 64, absent and not voting 5, with the yeas and absent and not voting being as follows:

YEAS: Boggs, Byrd, Campbell, Caputo, Eldridge, Ferro, Fleischauer, Fluharty, Frich, Guthrie, Hamilton, Hicks, Hornbuckle, Longstreth, Lynch, Manchin, Miley, Moore, Moye, Perdue, Perry, Pethtel, Pushkin, Reynolds, Rodighiero, Rowe, Skinner, P. Smith, Sponaugle, Trecost and Williams.

ABSENT AND NOT VOTING: Deem, Ireland, Morgan, L. Phillips and H. White.

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

The Judiciary Committee amendment was then adopted.

Delegate Skinner moved to amend the bill on page seventy-four, section thirty-seven, line six, by striking out the words “one thousand”.

On page seventy-four, section thirty-seven, lines nine and ten, by returning the stricken language to current law and striking out the underlined words on lines ten and eleven, returning to current law.

And,

On page seventy-five, section thirty-seven, line twelve, by striking out the colon, inserting a period and striking out the proviso on lines twelve through seventeen.

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

The yeas and nays having been ordered, they were taken (**Roll No. 215**), and there were—yeas 30, nays 65, absent and not voting 5, with the yeas and absent and not voting being as follows:

YEAS: Boggs, Byrd, Campbell, Caputo, Eldridge, Ferro, Fleischauer, Fluharty, Guthrie, Hamilton, Hicks, Hornbuckle, Longstreth, Lynch, Manchin, Miley, Moore, Moye, Perdue, Perry, Pethtel, Pushkin, Reynolds, Rodighiero, Rowe, Skinner, P. Smith, Sponaugle, Trecost and Williams.

ABSENT AND NOT VOTING: Deem, Ireland, Morgan, L. Phillips and H. White.

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

Delegate Manchin moved to amend the bill on pages eighty-three through ninety-five, by striking out sections 101, 204a, 301, 308, 309 and 310 of the bill, and inserting in lieu thereof, the following:

“22A-2A-301. The West Virginia Diesel Equipment Commission.

The West Virginia Diesel Equipment Commission, consisting of six members, is continued, and commencing July 1, 2010, is a separate independent commission within the Department of Commerce.

§22A-2A-302. Members of the commission; qualifications and eligibility.

(a) Each member of the commission shall be a citizen of the United States and a resident of the State of West Virginia.

(b) No member of the Legislature, or person holding any elective or full-time appointive office in the federal, state, or local government shall be eligible to serve as a member of the commission.

§22A-2A-303. Appointment and terms of commission members.

(a) The members of the commission shall be appointed to initial terms as follows:

(1) Two members shall serve for a term beginning on May 1, 1997, and ending on June 30, 1999;

(2) Two members shall serve for a term beginning on May 1, 1997, and ending on June 30, 2000;

(3) Two members shall serve for a term beginning on May 1, 1997, and ending on June 30, 2001.

(4) Two members shall serve as alternates for a term beginning the effective date of the passage of this Act and ending three years after the same effective date. One member shall be appointed representing the viewpoint or interests of coal operators and one member who represent the viewpoint or interests of working miners. The purpose of the members that are appointed as alternates is to ensure that a full quorum will always be available to fulfill the duties as described in section three hundred-ten of this article.

(b) Of the two members appointed under each of subdivisions (1), (2), ~~and~~ (3), and (4) subsection (a) of this section, one shall be a person who can reasonably be expected to represent the viewpoint or interests of coal operators in this state and one shall be a person who can reasonably be expected to represent the viewpoint or interests of working miners in this state.

(c) Members serving on the commission on the effective date of the amendment of this section may continue to serve until the expiration of their terms. Thereafter, members shall be nominated and appointed in the manner provided in this section and section three hundred four of this article.

(d) After the initial appointments, all members shall be appointed for terms of four years. Members are eligible for reappointment.

PART 3. WEST VIRGINIA DIESEL EQUIPMENT COMMISSION.

§22A-2A-304. Nomination and appointment of members.

(a) Prior to the appointment of a person to the commission, the Governor shall request the nomination of a candidate for the appointment. If the position is to be filled by a person who can reasonably be expected to represent the viewpoint or interests of underground coal operators in this state, the Governor shall request the nomination from the major trade association representing underground coal operators in this state. If the position is to be filled by a person who can reasonably be expected to represent the viewpoint or interests

of working miners in this state, the Governor shall request the nomination from the highest ranking officer of the major employee organization representing coal miners in this state. The Director of the Office of Miner's Health, Safety and Training or his or her designee and the Health Safety Administrator shall serve as a nonvoting ex officio member.

(b) The Governor shall appoint a member to serve for the term for which the person was nominated, and until his or her successor has been nominated and appointed: *Provided*, That if a successor is not appointed within one hundred twenty days after the expiration of a member's term, a vacancy is deemed to exist. The Governor may reject a nomination and decline to appoint a nominee only if the person does not have the qualifications, integrity and responsibility necessary to enable the person to perform his or her duties as a member of the commission.

(c) Appointments to fill vacancies on the commission shall be for the unexpired term of the member to be replaced.

§22A-2A-305. Removal of members.

When a member fails to appear at three consecutive meetings of the commission or at one half of the meetings held during a one-year period, any member of the commission may notify the member and the Governor of such fact. Such member shall be removed by the Governor unless good cause for absences is shown.

§22A-2A-306. Compensation of members; reimbursement for expenses.

Each member of the commission shall be paid the same compensation and expense reimbursement as is paid to members of the Legislature for their interim duties as recommended by the citizens legislative compensation commission and authorized by law for each day or portion thereof engaged in the discharge of official duties. No reimbursement for expenses shall be made except upon an itemized

account, properly certified by the members of the commission. All reimbursement for expenses shall be paid out of the State Treasury upon a requisition on the State Auditor.

§22A-2A-307. Quorum; majority vote required.

A quorum of the commission consists of not less than two of the members who represent the viewpoint or interests of coal operators and two of the members who represent the viewpoint or interests of working miners. A measure before the commission for its consideration is adopted on the affirmative vote of any four of the six members. Audio and or video conferencing shall be allowed for members to establish a quorum, participate and vote on issues brought before the commission during regularly scheduled meetings. In the event a regular appointee is not available, an appointed alternate shall fulfill his or her duties.

§22A-2A-308. Promulgation of initial rules by the commission.

(a) The West Virginia diesel equipment commission shall prepare and adopt the initial rules for the operation of diesel equipment in underground coal mines in this state. In preparing and adopting initial rules, the commission shall consider the highest achievable measures of protection for miners' health and safety through available technology, engineering controls and performance requirements and shall further consider the cost, availability, adaptability and suitability of any available technology, engineering controls and performance requirements as they relate to the use of diesel equipment in underground coal mines.

(b) In promulgating the initial rules pursuant to subsection (a) of this section, the commission shall follow the procedures set forth in article three, chapter twenty-nine-a of this code that are prescribed for an agency proposing a legislative rule, to the point where an agency would approve a rule for submission to the Legislature. At that point, the commission shall proceed to final adoption of the initial rules and

file a notice of the final adoption in the state register and with the legislative rule-making review committee. Final adoption of the initial rules may be approved only upon a majority vote of all six members of the commission. All six members must be present when a vote is taken. Upon final adoption by the commission, the initial rules are thereby promulgated and have the effect of law without further action by the commission or the Legislature. The initial rules shall be published in the code of state rules and continue in effect until modified or superseded in accordance with the provisions of this article.

§22A-2A-309. Commission's authority to approve site-specific experimental testing prior to initial rules.

The commission is hereby authorized to approve limited site-specific requests for experimental and testing use of diesel-powered equipment in underground coal mines prior to promulgation of initial rules in accordance with subsections (b), (c), (d), (e), (f) and (g), section three hundred ten of this article. Final approval of a site-specific request may be approved only upon a majority vote of all six members of the commission. All six members must be present when a vote is taken.

§22A-2A-310. Duties of commission following promulgation of initial rules.

(a) After the promulgation of the initial rules, the commission shall have as its primary duties the implementation of this article and the evaluation and adoption of state of the art technology and methods, reflected in engines and engine components, emission control equipment and procedures, that when applied to diesel-powered underground mining machinery shall reasonably reduce or eliminate diesel exhaust emissions and enhance protections of the health and safety of miners. The technology and methods adopted by the commission shall have been demonstrated to be reliable. In making a decision to adopt new technology and methods, the commission shall consider the highest achievable measures of protection for miners'

health and safety through available technology, engineering controls and performance requirements and shall further consider the cost, availability, adaptability and suitability of any available technology, engineering controls and performance requirements as they relate to the use of diesel equipment in underground coal mines. Any state of the art technology or methods adopted by the commission shall not reduce or compromise the level of health and safety protection of miners.

(b) Upon application of a coal mine operator, the commission shall consider site-specific requests for the use of diesel equipment in underground coal mines and for the use of alternative diesel-related health and safety technologies and methods. The commission's action on applications submitted under this subsection shall be on a mine-by-mine basis. Upon receipt of a site-specific application, the commission shall conduct an investigation, which investigation shall include consultation with the mine operator and the authorized representatives of the miners at the mine. Authorized representatives of the miners shall include a Mine Health and Safety Committee elected by miners at the mine, a person or persons employed by an employee organization representing miners at the mine or a person or persons authorized as the representative or representatives of miners of the mine in accordance with MSHA regulations at 30 C.F.R. Pt. 40 (relating to representative of miners). Where there is no authorized representative of the miners, the commission shall consult with a reasonable number of miners at the mine. Upon completion of the investigation, the commission may approve the application for the site-specific request: *Provided*, That an application for a site-specific request under this subsection may be approved only upon a majority vote of all six members of the commission. All six members must be present when a vote is taken.

(1) Within one hundred eighty days of receipt of an application for use of alternative technologies or methods, the commission shall complete its investigation. The time period may be extended with the consent of the applicant.

(2) The commission shall have thirty days in which to render a final decision approving or rejecting the application.

(3) The commission members shall not approve an application made under this section if, at the conclusion of the investigation, the commission members have made a determination that the use of the alternative technology or method will reduce or compromise the level of health and safety protection of miners.

(4) The written approval of an application for the use of alternative technologies or methods shall include the results of the commission's investigation and describe the specific conditions of use for the alternative technology or method.

(5) The written decision to reject an application for the use of alternative technologies or methods shall include the results of the commission's investigation and shall outline in detail the basis for the rejection.

(c) The commission shall establish conditions for the use of diesel-powered equipment in shaft and slope construction operations at coal mines.

(d) In performing its functions, the commission shall have access to the services of the Board of Coal Mine Health and Safety. The board shall provide administrative support and assistance pursuant to section six, article six of this chapter, to enable the commission to carry out its duties.

(e) Any action taken by the commission to either approve or reject the use of an alternative technology or method, or establish conditions under subsection (c) of this section, shall be final and binding and not subject to further review except where a decision by the commission may be deemed to be an abuse of discretion or contrary to law. If any party affected by a decision of the commission believes that the decision is an abuse of discretion or contrary to law, that party may file a petition for review with the circuit court of Kanawha County in

accordance with the provisions of the administrative procedures act relating to judicial review of governmental determinations. The court, in finding that any decision made by the commission is an abuse of discretion or contrary to law, shall vacate and, if appropriate, remand the case.

(f) The powers and duties of the commission shall be limited to the matters regarding the use of diesel-powered equipment in underground coal mines.

(g) Appropriations for the funding of the commission and to effectuate the purposes of this article shall be made to a budget account hereby established for that purpose in the General Revenue Fund. Expenditures from this fund are provided for in section six, article six of this chapter.

(h) The commission may issue a clarifying resolution about the initial rules and other matters consistent with the powers and duties of the commission under this article. A unanimous vote is required for any clarifying resolution by the commission.”

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. 216**), and there were—yeas 28, nays 67, absent and not voting 5, with the yeas and absent and not voting being as follows:

YEAS: Boggs, Byrd, Campbell, Caputo, Ferro, Fleischauer, Fluharty, Guthrie, Hamilton, Hicks, Hornbuckle, Longstreth, Lynch, Manchin, Miley, Moore, Moye, Perdue, Perry, Pethtel, Pushkin, Rodighiero, Rowe, Skinner, P. Smith, Sponaugle, Trecost and Williams.

ABSENT AND NOT VOTING: Deem, Ireland, Morgan, L. Phillips and H. White.

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

Delegate Miley moved to amend the bill on page sixty-one, line eighty, following section forty-one, by inserting a new section forty-two, to read as follows:

“§22A-1-42. Economic and safety impact studies of the 2015 Coal Jobs and Safety Act.

(a) The West Virginia University Bureau of Business and Economic Research and the Center for Business and Economic Research at Marshall University in furtherance of section four, article three, chapter eighteen-b of this code shall study the economic impacts of the ‘2015 Coal Jobs and Safety Act’. The study shall include: the impacts to coal industry employment, profitability and permitting costs, and any other economic impacts as can be identified as being affected by this legislation, and how alterations in administrative function have impacted the effectiveness of any permitting and civil penalty assessments, and whether any regulatory changes of the legislation have caused state permitting delays or primacy concerns for the Department of Environmental Protection or the federal government, or otherwise jeopardizing the state’s authority over its mining regulatory program.

(b) The Office of Miners Health, Safety and Training shall also conduct a study of the impacts of this legislation to safety within the coal industry, analyzing accident rates, impacts on safety records and miner job performance, including substance abuse. The Office shall also report on the effectiveness and success of these revisions, including any impacts to miner safety and whether there is any increased or perceived likelihood of accidents as a result of these changes; and further, whether abolishing the Diesel Commission have resulted in any discernable change to safety and the use of diesel equipment in underground mines.

(c) The studies mandated by this section shall be provided to the Joint Committee on Government and Finance of the West Virginia Legislature by December 31, 2016, and annually thereafter.”

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

The yeas and nays having been ordered, they were taken (**Roll No. 217**), and there were—yeas 34, nays 61, absent and not voting 5, with the yeas and absent and not voting being as follows:

YEAS: Bates, Boggs, Byrd, Campbell, Canterbury, Caputo, Eldridge, Ferro, Fleischauer, Fluharty, Guthrie, Hamilton, Hicks, Hornbuckle, Lane, Longstreth, Lynch, Manchin, Marcum, Miley, Moore, Moye, Perdue, Perry, Pethtel, Pushkin, Reynolds, Rodighiero, Rowe, Skinner, P. Smith, Sponaugle, Trecoast and Williams.

ABSENT AND NOT VOTING: Deem, Ireland, Morgan, L. Phillips and H. White.

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

Delegates Hornbuckle and Reynolds moved to amend the bill on page six, following the enacting section, by inserting the following new section, to read as follows:

**“CHAPTER 18C. STUDENT LOANS;
SCHOLARSHIPS AND STATE AID.**

**ARTICLE SEVEN. WEST VIRGINIA PROVIDING REAL OPPORTUNITIES
FOR MAXIMIZING IN-STATE STUDENT
EXCELLENCE SCHOLARSHIP PROGRAM.**

§18C-7-2. Legislative findings and purpose.

(a) The Legislature finds and declares that:

(1) West Virginia must have an educated work force in order to attract and retain the high wage, high skill jobs of the twenty-first century;

(2) A large percentage of West Virginia residents who graduate from the state's colleges and universities do not work in the state following graduation;

(3) The percentage of West Virginia's adult population over the age of twenty-five with at least a baccalaureate degree is less than fifteen percent and does not compare favorably with the member states of the Southern Regional Education Board average nor with the national average of twenty-five percent;

(4) Because many coal miners in West Virginia have lost their careers because of market conditions and federal regulations, and because these former miners need to be retrained in skills that will allow them to make higher wages by receiving specialized training in careers where there are current job opportunities in West Virginia, that the Promise Scholarship created pursuant to this article be expanded to assist coal miners that have GEDs or are high school graduates, to receive a scholarship to receive an education or training from a technical school or a two year degree from a community college;

~~(4)~~ (5) Higher levels of education attainment result in higher levels of personal income over a lifetime;

~~(5)~~ (6) Students who acquire a baccalaureate degree will earn an estimated \$1 million more over their lifetimes than those who attain only a high school diploma. This translates into an increased tax base and economic development for West Virginia and more discretionary income for its citizens;

~~(6)~~ (7) Students at all education levels should have an incentive to perform at a high academic level;

~~(7)~~ (8) There is a need to provide parents with all tools possible to aid them in helping their children understand the importance of high academic achievement in high school and college;

~~(8)~~ (9) The PROMISE Scholarship Program is highly successful and should be maintained with merit as its strongest component. The merit component:

(A) Provides an incentive for students to set high academic standards in high school;

(B) Encourages students to increase their high school achievement levels;

(C) Encourages students to enroll in more rigorous courses;

(D) Effects a culture change in West Virginia towards increased education attainment;

(E) Results in improved ACT scores in the state since the inception of the program; and

(F) Influences increased numbers of students, including those students who are the highest academic achievers, to remain in West Virginia to attend college.

(b) It is the purpose of this article to continue the West Virginia PROMISE Scholarship Program to deal effectively with the findings set forth in this section.

(c) Nothing in this article guarantees:

(1) A PROMISE scholarship award or any specific amount of a PROMISE scholarship award to any student; or

(2) That the requirements necessary for a student to qualify for a PROMISE scholarship will not be changed by legislation or rule before the student is eligible to receive an award.

§18C-7-3. Definitions.

(a) *General.* — For the purposes of this article, terms have the meaning ascribed to them in section two, article one of this chapter, unless the context in which the term is used clearly requires a different meaning or a specific definition is provided in this section.

(b) *Definitions.* —

(1) ‘Eligible institution’ means:

(A) A state institution of higher education as defined in section two, article one, chapter eighteen-b of this code;

(B) Alderson-Broaddus College, Appalachian Bible College, Bethany College, Davis and Elkins College, Mountain State University, Ohio Valley University, the University of Charleston, West Virginia Wesleyan College and Wheeling Jesuit University, all in West Virginia. The Board, pursuant to section five of this article, shall promulgate by legislative rule, a list of accredited trade schools, community colleges and other institutions eligible for qualification for a former coal miner student to attend on a two year trade or community college scholarship. Any institution ~~listed in~~ authorized pursuant to this subdivision ceases to be an eligible institution if it meets either of the following conditions:

(i) It loses regional accreditation; or

(ii) It changes its status as a private, not-for-profit institution;

(C) Any other public or private regionally accredited institution in this state approved by the commission.

(2) ‘Tuition’ means the quarter, semester or term charges imposed by an eligible state institution of higher education and, additionally, all mandatory fees required as a condition of enrollment by all students. For the purposes of this article, the following conditions apply:

(A) West Virginia University, Potomac State College and West Virginia University Institute of Technology are considered separate institutions for purposes of determining tuition rates; and

(B) The tuition amount paid by undergraduate health sciences students at West Virginia University is considered to be the same as the amount of tuition paid by all other West Virginia University undergraduate students.

(3) 'Enrolled' means either currently enrolled or in the process of enrolling in an eligible institution.

§18C-7-6. Promise scholarship program requirements; legislative rule.

(a) A PROMISE scholarship annual award shall meet the following conditions:

(1) For a student enrolled in a state institution of higher education, the annual award is equal to the lesser of the cost of tuition or \$4,750, except that a student who was awarded and used a PROMISE scholarship annual award prior to January 1, 2010, shall continue to receive the annual award calculated under the same terms and conditions that applied on the day before the effective date of this article;

(2) For a former coal miner student enrolled in a state community college or trade school the annual award is equal to the lesser of the cost of tuition or \$4,750.

~~(2)~~ (3) For a student enrolled in an eligible institution other than a state institution of higher education, the annual award is equal to, but may not exceed, the lesser of the cost of tuition or \$4,750, except that a student who was awarded and used a PROMISE scholarship annual award prior to January 1, 2010, shall continue to receive the annual award calculated under the same terms and conditions that applied on the day before the effective date of this article;

~~(3)~~(4) The annual award may exceed \$4,750; the designated amount if the commission determines that adequate funds are available, but in any case, may not be greater than the actual cost of tuition;

~~(4)~~ (5) The annual award shall be used by an eligible institution to supplement, but may not supplant, a tuition and fee waiver for which the individual is eligible pursuant to section five, six-a, seven or seven-b, article ten, chapter eighteen-b of this code.

(b) The total cost of all scholarships awarded by the commission in any year may not exceed the amount of funds available to the commission during that fiscal year.

(c) In order to be eligible to receive a PROMISE scholarship award an individual shall:

(1) Submit a scholarship award application to the commission:

(A) Within two years of graduating from high school or within two years of acquiring a general equivalency degree if provided instruction in the home or other approved place pursuant to subsection (c), section one, article eight, chapter eighteen of this code; or

(B) Within seven years of initially entering military service, and within one year of discharge from military service, if the individual has entered the United States armed services within two years after graduating from high school;

(2) Apply for and submit a Free Application for Federal Student Aid;

(3) (A) For admission for a baccalaureate degree, maintain a grade point average of at least 3.0 on a 4.0 grading scale in the required core and elective course work necessary to prepare students for success in post-secondary education at the associate and baccalaureate degree levels as determined by the commission, if the individual has completed not more than one semester or term at an institution of

higher education, excluding credits earned in advanced placement, international baccalaureate, dual credit and comparable courses while the student is enrolled in high school; or

(B) For admission for an associate degree or trade school certification, any person who is coal miner who has lost his or her job in the coal industry, and was not fired due to loss of certification, if the individual has completed not more than one semester or term at an approved trade school or community college or institution of higher education, excluding credits earned in advanced placement, international baccalaureate, dual credit and comparable courses while the student is enrolled in high school;

(4) Maintain appropriate academic progress toward the completion of a degree at the undergraduate education level as determined by the commission if the individual has completed more than one semester or term at an institution of higher education, excluding credits earned in advanced placement, international baccalaureate, dual credit and comparable courses while the student is enrolled in high school;

(5) Be a United States citizen or legal immigrant to the United States;

(6) Meet additional objective standards the commission considers necessary to promote academic excellence and to maintain the financial stability of the fund; and

(7) Enroll in an eligible institution. A student enrolled at an eligible institution who receives a PROMISE scholarship award may retain and renew the scholarship to complete his or her undergraduate education at that institution or any other eligible institution under the following circumstances:

(A) The institution at which the student is enrolled loses its status as an eligible institution pursuant to the provisions of subdivision (1), subsection (b), section three of this article; and

(B) The student meets all other renewal requirements of this code and of commission rules.

(d) It is the intent of the Legislature that the commission shall strongly encourage prospective candidates for the PROMISE scholarship to perform at least twenty hours of unpaid community service while in high school to help prepare them for success in post-secondary education. The community service may include, but is not limited to, participation with nonprofit, governmental or community-based organizations designed with any or all of the following purposes:

- (1) Improving the quality of life for community residents;
- (2) Meeting the needs of community residents; or
- (3) Fostering civic responsibility.

(e) The commission shall promulgate a legislative rule in accordance with the provisions of article three-a, chapter twenty-nine-a of this code.

- (1) The rule shall include at least the following provisions:

(A) The amount of a PROMISE scholarship award in combination with aid from all other sources may not exceed the cost of education at the institution the recipient is attending. This provision does not apply to members of the West Virginia National Guard, recipients of an Underwood-Smith teacher scholarship and recipients of a West Virginia engineering, science and technology scholarship;

(B) Additional objective standards the commission considers necessary:

- (i) To promote academic excellence;
- (ii) To maintain the financial stability of the fund; and
- (iii) To operate the program within the limits of available funds.

(C) Provisions for making the highest and best use of the PROMISE Scholarship Program in conjunction with the West Virginia College Prepaid Tuition and Savings Program Act set forth in article thirty, chapter eighteen of this code;

(D) A provision defining the relationship of PROMISE scholarship awards to all other sources of student financial aid to ensure maximum coordination. The provision shall include the following:

(i) Methods to maximize student eligibility for federal student financial aid;

(ii) A requirement that PROMISE scholarship awards not supplant tuition and fee waivers; and

(iii) Clarification of the relationship between the PROMISE Scholarship Program, tuition savings plans and other state-funded student financial aid programs;

(E) A method for awarding scholarships within the limits of available appropriations, including circumstances when program funds are not sufficient to provide awards to all eligible applicants. The commission may not use any of the following methods:

(i) Providing for an annual PROMISE scholarship award that is less than the amounts provided for in this section; or

(ii) Eliminating any current recipient from eligibility; and

(F) A method for applicants to appeal determinations of eligibility and renewal.

(2) The rule may provide for or require the following at the commission's discretion:

(A) Requiring repayment of the amount of the scholarship, in whole or in part, if a scholarship recipient chooses to work outside the

state after graduation. The rule may not require a recipient to repay a scholarship, in whole or in part, unless the prospective recipient has been informed of this requirement in writing before initial acceptance of the PROMISE scholarship award;

(B) Targeting a portion of the scholarship funds to be used for applicants enrolled in an engineering, science, technology or other designated program;

(C) Determining what other sources of funding for higher education are to be deducted from the PROMISE scholarship award; and

(D) Providing additional criteria as determined by the commission.

(3) The Legislature finds that an emergency exists and, therefore upon passage of this Act by the 2015 West Virginia Legislature, the commission shall file a rule to implement the provisions of this section as an emergency rule pursuant to the provisions of article three-a, chapter twenty-nine-a of this code. The rule is subject to the prior approval of the Legislative Oversight Commission on Education Accountability.

(4) Any rule promulgated by the commission pursuant to previous enactments of this article in effect on the effective date of the amendment and reenactment of this article in the year 2009 remains in effect until amended, modified, repealed or replaced by the commission.”

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

The yeas and nays having been ordered, they were taken (**Roll No. 218**), and there were—yeas 37, nays 58, absent and not voting 5, with the yeas and absent and not voting being as follows:

YEAS: Bates, Boggs, Byrd, Campbell, Canterbury, Caputo, Eldridge, Ferro, Fleischauer, Fluharty, Guthrie, Hartman, Hicks,

Hornbuckle, Lane, Longstreth, Lynch, Manchin, Marcum, Miley, Moore, Moye, J. Nelson, Perdue, Perry, Pethtel, R. Phillips, Pushkin, Reynolds, Rodighiero, Rohrbach, Rowe, Skinner, P. Smith, Sponaugle, Trecoast and Williams.

ABSENT AND NOT VOTING: Deem, Ireland, Morgan, L. Phillips and H. White.

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

During debate on the amendments to Com. Sub. for S. B. 357, the Speaker instructed Members to observe House Rules regarding language and decorum.

The bill was then ordered to third reading.

S. B. 508, Reorganizing Hatfield-McCoy Regional Recreation Authority; on second reading, coming up in regular order, was, on motion of Delegate Cowles, laid over, retaining its place on the calendar.

H. B. 2161, Adopting the Uniform Act on Prevention of and Remedies for Human Trafficking; 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 eight, line fifteen, by striking out subsection (c) in its entirety.

On page nine, line fifteen, by striking out all of subsection (d) and inserting in lieu thereof the following:

“(d) As soon as practicable after a first encounter with an individual who reasonably appears to be a victim or minor who has engaged in commercial sexual activity, persons mandated to report suspected abuse and neglect as described in subsection (a), section two,

article six-A, chapter forty-nine of this code, shall notify the appropriate agencies providing the services described in subsections (a), (b) and (c) of this section that the individual may be eligible for benefits or services and may provide to the victim, if reasonable and safe under the circumstances, the brochure or card created pursuant to subsection (d), section four of this article. Nothing in this article is intended to prevent individuals from reporting to law enforcement, child protective services or any other appropriate agency or entity suspected commercial sexual activity of a victim or minor on their own behalf.”

And,

On page thirteen, section nine, line eighty-one, after the word “artistic”, by striking out the comma and the word “political”.

On motion of Delegates Fleischauer, Rowe and Shott, the bill was amended on page nine, line fifteen, by striking out all of subsection (d) and inserting in lieu thereof the following:

“(d) As soon as practicable after a first encounter with an individual who reasonably appears to a law-enforcement officer to be a victim or minor who has engaged in commercial sexual activity, the law enforcement officer shall notify the appropriate agencies identified in the co-ordinated and comprehensive plan developed under subsection (d), section four of this article, that the individual may be eligible for a benefit or service under this code. Nothing in this article is intended to prevent individuals from reporting suspected commercial sexual activity of a victim or minor to law enforcement, or any other appropriate agency or entity.”

On motion of Delegates Fleischauer, Rowe and Shott, the bill was amended on page seventeen, line one hundred forty-five, by striking out all of subsection (e) and inserting in lieu thereof the following:

“(e) A victim may bring a civil action against a person that commits an offense of human trafficking for compensatory damages,

punitive damages, injunctive relief, and any other appropriate relief. The court may award compensatory damages, punitive damages, injunctive relief and any other appropriate relief. A prevailing victim is also entitled to attorney's fees and costs. Treble damages shall be awarded on proof of actual damages where defendant's acts were willful and malicious. An action under this section must be commenced not later than ten (10) years after the later date on which the victim was freed from the human trafficking situation, or attained 18 years of age. Damages awarded to the victim under this section must be offset by any other restitution paid to the victim. This section does not preclude any other remedy available to the victim under federal law or the law of this state other than the Uniform Act on Prevention of and Remedies for Human Trafficking.”

The bill was then ordered to engrossment and third reading.

H. B. 2780, Enhancing the ability of campus police officers at public colleges to perform their duties; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2884, Modifying training and development requirement for certain members of certain higher education boards; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

FIRST READING

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

Com. Sub. for S. B. 361, Eliminating prevailing hourly wage requirement for construction of public improvements,

S. B. 382, Declaring claims against state,

Com. Sub. for H. B. 2381, Providing a teacher mentoring increment for classroom teachers with national board certification who teach and mentor at certain schools,

Com. Sub. for H. B. 2478, Relating to public school finance,

H. B. 2658, Relating to the inspection and slaughter of nontraditional agriculture,

Com. Sub. for H. B. 2716, Relating to charitable organizations,

H. B. 2760, Making a supplementary appropriation to the Bureau of Senior Services - Lottery Senior Citizens Fund,

H. B. 2764, Making a supplementary appropriation to the State Department of Education - School Building Authority,

Com. Sub. for H. B. 2793, Relating to exemptions from mandatory school attendance,

Com. Sub. for H. B. 2811, Deleting obsolete provisions regarding the Physicians' Mutual Insurance Company,

Com. Sub. for H. B. 2812, Clarifying use of subsistence allowance in determining compensation for purposes of calculating pension benefits for natural resources police officers,

Com. Sub. for H. B. 2823, Eliminating the street and interurban and electric railways tax,

H. B. 2876, Finding and declaring certain claims against the state and its agencies to be moral obligations of the state,

Com. Sub. for H. B. 2934, Repealing the common core standards,

And,

H. B. 2976, Expanding the eligible master's and doctoral level programs for which a Nursing Scholarship may be awarded.

H. B. 2881, West Virginia Intrastate Commerce Improvement Act; on first reading, coming up in regular order, was, on motion of

Delegate Cowles, recommitted to the Committee on Government Organization.

MESSAGES FROM THE EXECUTIVE

The Speaker laid before the House of Delegates a communication from His Excellency, the Governor, setting forth his disapproval of a bill heretofore passed by both houses, as follows:

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
1900 KANAWHA BOULEVARD, EAST
CHARLESTON, WV 25305

February 24, 2015

Veto Message

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

Re: Enrolled House Bill No. 2201

Dear Speaker Armstead:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled House Bill No. 2201 for technical reasons.

First, the bill's title is defective because it fails to indicate the Legislature's insertion of a definition for the term "commission". This is problematic in that other newly inserted defined terms, such as "net metering", "customer generator", and "cross-subsidization", are included in the title. This issue may be corrected either by referencing

the definition of “commission” in the title, or by eliminating that definition altogether, as “commission” is already defined elsewhere for purposes of Chapter 24. *See* W. Va. Code § 24-1-2.

Second, the definition of “customer generator” on page 2, subsection (b), is flawed because the word “projected” on page 2, line 9, makes the definition ambiguous. A suggested fix for this technical issue is to change the word “projected” to “project” on page 2, line 9.

Third, the definition of “cross-subsidization” on page 2, subsection (c), is also flawed because the phrase “to electric retail customers to electric retails customers” on page 2, lines 13-14, is unintelligible. This error may be repaired by eliminating the phrase “to electric retails customers’ on page 2, line 14.

Finally, there is a technical error in the language contained on page 3, subsection (i), line 61. The term “standards” following the phrase “and as the same shall be amended”, makes subsection (i) difficult to comprehend. A suggested fix for this technical issue is to move the term “standards at all times” from its current location to directly after “(IEEE)” on line 61.

For the foregoing reasons, I disapprove and return this bill.

Sincerely,

EARL RAY TOMBLIN,
Governor.

On motion of Delegate Cowles, the bill was taken up for immediate consideration and the House of Delegates proceeded to reconsider the bill, in an effort to meet the objections of the Governor.

An amendment recommended by Delegate Shott, was reported by the Clerk, on page one, by striking out everything after the enacting section and inserting in lieu thereof the following:

“ARTICLE 2F. NET METERING OF CUSTOMER-GENERATORS.**§24-2F-8. Net metering and interconnection standards.**

(a) ‘Net metering’ means measuring the difference between electricity supplied by an electric utility and electricity generated from a facility owned or leased and operated by a customer generator when any portion of the electricity generated from the facility is used to offset part or all of the electric retail customer’s requirements for electricity.

(b) ‘Customer-generator’ means an electric retail customer who owns or leases and operates a customer-sited generation project utilizing an alternative or renewable energy resource or a net metering system in this state.

(c) ‘Cross-subsidization’, for purposes of this section, means the practice of charging costs directly incurred by the electric utility in accommodating a net metering system to electric retail customers who are not customer generators.

(d) The Public Service Commission shall adopt a rule requiring that all electric utilities provide a rebate or discount at fair value, to be determined by the Public Service Commission, to customer-generators for any electricity generation that is delivered to the utility under a net metering arrangement. The commission shall assure that any net metering tariff does not create a cross-subsidization between customers within one class of service.

~~(b)~~ (e) The Public Service Commission shall also consider adopting, by rule, a requirement that all sellers of electricity to retail customers in the state, including rural electric cooperatives, municipally owned electric facilities or utilities serving less than thirty thousand residential electric customers in this state, offer net metering rebates or discounts to customer-generators.

~~(c)~~ (f) The Public Service Commission shall institute a general investigation for the purpose of adopting rules pertaining to net

metering and the interconnection of eligible electric generating facilities intended to operate in parallel with an electric utility's system. As part of its investigation, the Public Service Commission shall take into consideration rules of other states within the applicable region of the regional transmission organization, as that term is defined in 18 C.F.R. §35.34, that manages a utility's transmission system in any part of this state. Furthermore, the Public Service Commission shall consider increasing the allowed kilowatt capacity for commercial customer-generators to an amount not to exceed five hundred kilowatts and for industrial customer-generators to an amount not to exceed two megawatts. The Public Service Commission shall further consider interconnection standards for combined heat and power.

~~(d) The commission shall promulgate these rules within twelve months of the effective date of this article.~~

(g) An electric utility shall offer net metering to a customer-generator that generates electricity on the customer-generator side of the meter using alternative or renewable energy sources, on a first-come, first-served basis, based on the date of application for interconnection as provided in the rules promulgated by the commission and pursuant to a standard tariff. An electric utility may offer net metering to customer-generators, on a first-come, first-served basis, so long as the total generation capacity installed by all customer-generators is no greater than three percent (3%) of the electric utility aggregate customer peak demand in the state during the previous year, of which no less than one-half percent (0.5%) is reserved for residential customer-generators.

(h) The Public Service Commission shall adopt a rule requiring compliance with the Institute of the Electrical and Electronics Engineers (IEEE) standards at all times, and as the same shall be amended, including having a disconnect readily accessible to the utility between the facilities of the customer-generator and the electric utility."

Delegate Skinner moved to recommit the bill to the Committee on the Judiciary, which motion was rejected.

The amendment recommended by Delegate Shott was then adopted.

The Speaker propounded, "Shall the bill pass, in an effort to meet the objections of the Governor?"

On this question, the yeas and nays were taken (**Roll No. 219**), and there were—yeas 75, nays 11, absent and not voting 14, with the yeas, nays and absent and not voting being as follows:

YEAS: Ambler, Anderson, Arvon, Ashley, Azinger, Bates, Blair, Boggs, Border, Butler, Cadle, Campbell, Canterbury, Caputo, Cooper, Cowles, Duke, Eldridge, Ellington, Espinosa, D. Evans, Faircloth, Fast, Fluharty, Folk, Foster, Frich, Gearheart, Hamilton, Hamrick, Hanshaw, Hartman, Hill, Householder, Howell, Ihle, Ireland, Kelly, Kessinger, Kurcaba, Lane, Longstreth, Lynch, McCuskey, McGeehan, Miller, Moffatt, E. Nelson, J. Nelson, O'Neal, Overington, Pasdon, Perdue, Perry, Pethel, Rohrbach, Romine, Rowan, Rowe, Shott, P. Smith, R. Smith, Sobonya, Sponaule, Stansbury, Statler, Storch, Summers, Wagner, Waxman, Weld, Westfall, B. White, Williams, Zatezalo and Mr. Speaker, Mr. Armstead.

NAYS: Byrd, Fleischauer, Guthrie, Hornbuckle, Manchin, Miley, Moye, Pushkin, Reynolds, Skinner and Upson.

ABSENT AND NOT VOTING: Deem, A. Evans, Ferro, Hicks, Ireland, Marcum, Moore, Morgan, L. Phillips, R. Phillips, Rodighiero, Trecost, Walters and H. White.

So, a majority of the members elected having voted in the affirmative, the Speaker declared the bill (Enr. H. B. 2201) passed.

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

On this question, the yeas and nays were taken (**Roll No. 220**), and there were—yeas 73, nays 13, absent and not voting 14, with the nays and absent and not voting being as follows:

NAYS: Byrd, Caputo, Fleischauer, Guthrie, Hornbuckle, Manchin, Miley, Moye, Perdue, Pushkin, Reynolds, Skinner and Upson.

ABSENT AND NOT VOTING: Deem, A. Evans, Ferro, Hicks, Ireland, Marcum, Moore, Morgan, L. Phillips, R. Phillips, Rodighiero, Trecost, Walters and H. White.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Enr. H. B. 2201) takes effect from its passage.

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

MESSAGES FROM THE SENATE

A messages from the Senate, by

The Clerk of the Senate, announced that, upon reconsideration the Senate had amended and again passed, in an effort to meet the objections of the Governor, and requested the concurrence of the House of Delegates in the same, as to

Enr. Com. Sub. for S. B. 335, Creating Access to Opioid Antagonists Act.

MESSAGES FROM THE EXECUTIVE

The Speaker laid before the House of Delegates a communication from His Excellency, the Governor, setting forth his disapproval of a bill heretofore passage by both houses, as follows:

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
1900 KANAWHA BOULEVARD, EAST
CHARLESTON, WV 25305

February 24, 2015

Veto Message

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

Pursuant to the provisions of section fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove and return the Enrolled Committee Substitute for Senate Bill No. 335.

This bill was introduced at my request, and I support it wholeheartedly. However, the bill's final version contains three technical issues I believe the Legislature should repair. First and foremost, the bill's definition of "opioid overdose prevention and treatment training program" references the wrong state government agency. *See* § 16-46-2, page 3, lines 31-34. The Office of Emergency *Medical* Services should be referenced on page 3, line 33, rather than the separate and independent Office of Emergency Services.

Second, the bill's §16-46-4(a)(1) references a training program to be established, as "required by subsection (b), section six of this article." *See* §16-46-4(a)(1), page 5, lines 6-8. Although the separate §16-46-6(b) authorizes the Office of Emergency Medical Services to establish training programs through legislative rulemaking, the authorization is explicitly limited to implementing the provisions of section six. *See* §16-46-6, page 8, lines 48-56. The authorization needs to apply more broadly to the entire article. Accordingly, the word "section" should be revised to read "article" on page 8, line 48.

Third, the deadline “by March 1” in the bill’s § 16-46-6(a)(3) is imprecise without additional language indicating whether it is an annual or one-time deadline. *See* page 7, line 43. This deadline could be amended to include the “and annually thereafter” or the “of each calendar year” language found elsewhere in section six. *See, e.g.*, §16-46-6, page 6, line 1 and page 7, lines 28-29.

I urge the Legislature to amend these technical issues, and to return the bill to my desk. I look forward to signing this important piece of legislation.

Sincerely,

EARL RAY TOMBLIN,
Governor.

On motion of Delegate Cowles, the bill was taken up for immediate consideration and the House of Delegates proceeded to reconsider the bill, as amended by the Senate, in an effort to meet the objections of the Governor.

The following Senate amendment was reported by the Clerk:

On page three, section two, line thirty-three, after the word “Emergency”, by inserting the word “Medical”.

On page seven, section six, line forty-three, after the words “March 1”, by inserting the words “and annually thereafter”.

And,

On page eight, section six, line forty-eight, by striking out the word “section” and inserting in lieu thereof the word “article”.

On motion of Delegate Cowles, the House of Delegates concurred in the Senate amendment.

The Speaker propounded, "Shall the bill pass, in an effort to meet the objections of the Governor?"

On this question, the yeas and nays were taken (**Roll No. 221**), and there were—yeas 86, nays none, absent and not voting 14, with the yeas, nays and absent and not voting being as follows:

YEAS: Ambler, Anderson, Arvon, Ashley, Azinger, Bates, Blair, Boggs, Border, Butler, Byrd, Cadle, Campbell, Canterbury, Caputo, Cooper, Cowles, Duke, Eldridge, Ellington, Espinosa, D. Evans, Faircloth, Fast, Fleischauer, Fluharty, Folk, Foster, Frich, Gearheart, Guthrie, Hamilton, Hamrick, Hanshaw, Hartman, Hill, Hornbuckle, Householder, Howell, Ihle, Kelly, Kessinger, Kurcaba, Lane, Longstreth, Lynch, Manchin, McCuskey, McGeehan, Miley, Miller, Moffatt, Moye, E. Nelson, J. Nelson, O'Neal, Overington, Pasdon, Perdue, Perry, Pethel, Pushkin, Reynolds, Rohrbach, Romine, Rowan, Rowe, Shott, Skinner, P. Smith, R. Smith, Sobonya, Sponaugle, Stansbury, Statler, Storch, Summers, Upson, Wagner, Waxman, Weld, Westfall, B. White, Williams, Zatezalo and Mr. Speaker, Mr. Armstead.

NAYS: none.

ABSENT AND NOT VOTING: Deem, A. Evans, Ferro, Hicks, Ireland, Marcum, Moore, Morgan, L. Phillips, R. Phillips, Rodighiero, Trecost, Walters and H. White.

So, a majority of the members elected having voted in the affirmative, the Speaker declared the bill (Enr. Com. Sub. for S. B. 335) passed.

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

MESSAGES FROM THE SENATE

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 the Judiciary then Rules:

S. C. R. 38 - “Requesting the United States Environmental Protection Agency transfer the State of West Virginia from Environmental Protection Agency Region III to Environmental Protection Agency Region IV.”

WHEREAS, The United States Environmental Protection Agency (EPA) is a federal agency charged with enforcing numerous federal statutes, including, but not limited to, the Clean Water Act and the Clean Air Act; and

WHEREAS, The EPA organized the agency into 10 geographic regional offices and corresponding regional administrators; and

WHEREAS, Regional administrators are granted authority to, among other things, conduct effective regional enforcement and compliance programs and exercise approval authority for proposed state standards and implementation plans; and

WHEREAS, West Virginia is included in the EPA Regional Office designated as “Region III”, the regional headquarters of which is located in Philadelphia, Pennsylvania, and which region also includes the states of Delaware, Maryland, Pennsylvania, Virginia and the District of Columbia; and

WHEREAS, Pursuant to 40 C. F. R. 1.7, the EPA has designated a Regional Office, “Region IV”, the regional headquarters of which is located in Atlanta, Georgia, which region includes the states of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina and Tennessee; and

WHEREAS, The coal industry is an industry of great economic importance to the State of West Virginia; and

WHEREAS, The EPA’s interpretation and enforcement of the Clean Air Act and Clean Water Act, as administered by the regional

administrator for Region III, particularly during recent years, has had a substantial negative impact on West Virginia's coal industry and, therefore, a negative impact on West Virginia's economy; and

WHEREAS, Taking into consideration: (1) That the EPA presumably organizes its administration into regions such that, in administering the various federal laws under its purview, it can take into account, among other things, the similar demographic and economic characteristics of the states in each region when implementing regulatory and enforcement policies for each region; (2) that the demographic and economic characteristics of West Virginia, and particularly the southern coal producing regions of West Virginia, align much more with the demographic and economic characteristics of the states in EPA Region IV in contrast to the states in EPA Region III; (3) that Kentucky, the third largest coal-producing state in the United States, is in Region IV, while West Virginia, the second largest coal-producing state in the United States, is in Region III; and (4) that the primary industry that the EPA regulates in West Virginia is the coal industry, it would be appropriate that West Virginia be transferred from EPA Region III to EPA Region IV; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the United States Environmental Protection Agency transfer the State of West Virginia from Environmental Protection Agency Region III to Environmental Protection Agency Region IV; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to Gina McCarthy, Administrator of the United States Environmental Protection Agency and to each member of West Virginia's congressional delegation.

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 Ellington, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2595, Relating to certificates of need for the development of health facilities in this state.

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

In accordance with the former direction of the Speaker, the bill (H. B. 2595) was referred to the Committee on the Judiciary.

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. 2790, Relating to minimum responsibility limits of car insurance,

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

Com. Sub. for H. B. 2790 - "A Bill to amend and reenact §17D-4-2, §17D-4-7 and §17D-4-12 of the Code of West Virginia, 1931, as amended; to amend and reenact §33-6-31 and §31-6-31d of said code; and to amend said code by adding thereto a new section, designated §33-6-31h, all relating to proof of financial responsibility limits for motor vehicles; increasing the minimum amounts of proof required; providing that insurers are not required to offer new or increased uninsured or underinsured motor vehicle coverage when coverage is increased to meet the increased requirements of proof of

financial responsibility; providing that insurers who issue policies with named driver exclusions are not required to provide any coverage upon an insured vehicle covering the excluded driver, notwithstanding the requirements of proof of financial responsibility,”

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. 2688, Providing for the unitization of interests in drilling units in connection with all horizontal oil or gas wells,

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

Com. Sub. for H. B. 2688 - “A Bill to amend and reenact §22C-9-1, §22C-9-2, §22C-9-3, §22C-9-4 and §22C-9-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §22C-9-7a, all relating to oil and gas conservation; reconstituting the membership of the Oil and Gas Conservation Commission; providing for the unitization of interests in drilling units in connection with horizontal oil or gas wells generally; setting forth application requirements; establishing the standard of review; providing for unit orders; requiring notice and timeliness; providing for hearings; addressing oil and gas produced from horizontal wells, vertical wells and unconventional reservoirs; providing for reunification of interests of unknown and unlocatable interest owners with surface owners in certain circumstances and providing procedures therefor; adding new definitions; and modifying existing definitions,”

With the recommendation that the committee substitute do pass.

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

Your Committee on Finance has had under consideration:

S. B. 473, Making supplementary appropriation of federal funds to DMAPS, WV State Police,

And,

S. B. 476, Making supplementary appropriation to Department of Administration, Division of Purchasing, Purchasing Improvement Fund,

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

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

Your Committee on the Judiciary has had under consideration:

H. B. 2233, Requiring that legislative rules be reviewed five years after initial approval by the Legislative Rule-Making Review Committee and the Legislative Auditor's Office,

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

Com. Sub. for H. B. 2233 - "A Bill to amend and reenact §29A-3-16 of the Code of West Virginia, 1931, as amended, relating to authorizing the Legislative Rule-Making Committee with the assistance of the Legislative Auditor's Office to review legislative rules five years after initial approval by the Legislature; and directing the Legislative Rule-Making Committee to report findings and recommendations to the Legislature,"

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

In accordance with the former direction of the Speaker, the bill (Com. Sub. for H. B. 2233) was referred to the Committee on Finance.

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

Your Committee on Finance has had under consideration:

H. B. 2048, Relating to juvenile proceedings,

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

Com. Sub. for H. B. 2048 - "A Bill to amend and reenact §49-5-11 of the Code of West Virginia, 1931, as amended, relating to juvenile proceedings; and providing that costs for a school-based juvenile probation officer will be shared equally when a judicial circuit and a county board of education jointly establish a truancy program,"

H. B. 2474, Relating to the compensation of personnel employed at the West Virginia Schools for the Deaf and the Blind,

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

Com. Sub. for H. B. 2474 - "A Bill to amend and reenact §18-17-1 of the Code of West Virginia, 1931, as amended, relating to the compensation of personnel employed at the West Virginia Schools for the Deaf and the Blind; updating reference to minimum salaries in effect for personnel at facilities under jurisdiction of the State Board of Education; and authorizing board to establish salary schedules or compensation in excess of the minimums for certain teachers at the West Virginia Schools for the Deaf and the Blind,"

H. B. 2485, Relating to the West Virginia Future Fund,

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

Com. Sub. for H. B. 2485 - “A Bill to amend and reenact §11-13A-5b of the Code of West Virginia, 1931, as amended, relating to the West Virginia Future Fund; and prohibiting deposits into the fund in years when certain state retirement systems are not funded to ninety percent or more of their actuarial accrued liabilities,”

And,

H. B. 2728, Relating to risk-based capital reporting for health organizations,

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

Com. Sub. for H. B. 2728 - “A Bill to amend and reenact §33-24-4 of the Code of West Virginia, 1931, as amended; to amend and reenact §33-25-6 of said code; to amend and reenact §33-25A-24 of said code; to amend and reenact §33-25D-26 of said code; to amend and reenact §33-40-1, §33-40-2, §33-40-3, §33-40-6 and §33-40-7 of said code; and to amend said code by adding thereto a new article, designated §33-40A-1, §33-40A-2, §33-40A-3, §33-40A-4, §33-40A-5, §33-40A-6, §33-40A-7, §33-40A-8, §33-40A-9, §33-40A-10, §33-40A-11 and §33-40A-12, all relating to risk-based capital reporting for health organizations; making health organizations subject to the statutory provisions concerning risk-based capital reporting; defining terms associated with risk-based capital reporting for health organizations; requiring a domestic health organization to file a risk-based capital report with the Insurance Commissioner; requiring a health organization to perform certain actions if the risk-based capital report indicates a negative financial trend or hazardous financial condition; requiring the Insurance Commissioner to conduct certain actions if the risk-based capital report of a health organization indicates a negative financial trend or hazardous financial condition; providing a health organization a right to a confidential hearing with respect to its risk-based capital report; making risk-based capital reports confidential; prohibiting the use of risk-based capital reports in the

rate-making of a health organization; granting the Insurance Commissioner the authority to promulgate rules; requiring a foreign health organization to file a risk-based capital report with the Insurance Commissioner; and providing immunity to the Insurance Commissioner and his employees or agents for actions taken with respect to monitoring the financial stability of a health organization,”

With the recommendation that the committee substitutes each do pass.

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

Your Committee on the Judiciary has had under consideration:

H. B. 2550, Increasing the number of unexcused absences of a student before action may be taken against the parent,

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

Com. Sub. for H. B. 2550 - “A Bill to amend and reenact §18-8-4 of the Code of West Virginia, 1931, as amended, relating to promoting regular school attendance; providing timely notice that five unexcused absences will require a conference meeting with designated school representatives; providing for written notice of a conference in the case of five unexcused absences to discuss circumstances related to unexcused absences including an adjustment of unexcused absences; and increasing the number of unexcused student absences during a school year to ten before an attendance director or assistant shall make complaint against a parent, guardian or custodian before a magistrate,”

With the recommendation that the committee substitute do pass.

Delegate Ellington, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2931, Adding drugs to the classification of schedule I drugs.

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

In accordance with the former direction of the Speaker, the bill (H. B. 2931) was referred to the Committee on the Judiciary.

Delegate Ellington, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2797, Changing the term “mentally retarded” to “intellectually disabled”; and changing the term “handicapped” to “disabled”.

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

In accordance with the former direction of the Speaker, the bill (H. B. 2797) was referred to the Committee on the Judiciary.

Delegate Ellington, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2368, Relating to child welfare,

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

Com. Sub. for H. B. 2368 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-7-37, relating to child welfare; and requiring certain reports,”

With the recommendation that the committee substitute do pass.

Delegate Ellington, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2829, Defining “midwife”, “certified midwife” and “midwifery”,

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

Com. Sub. for H. B. 2829 - “A Bill to amend and reenact §16-5-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §16-5-10a, all relating to direct entry midwifery; defining certain terms and requiring a report,”

With the recommendation that the committee substitute do pass.

Delegate Ellington, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2239, Creating a Board of Health Professions,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Government Organization.

In accordance with the former direction of the Speaker, the bill (H. B. 2239) was referred to the Committee on Government Organization.

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. J. R. 13, The Homestead Exemption Increase Amendment,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

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

REMARKS BY MEMBERS

Delegate Reynolds asked and obtained unanimous consent that all remarks regarding the amendments and passage of Com. Sub. for S. B. 357 be printed in the Appendix to the Journal.

MISCELLANEOUS BUSINESS

Delegate Rohrbach announced that he was absent when the votes were taken on Roll Nos. 198 and 199, and that had he been present, he would have voted “YEA” thereon.

Delegate Westfall filed a form with the Clerk’s Office per House Rule 94b to be added as a cosponsor of H. B. 2931.

At 8:42 P.M., the House of Delegates adjourned until 11:00 A.M., Friday, February 27, 2015.

FRIDAY, FEBRUARY 27, 2015

FORTY-FIFTH 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 26, 2015, 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. 2377, Authorizing State Board of Education to approve certain alternatives with respect to instructional time,

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

Com. Sub. for H. B. 2377 - "A Bill to amend and reenact §18-2-5 of the Code of West Virginia, 1931, as amended, relating to authorizing State Board of Education to approve certain alternatives with respect to instructional time proposed by a county board or school that meet the spirit and intent of affected statutes and are intended to optimize student learning; removing outdated and conflicting

provisions related to school entrance and kindergarten; stating the purpose of subsection and providing context; providing limitations on alternatives; and making findings on learning time for consideration by state board,”

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. 2502, Possessing deadly weapons on school buses or on the premises of educational facilities,

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

Com. Sub. for H. B. 2502 - “A Bill to amend and reenact §61-7-11a of the Code of West Virginia, 1931, as amended, relating to persons possessing deadly weapons on school buses or on the premises of educational facilities; authorizing active law-enforcement officers in certain circumstances to possess a firearm or deadly weapon on a school bus, on school property or at school sponsored functions; authorizing retired law-enforcement officers in certain circumstances to carry deadly weapons on a school bus, on school property or at school sponsored functions when certain conditions are met; and establishing reporting requirements for the school principal,”

With the recommendation that the committee substitute do pass.

Delegate Walters, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

H. B. 2926, Relating to deferral charges in connection with a consumer credit sale or consumer loan,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 2926) was referred to the Committee on Finance.

Delegate McCuskey, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 27th day of February, 2015, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

(Com. Sub. for S. B. 6), Relating to medical professional liability.

MESSAGES FROM THE EXECUTIVE

Mr. Speaker, Mr. Armstead, presented a communication from His Excellency, the Governor, advising that on February 25, 2015, he approved **Com. Sub. for S. B. 237, S. B. 262, Com. Sub. for H. B. 2008, H. B. 2114, H. B. 2115 and H. B. 2274.**

RESOLUTIONS INTRODUCED

Delegates J. Nelson, Ihle, Hill, Faircloth, Moffatt, Walters, Blair, R. Smith, Householder, McGeehan, Folk and Butler offered the following resolution, which was read by its title and referred to the Committee on Finance then Rules:

H. C. R. 101 - "Requesting the Joint Committee on Government and Finance study the issue of West Virginia becoming a fair tax state whereby income and property taxes should be replaced by a consumption tax."

WHEREAS, There has been a movement on both the state and national levels to replace income and other taxes with a consumption tax; and

WHEREAS, It should be studied whether income and property taxes has slowed economic growth and has reduced the standard of living of West Virginians; and

WHEREAS, It should be studied whether income and property taxes impede the competitiveness of West Virginia's industry; and

WHEREAS, It should be studied whether income and property taxes reduce savings and investment in West Virginia by taxing income multiple times slowing the capital formation necessary for real wages to steadily increase; and

WHEREAS, It should be studied whether income and property taxes lower productivity; and

WHEREAS, It should be studied whether income and property taxes impose unacceptable and unnecessary administrative and compliance costs on individual and business taxpayers; and

WHEREAS, It should be studied whether income and property taxes are unfair and inequitable; and

WHEREAS, It should be studied whether income and property taxes unnecessarily intrude upon the privacy and civil rights of West Virginia citizens; and

WHEREAS, It should be studied whether income and property taxes hide the true cost of government by embedding taxes in the costs of everything West Virginian's buy; and

WHEREAS, It should be studied whether income and property tax laws are not being complied with at satisfactory levels and therefore raising the tax burden on law abiding citizens; and

WHEREAS, It should be studied whether income and property taxes impede upward social mobility; therefore, be it

Resolved by the Legislature of West Virginia:

That we should study whether it would be in West Virginia's best interests in becoming a fair tax state whereby income and property taxes should be replaced by a consumption tax; 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, 2016, 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.

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

H. C. R. 102 - "Requesting the Division of Highways to name the twin bridges on Interstate 79, over County Route 24 in Harrison County, bridge number 17-79-121.32 NB-SB (17A316 and 17A317), latitude 39.30697, longitude -80.27468, locally known as the Meadowbrook Road Overpass, the 'U.S. Army Air Corps CPT Kenneth R. Winters, Sr. Memorial Bridge'."

WHEREAS, U.S. Army Air Corps Captain Kenneth R. Winters, Sr., was born on June 3, 1922 and graduated from Washington Irving High School with honors; and

WHEREAS, With war looming on the horizon and while on the wait list for VMI Military Academy, Captain Winters had to make some crucial decisions and joined the Civil Air Patrol at the Benedum Airport; and

WHEREAS, Upon graduation from the Civil Air Patrol Captain Winters enlisted in the U.S. Army Air Corps, becoming an instructor and test pilot; and

WHEREAS, After requesting overseas duty in the European theater, Captain Winters began flying B-17 bombers, and moved through the ranks to become lead bomber and earning the rank of captain in the United States' fight with Germany; and

WHEREAS, Captain Winters became a member of the famed Lucky Bastard Club, completing twenty-five or more missions, before being shot down. He completed his duty as a reservist upon returning to the United States; and

WHEREAS, Upon returning to civilian life Captain Winters worked for his father, Cecil Winters, became a successful businessman in the beverage industry and owned the Royal Crown and Dr. Pepper bottling plants in Clarksburg for forty-five years; and

WHEREAS, Captain Winters was very active in the community, serving in the Shriners and as a member of Rotary and resided on Club View Drive for over forty-six years and he could remember Interstate 79 as it was being built as his home was right off Exit 121; and

WHEREAS, Sadly, Captain Winters passed away on September 9, 2014. After spending the last ten months of his life in a local nursing home, he was able to spend the last night of his life at home. He is survived by his wife, Kathryn, and sons, Kenneth Williams, II, James D. Winters and Craig Winters, all of Harrison County; and

WHEREAS, Captain Winters was a long time pillar of the community, and it is fitting that an enduring memorial be established to commemorate his service to his community and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Division of Highways to name the twin bridges on Interstate 79, over County Route 24 in

Harrison County, bridge number 17-79-121.32 NB-SB (17A316 and 17A317), latitude 39.30697, longitude -80.27468, locally known as the Meadowbrook Road Overpass, the “U.S. Army Air Corps CPT Kenneth R. Winters, Sr. Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the twin bridges, both northbound and southbound, as the “U.S. Army Air Corps CPT Kenneth R. Winters, Sr. 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 to the family of the late U.S. Army Corps Captain Kenneth R. Winters, Sr.

Delegate Rowe offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. R. 15 - “Honoring Booker Taliaferro Washington, author, educator, orator and advisor to United States presidents, on the 100th anniversary of his death.”

WHEREAS, Booker T. Washington was born a slave on a farm in Franklin County, Virginia in the year 1856; and

WHEREAS, Booker T. Washington is recognized as one of America’s great educators, statesmen, authors and orators for his leadership for ten million African Americans who continued to struggle after the Civil War into the twentieth century; and

WHEREAS, Booker T. Washington’s formative years were in Malden, Kanawha County, West Virginia from age nine until he was twenty-five years old; and

WHEREAS, Booker T. Washington attended Hampton Institute in Virginia and returned to teach school in Malden where he observed freed slave families, including his own family, succeeding in an

integrated community with valuable education and equal compensation for work unlike in many areas in the Old South; and

WHEREAS, Booker T. Washington, in 1881, became the first leader of the new Tuskegee Normal and Industrial Institute, now Tuskegee University, in Alabama, building the Institute into America's most prominent educational institution for African Americans and remaining affiliated with the Institute the rest of his life; and

WHEREAS, Booker T. Washington sought to counter disfranchisement and violence against African-Americans in the south with a nonmilitant call to progress through education and entrepreneurship; and

WHEREAS, Booker T. Washington united leaders in both white and black society to build strength in the black community through self-help and schooling; and

WHEREAS, Booker T. Washington published his autobiographical classic, *Up From Slavery* in 1900. The book has been recognized as one of the best nonfiction books written in America in the twentieth century and details his great public career, being one of the nation's first celebrities regularly touring to speak to thousands of Americans, black and white, about his success as a freed slave positing the best of the American Dream, for a degraded people to have their families succeed through equal opportunity for education and fairly compensated work; and

WHEREAS, Booker T. Washington's first family home was on property owned by Lewis Ruffner at the mouth of Campbells Creek, now known as Port Amherst, on the Great Kanawha River near Malden, West Virginia; and

WHEREAS, Booker T. Washington died one hundred years ago on November 14, 1915, at fifty-nine years of age; and

WHEREAS, Booker T. Washington is one of West Virginia's most enduring national celebrities; and

WHEREAS, It is proper that the anniversary of the death of this historical figure should not go unnoticed; therefore, be it

Resolved by the House of Delegates:

That members of the West Virginia House of Delegates take the opportunity of the 100th anniversary of the death of Booker T. Washington, on November 14, 1915, to honor this early civil rights leader who worked so tirelessly to improve the lives of his fellow man; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Booker T. Washington Family Association, the Ruffner Family Association and the Kanawha Valley Historical and Preservation Society.

SPECIAL CALENDAR

THIRD READING

Com. Sub. for S. B. 175, Authorizing DHHR promulgate legislative rules; 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. 222**), and there were—yeas 96, nays 2, absent and not voting 2, with the nays and absent and not voting being as follows:

NAYS: Reynolds and Walters.

ABSENT AND NOT VOTING: Ellington and Kelly.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 175) passed.

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

On this question, the yeas and nays were taken (**Roll No. 223**), 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 Kelly.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 175) takes effect from its passage.

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

Com. Sub. for S. B. 187, Authorizing Department of Revenue promulgate legislative rules; 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. 224**), and there were—yeas 93, nays 5, absent and not voting 2, with the nays and absent and not voting being as follows:

NAYS: Arvon, Fast, Howell, Sobonya and Walters.

ABSENT AND NOT VOTING: Ellington and Kelly.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 187) passed.

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

On this question, the yeas and nays were taken (**Roll No. 225**), and there were—yeas 94, nays 3, absent and not voting 3, with the nays and absent and not voting being as follows:

NAYS: Arvon, Fast and Howell.

ABSENT AND NOT VOTING: Ellington, Gearheart and Kelly.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 187) takes effect from its passage.

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

Com. Sub. for S. B. 357, Creating Coal Jobs and Safety Act of 2015; on third reading, coming up in regular order, was read a third time.

Delegate Miley requested a division of the bill, pursuant to Rule 44, as follows:

1. Environmental and administrative procedures issues as contained in §22-3-13, 22-3-19 and 22-11-22a,

2. Provisions relating to miners health and safety contained in §22A-2a-101, 22A-2a-402, 22A-2a-403, 22A-2a-404, 22A-2a-404a, 22A-2a-405, 22A-2a-501, 22A-2a-601, 22A-2a-602, 22A-2a-603 and 22A-2a-604,

And,

3. Provisions relating to the repeal of the Diesel Commission contained in sections §22A-2a-301 through 22A-2a-310.

Whereupon,

The Speaker ruled that the request was not in order citing House Rule 135 and relevant portions of Jefferson's Manual and the Rules of the U. S. House of Representatives.

Delegates J. Nelson, R. Phillips and R. Smith requested to be excused from voting on the passage of Com. Sub. for S. B. 357 under the provisions of House Rule 49.

The Speaker replied that the Delegates were members of a class of persons possibly to be affected by the passage of the bill but exhibited no direct personal or pecuniary interest therein, 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. 226**), and there were—yeas 73, nays 25, absent and not voting 2, with the nays and absent and not voting being as follows:

NAYS: Boggs, Campbell, Caputo, Ferro, Fleischauer, Fluharty, Guthrie, Hamilton, Hicks, Hornbuckle, Longstreth, Lynch, Manchin, Miley, Moore, Morgan, Perdue, Perry, Pethtel, Pushkin, Skinner, P. Smith, Sponaugle, Trecost and Williams.

ABSENT AND NOT VOTING: Eldridge and Ellington.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 357) passed.

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

MISCELLANEOUS BUSINESS

Delegate Boggs asked and obtained unanimous consent that the remarks of Delegate Miley, Delegate Manchin, and Mr. Speaker, Mr. Armstead, regarding Delegate Miley's motion to divide Com. Sub. for S. B. 357, Creating Coal Jobs and Safety Act of 2015, be printed in the Appendix to the Journal.

Delegate Manchin asked and obtained unanimous consent that the remarks of Delegate Caputo regarding Com. Sub. for S. B. 357 be printed in the Appendix to the Journal.

Delegates L. Phillips and H. White noted to the Clerk that they were absent when the votes were taken on Roll Nos. 214 through 221,

and that had they been present, they would have voted “YEA” on Roll Nos. 214, 215, 216, 217, 218 and 221, and “NAY” on Roll Nos. 219 and 220.

Delegate Frich filed a form with the Clerk’s Office per House Rule 94b to be added as a cosponsor of H. B. 2926.

Delegate Boggs filed a form with the Clerk’s Office per House Rule 94b to be removed as a cosponsor of H. B. 2932.

Delegates Campbell, Frich, Hicks, Hornbuckle, Perdue, Pushkin, Reynolds, Rodighiero, Rohrbach and Sobonya filed a form with the Clerk’s Office per House Rule 94b to be added as a cosponsor of H. B. 2999.

At 1:55 P.M., on motion of Delegate Cowles, the House of Delegates recessed until 5:00 P.M.

AFTERNOON SESSION

SPECIAL CALENDAR

THIRD READING

-Continued-

H. B. 2161, Adopting the Uniform Act on Prevention of and Remedies for Human Trafficking; on third reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Shott, and by unanimous consent, the rule was suspended to permit the offering and consideration of an amendment on third reading.

On motion of Delegate Shott, the bill was amended on page one by striking out the enacting section 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 §15-14-1, §15-14-2, §15-14-3, §15-14-4, §15-14-5 and §15-14-6; to amend and reenact §62-1D-8 and §61-2-17 of said code; and, to amend said code by adding thereto two new sections, designated §61-2-17a and §61-2-17b, all to read as follows” followed by a colon.

Having been engrossed, the bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 227**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Deem, Ellington, Marcum, Reynolds, Rohrbach, Storch and Trecost.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2161) passed.

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

H. B. 2161 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-14-1, §15-14-2, §15-14-3, §15-14-4, §15-14-5 and §15-14-6; to amend and reenact §62-1D-8 and §61-2-17 of said code; to amend said code by adding thereto two new sections, designated §61-2-17a and §61-2-17b, all relating to adopting the Uniform Act on Prevention of and Remedies for Human Trafficking; providing legislative findings; setting forth definitions; creating a Commission on the Prevention of Human Trafficking; requiring public posting of hotline information in certain locations; making services available to victims of human trafficking; providing victims immunity from criminal prosecution for

certain crimes directly resulting from human trafficking; changing the definition of human trafficking; expanding criminal remedies and enforcement tools; and allowing victims to expunge conviction for certain crimes directly resulting from human trafficking.”

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

H. B. 2780, Enhancing the ability of campus police officers at public colleges to perform their duties; 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. 228**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Deem, Ellington, Marcum, Reynolds, Rohrbach, Storch and Trecost.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2780) passed.

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

H. B. 2835, Reorganizing the Hatfield-McCoy Regional Recreation Authority; on third reading, coming up in regular order, was, at the request of Delegate Cowles, and by unanimous consent, laid over one day, retaining its place on the calendar.

H. B. 2884, Modifying training and development requirement for certain members of certain higher education boards; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 229**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Deem, Ellington, Marcum, Reynolds, Rohrbach, Storch and Trecost.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2884) passed.

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

SECOND READING

Com. Sub. for S. B. 361, Eliminating prevailing hourly wage requirement for construction of public improvements; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Government Organization, was reported by the Clerk, on page three, section one line seven, after the word “subdivisions”, by striking out the comma and the words “and this article shall apply to expenditures of such institutions made, in whole or in part, from such public funds”.

On page five, section one, line forty-nine, by striking out the words “(6) The term ‘board’ shall mean the minimum wage board as constituted in this article.”

One page five, section one, line fifty-one, by striking out the number seven (7) and inserting in lieu thereof the number six (6).

One page five, section one, after line fifty-five, by adding two new subdivisions designated seven and eight, all to read as follows:

“(7) The term ‘public money’ means funds obtained by a public authority through taxes, fees, fines or penalties. For purposes of this article, public money does not include funds obtained by private donation, contribution, fund raising or insurance proceeds.

(8) The term ‘wages’ means the hourly rate paid for work performed by an employee for an employer.”

On page seven, section three, line sixteen, by restoring the stricken word “wages”.

On page seven, section three, line seventeen, by striking out the underlined word “compensation”.

On page seven, section three, line twenty-seven, after the words “public improvements”, by striking out the underlined words “in excess of \$500,000.00 in cost”.

On page seven, section three, line twenty-eight, by striking out the word “on” at the beginning of the sentence and inserting in lieu thereof the word “for”.

On page seven, section three, line thirty-four, after the word “underway”, by striking out the period and inserting in lieu thereof a colon and the words “Provided, however, That this section applies only to contracts let for public improvements whose cost at the time the contract is awarded will be paid with public money in an amount greater than \$500,000.”

On page fourteen, section five, line one hundred fifteen, after the words “of this section”, by striking out the period and inserting in lieu thereof a colon and the words “Provided, That if the determination is not in place on July 1, 2015, for any reason, no prevailing hourly rate of wages shall be in effect until the determination is made.”

On page fifteen, section five, line one hundred forty-six, after the word “article”, by striking out the period and inserting in lieu thereof a colon and the words “Provided, further, That any confidential, individual proprietor-level data submitted to Workforce West Virginia, the West Virginia University Bureau of Business and Economic Research or the Center for Business and Economic Research at Marshall University for the purpose of determining the prevailing wage rates shall not be considered a public record for purposes of section three, article one, chapter twenty-nine-b of this code.”

On page sixteen, section six, line ten, by striking out the underlined words “public improvements in excess of \$500,000 in cost” and inserting in lieu thereof the words “contracts let for public improvements whose cost at the time the contract is awarded will be paid with public money in an amount greater than \$500,000.”

And,

On page seventeen, section eleven, beginning on line one, by striking out the section in its entirety and inserting in lieu thereof the following:

“(a) The Executive Director of Workforce West Virginia shall promulgate emergency rules and propose, for legislative promulgation, legislative rules pursuant to the provisions of article three, chapter twenty-nine-a of this code, to effectuate the provisions of this article. All rules, whether emergency or not, promulgated pursuant to this section shall at a minimum:

(1) Define the regions of the state as used in the article;

(2) Establish a process for addressing written objections regarding the methodology for calculating the prevailing hourly rate of wages and the calculation of the hourly rate of wages: *Provided, That Workforce West Virginia may consolidate written objections for hearing and final determination purposes; and*

(3) Propose any other rules necessary to effectuate the purposes of this article.

(b) Any legislative rule in effect prior to the effective date of this article implementing the provisions of this article is hereby repealed.”

On motion of Delegate Howell, the committee amendment was amended on page two, line twelve, after the words “determination is made” and the period, by inserting the words “*Provided, however, That in the event the determination is not in place on July 1, 2015, the Joint*

Committee on Government and Finance may extend the deadline to a date thereafter, but, in any event, no later than September 30, 2015. During the extension period only, the prevailing wage in place prior to July 1, 2015 shall remain the prevailing wage. *Provided, further,* That in the event the determination is not in place at the conclusion of such extension period, no prevailing hourly rate of wages shall be in effect until the determination is made.”

The amendment recommended by the Committee on Government Organization, as amended, was then adopted.

The bill was then ordered to third reading.

S. B. 382, Declaring claims against state; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 508, Reorganizing Hatfield-McCoy Regional Recreation Authority; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Howell, the bill was amended on page two, after the enacting section by striking out the remainder of the bill in its entirety and inserting in lieu there of the following:

“CHAPTER 15. PUBLIC SAFETY.

ARTICLE 10. COOPERATION BETWEEN LAW-ENFORCEMENT AGENCIES.

§15-10-3. Definitions.

For purposes of this article only, and unless a different meaning plainly is required:

(1) ‘Criminal justice enforcement personnel’ means those persons within the state criminal justice system who are actually employed as members of the State Police, members of the Division of Protective Services, natural resources police officers, chiefs of police and police

of incorporated municipalities, and county sheriffs and their deputies, and whose primary duties are the investigation of crime and the apprehension of criminals.

(2) ‘Head of a law-enforcement agency’ means the Superintendent of the State Police, the Director of the Division of Protective Services, the chief natural resources police officer of the Division of Natural Resources, a chief of police of an incorporated municipality, a county sheriff or the Director of the Division of Forestry.

(3) ‘State or local law-enforcement officer’ means any duly authorized member of a law-enforcement agency who is authorized to maintain public peace and order, prevent and detect crime, make arrests and enforce the laws of the state or any county or municipality thereof, other than parking ordinances, and includes persons employed as campus police officers at state institutions of higher education in accordance with the provisions of section five, article four, chapter eighteen-b of this code, although those institutions may not be considered law-enforcement agencies. ~~The term includes persons employed as rangers by the Hatfield-McCoy Regional Recreation Authority in accordance with the provisions of section six, article fourteen, chapter twenty of this code, although the authority is not a law-enforcement agency.~~

(4) ‘Head of campus police’ means the superintendent or administrative head of state or local law-enforcement officers employed as campus police officers at state institutions of higher education in accordance with the provisions of section five, article four, chapter eighteen-b of this code.

~~(5) ‘Head of the rangers of the Hatfield-McCoy Regional Recreation Authority’ means the superintendent or administrative head of state or local law-enforcement officers employed as rangers by the Hatfield-McCoy Regional Recreation Authority in accordance with the provisions of section six, article fourteen, chapter twenty of this code.~~

§15-10-4. Cooperation between law-enforcement agencies and other groups of state or local law-enforcement officers.

(a) The head of any law-enforcement agency, or the head of any campus police ~~or the head of the rangers of the Hatfield-McCoy regional recreational authority~~, as those terms are defined in section three of this article, may temporarily provide assistance and cooperation to another agency of the state criminal justice system or to a federal law-enforcement agency in investigating crimes or possible criminal activity if requested to do so in writing by the head of another law-enforcement agency or federal law-enforcement agency. Such assistance may also be provided upon the request of the head of the law-enforcement agency or federal law-enforcement agency without first being reduced to writing in emergency situations involving the imminent risk of loss of life or serious bodily injury. The assistance may include, but is not limited to, entering into a multijurisdictional task force agreement to integrate federal, state, county and municipal law-enforcement agencies or other groups of state or local law-enforcement officers, or any combination thereof, for the purpose of enhancing interagency coordination, intelligence gathering, facilitating multijurisdictional investigations, providing criminal justice enforcement personnel of the law-enforcement agency to work temporarily with personnel of another agency, including in an undercover capacity, and making available equipment, training, technical assistance and information systems for the more efficient investigation, apprehension and adjudication of persons who violate the criminal laws of this state or the United States, and to assist the victims of such crimes. When providing the assistance under this article, a head of a law-enforcement agency shall comply with all applicable statutes, ordinances, rules, policies or guidelines officially adopted by the state or the governing body of the city or county by which he or she is employed, and any conditions or restrictions included therein.

(b) While temporarily assigned to work with another law-enforcement agency or agencies, criminal justice enforcement

personnel and other state and local law-enforcement officers shall have the same jurisdiction, powers, privileges and immunities, including those relating to the defense of civil actions, as such criminal justice enforcement personnel would enjoy if actually employed by the agency to which they are assigned, in addition to any corresponding or varying jurisdiction, powers, privileges and immunities conferred by virtue of their continued employment with the assisting agency.

(c) While assigned to another agency or to a multijurisdictional task force, criminal justice enforcement personnel and other state and local law-enforcement officers shall be subject to the lawful operational commands of the superior officers of the agency or task force to which they are assigned, but for personnel and administrative purposes, including compensation, they shall remain under the control of the assisting agency. These assigned personnel shall continue to be covered by all employee rights and benefits provided by the assisting agency, including workers' compensation, to the same extent as though such personnel were functioning within the normal scope of their duties.

(d) No request or agreement between the heads of law-enforcement agencies, or the heads of campus police ~~or the head of the rangers of the Hatfield-McCoy regional recreation authority~~, made or entered into pursuant to this article shall remain in force or effect until a copy of said request or agreement is filed with the office of the circuit clerk of the county or counties in which the law-enforcement agencies, or the campus police, ~~or the Hatfield-McCoy regional recreation authority rangers~~ involved operate. Agreements made pursuant to this article shall remain in effect unless and until the agreement is changed or withdrawn in writing by the head of one of the law-enforcement agencies. Upon filing, the requests or agreements may be sealed, subject to disclosure pursuant to an order of a circuit court directing disclosure for good cause. Nothing in this article shall be construed to limit the authority of the head of a law-enforcement agency or the head of campus police ~~or the head of the rangers of the Hatfield-McCoy~~

~~regional recreation authority~~ to withdraw from any agreement at any time.

(e) Nothing contained in this article shall be construed so as to grant, increase, decrease or in any manner affect the civil service protection or the applicability of civil service laws as to any criminal justice enforcement personnel, or as to any state or local law-enforcement officer or agency operating under the authority of this article, nor shall this article in any way reduce or increase the jurisdiction or authority of any criminal justice enforcement personnel, or of any state or local law-enforcement officer or agency, except as specifically provided herein.

(f) Nothing contained in this article shall be construed so as to authorize the permanent consolidation or merger or the elimination of operations of participating federal, state, county and municipal law-enforcement agencies, or other groups of state and local law-enforcement officers, ~~the head or~~ campus police. ~~or the head of the rangers of the Hatfield-McCoy regional recreation authority.~~

CHAPTER 20. NATURAL RESOURCES.

ARTICLE 7. LAW ENFORCEMENT, MOTORBOATING, LITTER.

§20-7-1. Chief natural resources police officer; natural resources police officers; special and emergency natural resources police officers; subsistence allowance; expenses.

(a) The division's law-enforcement policies, practices and programs are under the immediate supervision and direction of the division law-enforcement officer selected by the director and designated as chief natural resources police officer as provided in section thirteen, article one of this chapter.

(b) Under the supervision of the director, the chief natural resources police officer shall organize, develop and maintain

law-enforcement practices, means and methods geared, timed and adjustable to seasonal, emergency and other needs and requirements of the division's comprehensive natural resources program. All division personnel detailed and assigned to law-enforcement duties and services under this section shall be known and designated as natural resources police officers and are under the immediate supervision and direction of the chief natural resources police officer except as otherwise provided. All natural resources police officers shall be trained, equipped and conditioned for duty and services wherever and whenever required by division law-enforcement needs. The chief natural resources police officer may also assign natural resources police officers to perform law-enforcement duties on any trail, grounds, appurtenant facility or other areas accessible to the public within the Hatfield-McCoy Recreation Area, under agreement that the Hatfield-McCoy Regional Recreation Authority, created pursuant to article fourteen of this chapter, shall reimburse the division for salaries paid to the officers and shall either pay directly or reimburse the division for all other expenses of the officers in accordance with actual or estimated costs determined by the chief natural resources police officer.

(c) The chief natural resources police officer, acting under supervision of the director, is authorized to select and appoint emergency natural resources police officers for a limited period for effective enforcement of the provisions of this chapter when considered necessary because of emergency or other unusual circumstances. The emergency natural resources police officers shall be selected from qualified civil service personnel of the division, except in emergency situations and circumstances when the director may designate officers, without regard to civil service requirements and qualifications, to meet law-enforcement needs. Emergency natural resources police officers shall exercise all powers and duties prescribed in section four of this article for full-time salaried natural resources police officers except the provisions of subdivision (8) of said section.

(d) The chief natural resources police officer, acting under supervision of the director, is also authorized to select and appoint as special natural resources police officers any full-time civil service employee who is assigned to, and has direct responsibility for management of, an area owned, leased or under the control of the division and who has satisfactorily completed a course of training established and administered by the chief natural resources police officer, when the action is considered necessary because of law-enforcement needs. The powers and duties of a special natural resources police officer, appointed under this provision, is the same within his or her assigned area as prescribed for full-time salaried natural resources police officers. The jurisdiction of the person appointed as a special natural resources police officer, under this provision, shall be limited to the division area or areas to which he or she is assigned and directly manages.

(e) The Director of the Division of Forestry is authorized to appoint and revoke Division of Forestry special natural resources police officers who are full-time civil service personnel who have satisfactorily completed a course of training as required by the Director of the Division of Forestry. The jurisdiction, powers and duties of Division of Forestry special natural resources police officers are set forth by the Director of the Division of Forestry pursuant to article three of this chapter, and articles one-a and one-b, chapter nineteen of this code.

(f) The chief natural resources police officer, with the approval of the director, has the power and authority to revoke any appointment of an emergency natural resources police officer or of a special natural resources police officer at any time.

(g) Natural resources police officers are subject to seasonal or other assignment and detail to duty whenever and wherever required by the functions, services and needs of the division.

(h) The chief natural resources police officer shall designate the area of primary residence of each natural resources police officer, including himself or herself. Since the area of business activity of the division is actually anywhere within the territorial confines of the State of West Virginia, actual expenses incurred shall be paid whenever the duties are performed outside the area of primary assignment and still within the state.

(i) Natural resources police officers shall receive, in addition to their base pay salary, a minimum monthly subsistence allowance for their required telephone service, dry cleaning or required uniforms, and meal expenses while performing their regular duties in their area of primary assignment in the amount of \$130 each month. This subsistence allowance does not apply to special or emergency natural resources police officers appointed under this section.

(j) After June 30, 2010, all those full time law-enforcement officers employed by the Division of Natural Resources as conservation officers shall be titled and known as natural resources police officers. Wherever used in this code the term ‘conservation officer’, or its plural, means ‘natural resources police officer’, or its plural, respectively.

(k) Notwithstanding any provision of this code to the contrary, the provisions of subdivision six, subsection c, section twelve, article twenty-one, chapter eleven of this code are inapplicable to pensions of natural resources police officers paid through the Public Employees Retirement System.

ARTICLE 14. HATFIELD-MCCOY REGIONAL RECREATION AUTHORITY.

§20-14-1. Legislative findings.

The West Virginia Legislature finds that there is a significant need within the state and throughout the eastern United States for well-managed facilities for trail-oriented recreation for off-highway

~~motor vehicle enthusiasts, mountain bicyclists, equestrians and others.~~ The Legislature further finds that under an appropriate contractual and management scheme, well-managed, trail-oriented, recreation facilities could exist on private property without diminishing the landowner's interest, control or profitability in the land and without increasing the landowner's exposure to liability.

The Legislature further finds that, with the cooperation of private landowners, there is an opportunity to provide trail-oriented recreation facilities primarily on private property in the mountainous terrain of southern West Virginia and that the facilities will provide significant economic and recreational benefits to the state and to the communities in southern West Virginia through increased tourism in the same manner as whitewater rafting and snow skiing benefit the state and communities surrounding those activities.

The Legislature further finds that the creation and empowering of a ~~statutory corporation~~ joint development entity to work with the landowners, county officials and community leaders, state and federal government agencies, recreational user groups and other interested parties to enable and facilitate the implementation of the facilities will greatly assist in the realization of these potential benefits.

The Legislature further finds that it is in the best interests of the state to encourage private landowners to make available for public use through the Hatfield-McCoy Regional Recreation Authority land for these recreational purposes by limiting their liability for injury to persons entering thereon, by limiting their liability for injury to the property of persons entering thereon and by limiting their liability to persons who may be injured or otherwise damaged by the acts or omissions of persons entering thereon.

§20-14-2. Definitions.

Unless the context clearly requires a different meaning, the terms used in this section have the following meanings:

(a) ‘Authority’ means the Hatfield-McCoy Regional Recreational Authority;

(b) ‘Board’ means the board of the Hatfield-McCoy Regional Recreation Authority;

(c) ‘Charge’ means, for purposes of limiting liability for recreational purposes set forth in this article, the amount of money asked in return for an invitation to enter or go upon the land, including a one-time fee for a particular event, amusement, occurrence, adventure, incident, experience or occasion as set by the authority: *Provided*, That the authority may set charges in differing amounts for different categories of participants, including, but not limited to, in-state and out-of-state participants, as the authority sees fit;

(d) ‘Hatfield-McCoy Recreation Area’ means a system of recreational trails and appurtenant facilities, including trail head centers, parking areas, camping facilities, picnic areas, recreational areas, historic or cultural interpretive sites and other facilities that are a part of the system;

(e) ‘Land’ includes, but is not limited to, roads, water, watercourses, private ways and buildings, structures and machinery or equipment thereon when attached to the realty;

(f) ‘Owner’ means those vested with title to real estate and those with the ability to exercise control over real estate and includes, but is not limited to, tenant, lessee, licensee, holder of a dominant estate or other lawful occupant; or person in control of the premises;

~~(g) ‘Recreational purposes’ includes, but is not limited to, any one or any combination of the following noncommercial recreational activities: Hunting, fishing, swimming, boating, camping, picnicking, hiking, pleasure driving, motorcycle or all-terrain vehicle riding, bicycling, horseback riding, nature study, water skiing, winter sports and visiting, viewing or enjoying historical, archaeological, scenic or scientific sites or otherwise using land for purposes of the user;~~

(g) 'Participant' means any person using the land, trails and facilities of the Hatfield-McCoy Recreation Area;

(h) 'Participating county or counties' means the counties of Boone, Kanawha, Lincoln, Logan, McDowell, Mercer, Mingo, Wayne and Wyoming and with the approval of the board, any other county or counties where trails and other recreational facilities relating to the Hatfield-McCoy recreation area are developed in the future with the cooperation of the county commission that have agreed to operate the Hatfield-McCoy Regional Recreation Authority as a joint development entity and to participate in its governance; and

(i) 'Recreational purposes' includes, but is not limited to, any one or any combination of the following noncommercial recreational activities: Hunting, fishing, swimming, boating, camping, picnicking, hiking, pleasure driving, motorcycle or motor vehicle driving and riding, bicycling, horseback riding, nature study, water skiing, winter sports and visiting, viewing or enjoying historical, archaeological, scenic or scientific sites or otherwise using land for purposes of the user.

§20-14-3. Creation; appointment of board; terms.

(a) There is hereby created the 'Hatfield-McCoy Regional Recreation Authority' which is a public corporation and a government instrumentality existing The public corporation, the Hatfield-McCoy Regional Recreation Authority, previously created by this section is hereby converted to a new public corporation created as a joint development entity of the participating counties This joint development entity is created for the purpose of enabling and facilitating the development and operation of a system of trail-oriented recreation facilities for use by off-highway motor vehicle enthusiasts, equestrians, mountain bicyclists and others. This recreational trail system shall be located in southern West Virginia the counties of Boone, Kanawha, Lincoln, Logan, McDowell, Mercer, Mingo, Wayne and Wyoming with significant portions of the recreational trail system being located

on private property made available for use through lease, license, easement or other appropriate legal form by a willing landowner.

(b) The authority shall be governed by a board of ~~at least seventeen~~ no more than eighteen members who shall be representative of the various interests involved in the Hatfield-McCoy Recreation Area project in the ~~southern region of the state~~ participating counties and who shall be appointed as follows:

(1) The county commission of each participating county, as defined in section two of this article, shall appoint two members of the board as follows:

(A) One member who represents and is associated with a corporation or individual landowner whose land is being used or is expected to be used in the future as part of the Hatfield-McCoy Recreation Area project or their designee. This member shall be appointed to a four-year term.

(B) One member who represents and is associated with travel and tourism or economic development efforts within the county or who is associated with a mining, logging, natural gas or other resource-extraction industry or who is a licensed land surveyor or licensed professional engineer. The initial appointment shall be for a two-year term, but all subsequent appointments shall be for a four-year term.

~~(2) The members of the board appointed under subdivision (1), subsection (b) of this section by the county commissions shall appoint three additional board members, at least two of whom represent and are associated with recreational users of the Hatfield-McCoy recreation area project. These members shall serve three-year terms.~~

~~(3) The following three persons shall serve as nonvoting members representing the state: The director of the division of travel and tourism, the director of the Division of Natural Resources, and the director of the Division of Forestry, or their respective designees.~~

Any appointed member whose term has expired shall serve until his or her successor has been duly appointed and qualified. Any person appointed to fill a vacancy shall serve only for the unexpired term. Any appointed member is eligible for reappointment. The terms of the members serving as of the date of enactment the amendments of this section made during the 2015 regular session of the Legislature shall expire on June 30, 2015, and each participating county shall appoint two members to the board of the newly converted public corporation with terms to commence on July 1, 2015. Members of the board are not entitled to compensation for services performed as members but are entitled to reimbursement for all reasonable and necessary expenses actually incurred in the performance of their duties.

~~(c) Before the authority issues any revenue bonds or revenue refunding bonds under the authority of this article, each appointed voting member of the board shall execute a surety bond in the penal sum of \$25,000 and the officers and executive director of the board shall each execute a surety bond in the penal sum of \$50,000. Each surety bond shall be conditioned upon the faithful performance of the duties of the member, officer or director, shall be executed by a surety company authorized to transact business in this state as surety and shall be approved by the Governor and filed in the office of the Secretary of State. The authority shall pay premiums on the surety bonds from funds accruing to the authority.~~

The conversion of the Hatfield-McCoy Regional Recreation Authority to a joint development entity does not terminate or interrupt its status as a public corporation. The amendments to this article made during the 2015 regular session of the Legislature do not alter the debts, liabilities, responsibilities or other obligations of any party with regard to this public corporation.

(d) The Hatfield-McCoy Regional Recreation Authority is a 'public body' for purposes of the West Virginia Freedom of Information Act, as provided in article one, chapter twenty-nine-b of this code.

§20-14-4. Board; quorum; executive director; expenses.

The board is the governing body of the authority and the board shall exercise all the powers given the authority in this article.

The board shall meet quarterly, unless a special meeting is called by its chairman: *Provided*, That ~~on the second Monday of July of each even-numbered~~ at the first meeting of each fiscal year beginning in an odd-numbered year, or as soon thereafter as feasible, the board shall ~~meet to~~ elect a chairman, secretary and treasurer from among its own members.

A majority of the members of the board constitutes a quorum, and a quorum shall be present for the board to conduct business. ~~Unless the bylaws require a larger number, action may be taken by majority vote of the members present.~~

The board ~~shall~~ may prescribe, amend, and repeal bylaws and rules governing the manner in which the business of the authority is conducted, rules governing the use of the trail system and the safety of participants and shall review and approve an annual budget. The fiscal year for the authority begins on July 1, and ends on the thirtieth day of the following June.

The board shall appoint an executive director to act as its chief executive officer, to serve at the will and pleasure of the board. The board, acting through its executive director, may employ any other personnel considered necessary and may appoint counsel and legal staff for the authority and retain such temporary engineering, financial and other consultants or technicians as may be required for any special study or survey consistent with the provisions of this article. The executive director shall carry out plans to implement the provisions of this article and to exercise those powers enumerated in the bylaws. The executive director shall prepare annually a budget to be submitted to the board for its review and approval prior to the commencement of each fiscal year. The budget shall contain a detailed account of all

planned and proposed revenue and expenditures for the authority for the upcoming fiscal year, including a detailed list of employees by title, salary, cost of projected benefits and total compensation. Before August 15, the executive director shall provide to the board and the county commission for each participating county a detailed list of actual expenditures and revenue by account and recipient name for the previous fiscal year and a copy of the approved budget for the current fiscal year.

All costs incidental to the administration of the authority, including office expenses, personal services expense and current expense, shall be paid in accordance with guidelines issued by the board from funds accruing to the authority.

All expenses incurred in carrying out the provisions of this article shall be payable solely from funds provided under the authority of this article and no liability or obligation may be incurred by the authority under this article beyond the extent to which moneys have been provided under the authority of this article.

§20-14-4a. Financial review and oversight.

(a) The authority shall contract for and obtain an annual financial audit to be conducted by a private accounting firm in compliance with generally accepted government auditing standards. When complete, the audit shall be transmitted to the board, the president of the county commission of each participating county and the Legislative Auditor. The cost of the audit shall be paid by the authority.

(b) If the authority receives any funds from the Legislature by appropriation or grant, the Legislative Auditor shall have the power and authority to examine the revenues, expenditures and performance of the Hatfield-McCoy Regional Recreation Authority and for these purposes shall have the power to inspect the properties, equipment, facilities of the authority and to request, inspect and obtain copies of any records of the authority. For each fiscal year in which the

authority receives any funds from the Legislature by appropriation or grant, the executive director shall provide to the Legislative Auditor and Secretary of Revenue a detailed list of actual expenditures and revenue by account and recipient name for the previous fiscal year within forty-five days of the close of that fiscal year.

§20-14-5. Powers of authority.

The authority, as a public corporation and ~~governmental instrumentality exercising public powers of the state~~ joint development entity, may exercise all powers necessary or appropriate to carry out the purposes of this article, including, but not limited to, the power:

(1) To acquire, own, hold and dispose of property, real and personal, tangible and intangible;

(2) To lease property, whether as lessee or lessor, and to acquire or grant through easement, license or other appropriate legal form, the right to develop and use property and open it to the use of the public;

(3) To mortgage or otherwise grant security interests in its property;

(4) To procure insurance against any losses in connection with its property, license or easements, contracts, including hold-harmless agreements, operations or assets in such amounts and from such insurers as the authority considers desirable;

(5) To maintain such sinking funds and reserves as the board determines appropriate for the purposes of meeting future monetary obligations and needs of the authority;

(6) To sue and be sued, implead and be impleaded and complain and defend in any court;

(7) To contract for the provision of legal services by private counsel and, notwithstanding the provisions of article three, chapter

five of this code, the counsel may, in addition to the provisions of other legal services, represent the authority in court, negotiate contracts and other agreements on behalf of the authority, render advice to the authority on any matter relating to the authority, prepare contracts and other agreements and provide such other legal services as may be requested by the authority;

(8) To adopt, use and alter at will a corporate seal;

(9) To make, amend, repeal and adopt bylaws for the management and regulation of its affairs;

(10) To appoint officers, agents and employees and to contract for and engage the services of consultants;

(11) To make contracts of every kind and nature and to execute all instruments necessary or convenient for carrying on its business, including contracts with any other governmental agency of this state or of the federal government or with any person, individual, partnership or corporation to effect any or all of the purposes of this article;

(12) Without in any way limiting any other subdivision of this section, to accept grants and loans from and enter into contracts and other transactions with any federal agency;

(13) To maintain an office at such places within the state as it may designate;

(14) To borrow money and to issue ~~its bonds, security interests or notes and to provide for and secure the payment of the bonds, security interests or notes and to provide for the rights of the holders of the bonds, security interests or notes and to purchase, hold and dispose of any of its bonds, security interests or notes;~~

(15) ~~To sell, at public or private sale, any bond or other negotiable instrument, security interest or obligation of the authority in such~~

~~manner and upon such terms as the authority considers would best serve the purposes of this article;~~

~~(16) To issue its bonds, security interests and notes payable solely from the revenues or other funds available to the authority, and the authority may issue its bonds, security interests or notes in such principal amounts as it considers necessary to provide funds for any purpose under this article, including:~~

~~(A) The payment, funding or refunding of the principal of, interest on or redemption premiums on any bonds, security interests or notes issued by it whether the bonds, security interests, notes or interest to be funded or refunded have or have not become due;~~

~~(B) The establishment or increase of reserves to secure or to pay bonds, security interests, notes or the interest on the bonds, security interest or notes and all other costs or expenses of the authority incident to and necessary or convenient to carry out its corporate purposes and powers. Any bonds, security interests or Notes may be additionally secured by a pledge of any revenues, funds, assets or moneys of the authority from any source whatsoever;~~

~~(17) (16) To issue renewal notes or security interests, to issue bonds to pay notes or security interests and, whenever it considers refunding expedient, to refund any bonds by the issuance of new bonds, whether the bonds to be refunded have or have not matured except that no renewal notes may be issued to mature more than ten years from the date of issuance of the notes renewed and no refunding bonds may be issued to mature more than twenty-five years from the date of issuance;~~

~~(18) (17) To apply the proceeds from the sale of renewal notes, security interests of refunding bonds to the purchase, redemption or payment of the notes security interests or bonds to be refunded;~~

~~(19) (18) To accept gifts or grants of property, funds, security interests, money, materials, labor, supplies or services from the federal~~

government or from any governmental unit or any person, firm or corporation and to carry out the terms or provisions of or make agreements with respect to or pledge any gifts or grants and to do any and all things necessary, useful, desirable or convenient in connection with the procuring, acceptance or disposition of gifts or grants;

~~(20)~~ (19) To the extent permitted under its contracts with the holders of ~~bonds, security interests or~~ notes of the authority, to consent to any modification of the rate of interest, time of payment of any installment of principal or interest, security or any other term of any ~~bond, security interest,~~ note, contract or agreement of any kind to which the authority is a party;

~~(21) To sell security interests in the loan portfolio of the authority. The security interests shall be evidenced by instruments issued by the authority. Proceeds from the sale of security interests may be issued in the same manner and for the same purposes as bond and note venues;~~

~~(22) To promulgate legislative rules in accordance with the provisions of article three, chapter twenty-nine-a of this code as necessary to implement and make effective the powers, duties and responsibilities invested in the authority by the provisions of this article and otherwise by law, including regulation of the conduct of persons using the Hatfield-McCoy recreation area. Notwithstanding any other provisions of this code to the contrary, until the Legislature has authorized the rules, the authority may promulgate emergency rules for those purposes pursuant to section fifteen, article three, chapter twenty-nine-a of this code;~~

~~(23)~~ (20) To construct, reconstruct, improve, maintain, repair, operate and manage the Hatfield-McCoy recreation area at the locations within the state participating counties as may be determined by the authority;

(21) To enter into an agreement with the West Virginia Division of Natural Resources for natural resources police officers to provide

law-enforcement services within the Hatfield-McCoy Recreation Area and to reimburse the Division of Natural Resources for its costs therefor;

~~(24)~~ (22) To exercise all power and authority provided in this article necessary and convenient to plan, finance, construct, renovate, maintain and operate or oversee the operation of the Hatfield-McCoy recreation area at such locations within the state participating counties as may be determined by the authority;

~~(25)~~ (23) To exercise such other and additional powers as may be necessary or appropriate for the exercise of the powers conferred in this section;

~~(26)~~ (24) To exercise all of the powers which a corporation may lawfully exercise under the laws of this state;

~~(27) To provide for law enforcement within the Hatfield-McCoy recreational area by appointing rangers as provided in section six of this article;~~

~~(28)~~ (25) To develop, maintain and operate or to contract for the development, maintenance and operation of the Hatfield-McCoy Recreation Area;

~~(29)~~ (26) To enter into contract with landowners and other persons holding an interest in the land being used for its recreational facilities to hold those landowners and other persons harmless with respect to any claim in tort growing out of the use of the land for ~~public recreation~~ recreational purposes or growing out of the recreational activities operated or managed by the authority from any claim except a claim for damages proximately caused by the willful or malicious conduct of the landowner or other person or any of his or her agents or employees;

~~(30)~~ (27) To assess and collect a reasonable fee from those persons who use the trails, parking facilities, visitor centers or other facilities

which are part of the Hatfield-McCoy Recreation Area and to retain and utilize that revenue for any purposes consistent with this article;

~~(31) To cooperate with the states of Kentucky and Virginia and appropriate state and local officials and community leaders in those states to connect the trails of the West Virginia portion of the Hatfield-McCoy recreation area with similar recreation facilities in those states;~~

~~(32)~~ (28) To enter into contracts or other appropriate legal arrangements with landowners under which their land is made available for use as part of the Hatfield-McCoy Recreation Area; and

~~(33)~~ (29) To directly operate and manage recreation activities and facilities within the Hatfield-McCoy Recreation Area.

§20-14-8. Prohibited acts, penalty.

~~(a) Any person who violates any of the rules promulgated by the board pursuant to this article is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$500 for each offense.~~

~~(b) Any person who violates any of the rules promulgated by the board pursuant of this article relating to permits or failure to purchase a permit, safety violations or other civil violations is subject to a civil penalty of \$100. Authority rangers shall issue citations for civil violations.~~

~~(c) All civil penalties for civil violations received pursuant to this section shall be remitted to the Hatfield-McCoy Regional Recreation Authority for use by the board in its discretion for the benefit of the Hatfield-McCoy Recreation Area. Effective July 1, 2008, the special revenue fund known as the Hatfield-McCoy Recreation Fund shall be terminated, and any and all funds remaining in the fund shall be transferred from the fund and remitted to the Hatfield-McCoy Regional Recreation Authority for use by the board in its discretion for the benefit of the Hatfield-McCoy Recreation Area.~~

(a) A person may not enter or remain upon the Hatfield-McCoy Recreation Area without a valid, nontransferrable user permit issued by the authority and properly displayed, except properly identified landowners or leaseholders or their officers, employees or agents while on the land that the person owns or leases for purposes related to the ownership or lease of the land and not for recreational purposes;

(b) A person may not consume or possess any alcoholic liquor at any time or any location within the Hatfield-McCoy Recreation Area.

(c) The operator or passenger of a motor vehicle within the Hatfield-McCoy Recreation Area shall wear size-appropriate protective helmets at all times. All operators and passengers shall wear helmets that meet the current performance specifications established by the American National Standards Institute standard, z 90.1, the United States Department of Transportation Federal Motor Vehicle Safety Standard no. 218 or Snell Memorial Foundation safety standards for protective headgear for vehicle users.

(d) Each trail user shall obey all traffic laws, traffic-control devices and signs within the Hatfield-McCoy Recreation Area, including those which restrict trails to certain types of motor vehicles, motorcycles or those equipped with roll cages.

(e) Each trail user shall at all times remain within and on a designated and marked trail while within the Hatfield-McCoy Recreation Area.

(f) A person may not be on any trail within the Hatfield-McCoy Recreation Area at any time from one half-hour after sunset until one half-hour before sunrise, except in an emergency.

(g) Every person within the Hatfield-McCoy Recreation Area who is under sixteen years of age shall at all times be under the immediate supervision of and within sight of a person who is at least eighteen years of age and who either is a parent or guardian of the youth or has

the express permission of a parent or guardian to supervise the youth. No parent, guardian or supervising adult may allow a child under the age of sixteen years to leave that person's sight and supervision within the Hatfield-McCoy Recreation Area.

(h) A person may not ignite or maintain any fire within the Hatfield-McCoy Recreation Area except at a clearly marked location at a trailhead center.

(i) A person within the Hatfield-McCoy Recreation Area may not operate a motor vehicle in any competition or exhibition of speed, acceleration, racing, test of physical endurance or climbing ability unless in an event sanctioned by the authority.

(j) Every person operating a motor vehicle within the Hatfield-McCoy Recreation Area shall be subject to all of the duties applicable to the driver of a motor vehicle by the provisions of chapter seventeen-c of this code except where inconsistent with the provisions of this article and except as to those provisions of chapter seventeen-c of this code which by their nature can have no application and may not operate a motor vehicle in violation of those duties.

(k) A person may not possess a glass container while riding on a motor vehicle within the Hatfield-McCoy Recreation Area.

(l) A person may not operate or ride in a utility terrain vehicle, as defined in article one, chapter seventeen-f of this code, or any other motor vehicle with bench or bucket seating and a steering wheel for control unless equipped with seat belts meeting at a minimum federal motor vehicle safety standards and properly worn by the driver and all passengers.

(m) A person who violates any provision of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$100. Prosecution or conviction for the misdemeanor described in this subsection shall not prevent or disqualify any other civil or criminal remedies for the conduct prohibited by this section.

§20-14-9. Limiting liability.

~~(a) Notwithstanding the provisions of section three, article twenty-five, chapter nineteen,~~ An owner of land used by or for the stated purposes of the Hatfield-McCoy regional recreation authority, whether with or without charge, owes no duty of care to keep the premises safe for entry or use by others for recreational purposes or to give any warning of a dangerous or hazardous condition, use, structure or activity on the premises to persons entering for those purposes.

~~(b) Notwithstanding the provisions of section three, article twenty-five, chapter nineteen of this code, the landowner or lessor of the property for recreational purposes does not thereby: (a) Extend any assurance that the premises are safe for any purpose; or (b) confer upon such persons the legal status of an invitee or licensee to whom a duty of care is owed; or (c) assume responsibility for or incur liability for any injury to person or property caused by an act or omission of these persons.~~

~~(c)~~ (b) Unless otherwise agreed in writing, an owner who grants a lease, easement or license of land to the authority for recreational purposes, whether with or without charge, owes no duty of care to keep that land safe for entry or use by others or to give warning to persons entering or going upon the land of any dangerous or hazardous conditions, uses, structures or activities thereon. An owner who grants a lease, easement or license of land to the authority for recreational purposes does not by giving a lease, easement or license: (1) Extend any assurance to any person using the land that the premises are safe for any purpose; (2) confer upon those persons the legal status of an invitee or licensee to whom a duty of care is owed; or (3) assume responsibility for or incur liability for any injury to person or property caused by an act or omission of a person who enters upon the leased land. The provisions of this section apply whether the person entering upon the land is an invitee, licensee, trespasser or otherwise.

~~(d)~~ (c) Nothing herein limits in any way any liability which otherwise exists for deliberate, willful or malicious infliction of injury to persons or property: *Provided*, That nothing herein limits in any way the obligation of a person entering upon or using the land of another for recreational purposes to exercise due care in his or her use of the land and in his or her activities thereon, so as to prevent the creation of hazards or the commission of waste by himself or herself. ~~*Provided, however, That equestrians who are using the land upon which the Hatfield-McCoy recreation area is located but who are not engaged in a commercial profit-making venture are exempt from the provisions of subsection (d), section five, article four, chapter twenty of this code.*~~

§20-14-10. Purchasing and bidding procedures.

(a) Whenever the authority proposes to purchase or contract for commodities or services reasonably anticipated to equal or exceed \$2,500 in cost, the purchase or contract shall be based on competitive bids. Where the purchase of particular commodities or services is reasonably anticipated to be \$25,000 or less, the executive director may, on behalf of the authority, solicit bids or price quotes in any manner that the executive director deems appropriate and the authority shall obtain its commodities or services by the lowest bid. In lieu of seeking bids or quotes for commodities or services in this price range, the authority may purchase those commodities and services pursuant to state master contracts as provided in section ten-e, article three, chapter five-a of this code.

(b) Where the cost for the purchase of commodities or services is reasonably anticipated to exceed \$25,000, the executive director shall solicit sealed bids for the commodities or services to be provided: *Provided*, That the executive director may permit bids by electronic transmission be accepted in lieu of sealed bids. Bids shall be solicited by public notice. The notice shall be published as a Class II legal advertisement in all participating counties in compliance with the provisions of article three, chapter fifty-nine of this code, and by such

other means as the executive director deems appropriate. The notice shall state the general character of the work and general character of the materials to be furnished, the place where plans and specifications therefor may be examined and the time and place of receiving bids. After all bids are received, the authority shall enter into a written contract with the lowest responsible bidder; however, the authority may reject any or all bids that fail to meet the specifications required by the authority or that exceed the authority's budget estimation for those commodities or services. If the executive director determines in writing that there is only one responsive and responsible bidder and that there has been sufficient public notice to attract competitive bids, he or she may negotiate the price for a noncompetitive award or the specifications for a noncompetitive award based solely on the original purpose of the solicitation.

(c) For any contract that exceeds \$25,000 in total cost, the authority shall require the vendors to post a bond, with form and surety to be approved by the authority, in an amount equal to at least fifty percent of the contract price conditioned upon faithful performance and completion of the contract.

(d) The bidding requirements specified in this section do not apply to any leases for real property upon which the authority makes improvements for public access to the recreation area, information distribution and welcome centers. This exemption does not apply to leases for offices, vehicle and heavy equipment storage or administrative facilities.

(e) Any person who violates a provision of this section is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail not less than ten days nor more than one year, or fined not less than \$10 nor more than \$1000, or both confined and fined.

§20-14-11. Conflicts of interest prohibiting certain contracts.

(a) No contract, change order to a prior contract or renewal of any contract may be awarded or entered by the authority to any vendor or

prospective vendor when the vendor or prospective vendor is a member of the board or an employee of the authority, or a spouse, sibling, child or parent of a member of the board or an employee of the authority or to any vendor or prospective vendor in which a member of the board or employee of the authority, or a spouse, sibling, child or parent of a member of the board or an employee of the authority has an ownership interest of greater than five percent.

(b) No contract, change order to a prior contract or renewal of any contract may be awarded or entered by the authority to any vendor or prospective vendor when the vendor or prospective vendor is a member of the West Virginia Legislature, or a spouse, sibling, child or parent of a member of the Legislature, or to any vendor or prospective vendor in which a member of the Legislature or a spouse, sibling, child or parent of a member of the Legislature, has an ownership interest of greater than five percent.

(c) All responses to bid solicitations, requests for quotation, requests for proposal, contracts, change orders and contract renewals with the authority submitted or approved under the provisions of this article shall include an affidavit that the vendor or prospective vendor is not in violation of this section.

(d) Any person who violates a provision of this section is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail not less than ten days nor more than one year, or fined not less than \$10 nor more than \$1000, or both confined and fined.

§20-14-12. Civil remedies for unlawful purchasing and contracts.

The county commission of any participating county may challenge the validity of any contract or purchase entered, solicited or proposed by the authority in violation of sections ten or eleven of this article by seeking declaratory or injunctive relief in the circuit court of the county of the challenging party. If the court finds by a preponderance of evidence that the provisions of sections ten or eleven of this article

have been violated, the court may declare the contract or purchase to be void and may grant any injunctive relief necessary to correct the violations and protect the funds of the authority as a joint development entity.

ARTICLE 15. ATV RESPONSIBILITY ACT.

§20-15-2. Definitions.

The terms in this article have the following meaning, unless the context clearly requires a different meaning:

(1) ‘All-terrain vehicle’ or ‘ATV’ means any motor vehicle designed for off-highway use and designed to travel on not less than three low-pressure tires, having a seat designed to be straddled by the operator and handlebars for steering control and intended by the manufacturer to be used by a single operator or by an operator and no more than one passenger.

(2) ‘Authorized outfitter’ or ‘licensee’ means a commercial outfitter, which is a person, partnership, limited liability company (‘LLC’), corporation, other organization, or any combination thereof, licensed by the Hatfield-McCoy Regional Recreation Authority, who operates from any temporary or permanent camp, private or public lodge, or private home, who provides guided tours or the rental of all-terrain vehicles, utility-terrain vehicles or motorcycles for use on assigned lands for monetary profit or gain.

(3) ‘Low-pressure tire’ means every tire in which twenty pounds per square inch or less of compressed air is designed to support the load.

(4) ‘Motorcycle’ means any motor vehicle manufactured with no more than two wheels and having a seat or saddle for the use of the operator.

(5) ‘Participant’ means any person using the land, trails and facilities of the Hatfield-McCoy Regional Recreation Authority.

(6) ‘Utility-terrain vehicle’ or ‘UTV’ means any motor vehicle with four or more low-pressure tires designed for off-highway use having bench or bucket seating for each occupant and a steering wheel for control.

§20-15-5. Duties of participants.

(a) All participants:

(1) Shall comply with any requirements established by law, including those in section one, article one, chapter seventeen-f of this code, which defines those acts prohibited by operators of all-terrain vehicles;

(2) Shall comply with the rules or regulations established for use of the Hatfield-McCoy Recreation Area;

(3) Shall, as to the Hatfield-McCoy Regional Recreation Authority or to any recreation area landowner, lessor, authorized outfitter or licensee, expressly assume the risk of and legal responsibility for any injury, loss or damage to person or property which results from participation in operating an all-terrain vehicle, utility-terrain vehicle or motorcycle, and caused by any of the following:

(A) Variations in terrain, slope or angle of terrain;

(B) Surface or subsurface conditions including: Rocks, trees or other forms of forest growth or debris;

(C) Collisions with signs, markers, width restrictors, culverts, bridges, pipes, equipment, vehicles or any other objects or fixtures used in trail management, maintenance, construction or development;

(D) Collisions with signs, markers, pipes, equipment, vehicles or any component thereof used in natural resource maintenance, development or extraction;

(E) Collisions with electrical transmission poles, towers, lines, guy wires or any component thereof;

(4) Shall obey all rules or instructions announced by the Hatfield-McCoy Regional Recreation Authority, authorized outfitter or licensee, with regard to the operation of the all-terrain vehicle or motorcycle he or she is operating; and

(5) Shall wear all safety equipment provided by the authorized outfitter or licensee, or which might otherwise be required by law.

(b) Each participant shall have the sole individual responsibility for:

(1) Knowing the range of his or her own ability to negotiate any slope or trail;

(2) Operating the ATV, UTV or motorcycle within the limits of the participant's own ability;

(3) Maintaining reasonable control of speed and course at all times;

(4) Heeding all posted warnings;

(5) Operating only on trails designated by the Hatfield-McCoy Regional Recreation Authority; and

(6) Refraining from acting in a manner which a reasonable person would believe to be likely to cause or contribute to the injury of any person.

(c) If while riding an ATV, UTV or motorcycle any participant collides with any object or person, the responsibility for the collision shall be solely that of the participant or participants involved and not that of the Hatfield-McCoy Regional Recreation Authority, any recreation area landowner, lessor, authorized outfitter or licensee unless the Hatfield-McCoy Regional Recreation Authority, recreation

area landowner, lessor, authorized outfitter or licensee or their agent caused the collision in a tortious manner.

(d) After an accident, a participant may not leave the area where the accident took place without:

(1) Leaving personal identification, including his or her name and address;

(2) Notifying the proper authorities; and

(3) Obtaining assistance when he or she knows or reasonably should know that any other person involved in the accident is in need of medical or other assistance.

(e) Where a participant is a lawful passenger, that participant may not distract or perform any act which might interfere with the safe operation of the all-terrain vehicle, utility-terrain vehicle or motorcycle of which he or she is a passenger.

(f) Any person under the age of sixteen years shall remain under the direct supervision and within sight of a parent or guardian both of whom must otherwise comply with state or federal laws and any rules or regulations promulgated thereunder.

(g) A participant may not make any alterations or tamper with the all-terrain vehicle, utility-terrain vehicle or motorcycle he or she is operating or of which he or she is a passenger in any way which would interfere with the continued safe operation of that machine.

CHAPTER 30. PROFESSIONS AND OCCUPATIONS.

ARTICLE 29. LAW-ENFORCEMENT TRAINING AND CERTIFICATION.

§30-29-1. Definitions.

For the purposes of this article, unless a different meaning clearly appears in the context:

(1) ‘Approved law-enforcement training academy’ means any training facility which is approved and authorized to conduct law-enforcement training as provided in this article;

(2) ‘Chief executive’ means the superintendent of the State Police; the chief natural resources police officer of the Division of Natural Resources; the sheriff of any West Virginia county; any administrative deputy appointed by the chief natural resources police officer of the Division of Natural Resources; or the chief of any West Virginia municipal law-enforcement agency;

(3) ‘County’ means the fifty-five major political subdivisions of the state;

(4) ‘Exempt rank’ means any noncommissioned or commissioned rank of sergeant or above;

(5) ‘Governor’s committee on crime, delinquency and correction’ or ‘Governor’s committee’ means the Governor’s committee on crime, delinquency and correction established as a state planning agency pursuant to section one, article nine, chapter fifteen of this code;

(6) ‘Law-enforcement officer’ means any duly authorized member of a law-enforcement agency who is authorized to maintain public peace and order, prevent and detect crime, make arrests and enforce the laws of the state or any county or municipality thereof, other than parking ordinances, and includes those persons employed as campus police officers at state institutions of higher education in accordance with the provisions of section five, article four, chapter eighteen-b of this code, and persons employed by the Public Service Commission as motor carrier inspectors and weight enforcement officers charged with enforcing commercial motor vehicle safety and weight restriction laws although those institutions and agencies may not be considered law-enforcement agencies. The term also includes those persons employed as rangers ~~by the Hatfield-McCoy Regional Recreation Authority in accordance with the provisions of section six, article~~

~~fourteen, chapter twenty of this code, or by resort area districts in accordance with the provisions of section twenty-three, article twenty-five, chapter seven of this code, although neither the authority nor any~~ no resort area district may be considered a law-enforcement agency: *Provided*, That the subject rangers shall pay the tuition and costs of training. As used in this article, the term ‘law-enforcement officer’ does not apply to the chief executive of any West Virginia law-enforcement agency or any watchman or special natural resources police officer;

(7) ‘Law-enforcement official’ means the duly appointed chief administrator of a designated law-enforcement agency or a duly authorized designee;

(8) ‘Municipality’ means any incorporated town or city whose boundaries lie within the geographic boundaries of the state;

(9) ‘Subcommittee’ or ‘law-enforcement professional standards subcommittee’ means the subcommittee of the Governor’s committee on crime, delinquency and correction created by section two of this article; and

(10) ‘West Virginia law-enforcement agency’ means any duly authorized state, county or municipal organization employing one or more persons whose responsibility is the enforcement of laws of the state or any county or municipality thereof: *Provided*, That ~~neither the Hatfield-McCoy Regional Recreation Authority, the Public Service Commission nor any state institution of higher education nor any resort area district is a law-enforcement agency.~~

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 7. DANGEROUS WEAPONS.

§61-7-6. Exceptions as to prohibitions against carrying concealed handguns; exemptions from licensing fees.

(a) The licensure provisions set forth in this article do not apply to:

(1) Any person:

(A) Carrying a deadly weapon upon his or her own premises;

(B) Carrying a firearm, unloaded, from the place of purchase to his or her home, residence or place of business or to a place of repair and back to his or her home, residence or place of business; or

(C) Possessing a firearm while hunting in a lawful manner or while traveling from his or her home, residence or place of business to a hunting site and returning to his or her home, residence or place of business;

(2) Any person who is a member of a properly organized target-shooting club authorized by law to obtain firearms by purchase or requisition from this state or from the United States for the purpose of target practice from carrying any pistol, as defined in this article, unloaded, from his or her home, residence or place of business to a place of target practice and from any place of target practice back to his or her home, residence or place of business, for using any such weapon at a place of target practice in training and improving his or her skill in the use of the weapons;

(3) Any law-enforcement officer or law-enforcement official as defined in section one, article twenty-nine, chapter thirty of this code;

(4) Any employee of the West Virginia Division of Corrections duly appointed pursuant to the provisions of section eleven-c, article one, chapter twenty-five of this code while the employee is on duty;

(5) Any member of the armed forces of the United States or the militia of this state while the member is on duty;

(6) Any resident of another state who holds a valid permit or license to possess or carry a handgun issued by a state or a political subdivision subject to the provisions and limitations set forth in section six-a of this article;

(7) Any federal law-enforcement officer or federal police officer authorized to carry a weapon in the performance of the officer's duty; and

~~(8) Any Hatfield-McCoy Regional Recreation Authority Ranger while the ranger is on duty; and~~

~~(9)~~ (8) Any parole officer appointed pursuant to section fourteen, article twelve, chapter sixty-two of this code in the performance of their duties.

(b) On and after July 1, 2013, the following judicial officers and prosecutors and staff shall be exempted from paying any application fees or licensure fees required under this article. However, on and after that same date, they shall be required to make application and satisfy all licensure and handgun safety and training requirements set forth in section four of this article before carrying a concealed handgun in this state:

(1) Any justice of the Supreme Court of Appeals of West Virginia;

(2) Any circuit judge;

(3) Any retired justice or retired circuit judge designated senior status by the Supreme Court of Appeals of West Virginia;

(4) Any family court judge;

(5) Any magistrate;

(6) Any prosecuting attorney;

(7) Any assistant prosecuting attorney; or

(8) Any duly appointed investigator employed by a prosecuting attorney.”

The bill was then ordered to third reading.

Com. Sub. for H. B. 2381, Providing a teacher mentoring increment for classroom teachers with national board certification who teach and mentor at certain schools; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Pasdon, the bill was amended on page four, section §18A-4-2c, line thirty-six following the words “eligible again at”, by inserting the words “the same school if it continues to be persistently low performing or at”.

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 2478, Relating to public school finance; on second reading, coming up in regular order, was read a second time.

On motion of Delegates Espinosa, Moye, Ashley, Anderson, Williams and E. Nelson, the bill was amended on page five, section six-f, following line fifty-six, by reinserting subsections (d) and (e) as follows:

“(d) *Growth County School Facilities Act. — Legislative findings. —*

The Legislature finds and declares that there has been, overall, a statewide decline in enrollment in the public schools of this state; due to this decline, most public schools have ample space for students, teachers and administrators; however, some counties of this state have experienced significant increases in enrollment due to significant growth in those counties; that those counties experiencing significant increases do not have adequate facilities to accommodate students, teachers and administrators. Therefore, the Legislature finds that county boards of education in those high-growth counties should have the authority to designate revenues generated from the application of the regular school board levy due to new construction or improvements placed in a Growth County School Facilities Act Fund be used for school facilities in those counties to promote the best interests of this state’s students.

(1) For the purposes of this subsection, 'growth county' means any county that has experienced an increase in second month net enrollment of fifty or more during any three of the last five years, as determined by the state Department of Education.

(2) The provisions of this subsection shall only apply to any growth county, as defined in subdivision (1) of this subsection, that, by resolution of its county board of education, chooses to use the provisions of this subsection.

(3) For any growth county, as defined in subdivision (1) of this subsection, that adopts a resolution choosing to use the provisions of this subsection, pursuant to subdivision (2) of this subsection, assessed values resulting from additional appraisal or valuation due to new construction or improvements to existing real property shall be designated as new property values and identified by the county assessor. The statewide regular school board levy rate as established by the Legislature shall be applied to the assessed value designated as new property values and the resulting property tax revenues collected from application of the regular school board levy rate shall be placed in a separate account designated as the Growth County School Facilities Act Fund. Revenues deposited in the Growth County School Facilities Act Fund shall be appropriated by the county board of education for construction, maintenance or repair of school facilities. Revenues in the fund may be carried over for an indefinite length of time and may be used as matching funds for the purpose of obtaining funds from the School Building Authority or for the payment of bonded indebtedness incurred for school facilities. For any growth county choosing to use the provisions of this subsection, estimated school board revenues generated from application of the regular school board levy rate to new property values are not to be considered as local funds for purposes of the computation of local share under the provisions of section eleven, article nine-a, chapter eighteen of this code.

(e) This section, as amended during the legislative session in the year 2004, shall be effective as to any regular levy rate imposed for the county boards of education for taxes due and payable on or after July 1, 2004. If any provision of this section is held invalid, the invalidity shall not affect other provisions or applications of this section which can be given effect without the invalid provision or its application and to this end the provisions of this section are declared to be severable.”

On page twenty-four, section eleven, beginning on line eight-one, by reinserting subsection (e) as follows:

“(e) For purposes of any computation made in accordance with this section, in any county where the county board of education has adopted a resolution choosing to use the Growth County School Facilities Act set forth in section six-f, article eight, chapter eleven of this code, estimated school board revenues generated from application of the regular school board levy rate to new property values, as that term is designated in said section, may not be considered local share funds and shall be subtracted before the computations in subdivisions (1) and (2), subsection (a) of this section are made.”

And,

Redesignating the remaining subsection accordingly.

An amendment, recommended by Delegate Statler, was reported by the Clerk on page twenty-nine, section twelve, lines eighty through one hundred, by striking out subsection (c).

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

The yeas and nays having been ordered, they were taken (**Roll No. 230**), and there were—yeas 46, nays 44, absent and not voting 10, with the nays and absent and not voting being as follows:

NAYS: Mr. Speaker, Mr. Armstead, Ambler, Anderson, Ashley, Azinger, Boggs, Butler, Byrd, Cadle, Canterbury, Cowles, Eldridge, A.

Evans, D. Evans, Ferro, Foster, Gearheart, Guthrie, Hamilton, Hamrick, Hanshaw, Hicks, Howell, Ihle, Lynch, McCuskey, Moffatt, Moore, E. Nelson, J. Nelson, O'Neal, Perdue, L. Phillips, R. Phillips, Rowan, Rowe, P. Smith, R. Smith, Stansbury, Wagner, Walters, Westfall, B. White and Williams.

ABSENT AND NOT VOTING: Cooper, Deem, Ellington, Marcum, Morgan, Reynolds, Rohrbach, Romine, Storch and Trecost.

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

The bill was then ordered to engrossment and third reading.

H. B. 2658, Relating to the inspection and slaughter of nontraditional agriculture; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2716, Relating to charitable organizations; on second reading, coming up in regular order, was, at the request of Delegate Cowles, and by unanimous consent, laid over one day, retaining its place on the calendar.

H. B. 2760, Making a supplementary appropriation to the Bureau of Senior Services -Lottery Senior Citizens Fund; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2764, Making a supplementary appropriation to the State Department of Education - School Building Authority; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2793, Relating to exemptions from mandatory school attendance; on second reading, coming up in regular

order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2811, Deleting obsolete provisions regarding the Physicians' Mutual Insurance Company; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2812, Clarifying use of subsistence allowance in determining compensation for purposes of calculating pension benefits for natural resources police officers; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2823, Eliminating the street and interurban and electric railways tax; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2876, Finding and declaring certain claims against the state and its agencies to be moral obligations of the state; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2934, Repealing the common core standards; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Butler, the bill was amended on page twelve, section five-b, line one hundred sixty-two, by striking out paragraph (A) and inserting in lieu thereof a new paragraph (A) to read as follows:

“(A) The Common Core Standards as approved by the Board in May, 2010, and the subsequent Next Generation Content Standards and Objectives as approved by the Board in August 2011, are repealed” followed by a semicolon.

Delegate Miley arose, and being recognized, moved to commit Com. Sub. for H. B. 2934, Repealing the common core standards to the Committee on Finance.

On this motion, Delegate Miley demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 231**), and there were—yeas 33, nays 59, absent and not voting 8, with the yeas and absent and not voting being as follows:

YEAS: Bates, Boggs, Byrd, Campbell, Caputo, Eldridge, D. Evans, Ferro, Fleischauer, Fluharty, Guthrie, Hanshaw, Hartman, Hicks, Hornbuckle, Longstreth, Lynch, Manchin, Miley, Moore, Moye, Perdue, Perry, Pethel, L. Phillips, Pushkin, Rodighiero, Rowe, Skinner, P. Smith, Sponaugle, H. White and Williams.

ABSENT AND NOT VOTING: Deem, Ellington, Marcum, Morgan, Reynolds, Rohrbach, Storch and Trecost.

So, two thirds of the members present and voting not having voted in the affirmative, the motion was rejected.

The bill was then ordered to engrossment and third reading.

H. B. 2976, Expanding the eligible master's and doctoral level programs for which a Nursing Scholarship may be awarded; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

FIRST READING

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

S. B. 473, Making supplementary appropriation of federal funds to DMAPS, WV State Police,

S. B. 476, Making supplementary appropriation to Department of Administration, Division of Purchasing, Purchasing Improvement Fund,

Com. Sub. for H. B. 2048, Relating to juvenile proceedings,

Com. Sub. for H. B. 2368, Relating to child welfare,

Com. Sub. for H. B. 2395, Storm Scammer Consumer Protection Act,

Com. Sub. for H. B. 2474, Relating to the compensation of personnel employed at the West Virginia Schools for the Deaf and the Blind,

Com. Sub. for H. B. 2485, Relating to the West Virginia Future Fund,

Com. Sub. for H. B. 2496, Adopting the Interstate Medical Licensure Compact,

Com. Sub. for H. B. 2536, Relating to travel insurance limited lines producers,

And,

Com. Sub. for H. B. 2550, Increasing the number of unexcused absences of a student before action may be taken against the parent.

Com. Sub. for H. B. 2688, Providing for the unitization of interests in drilling units in connection with all horizontal oil or gas wells; on first reading, coming up in regular order, was read a first time.

Pursuant to House Rule 103, Delegate McGeehan moved that Com. Sub. for H. B. 2688 be rejected.

SPEAKER PRO TEMPORE IN THE CHAIR

Mr. Speaker, Mr. Armstead, requested to be excused from voting on Com. Sub. for H. B. 2688 under the provisions of House Rule 49.

Speaker Pro Tempore Anderson replied that Speaker Armstead was a member of a class of persons possibly to be affected by the passage of the bill but exhibited no direct personal or pecuniary interest therein, and refused to excuse the Gentleman from voting.

MR. SPEAKER, MR. ARMSTEAD, IN THE CHAIR

On this motion, Delegate McGeehan demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 232**), and there were—yeas 33, nays 57, absent and not voting 10, with the yeas and absent and not voting being as follows:

YEAS: Blair, Butler, Byrd, Campbell, Canterbury, Caputo, Eldridge, Faircloth, Fast, Fleischauer, Fluharty, Folk, Gearheart, Guthrie, Hamilton, Hicks, Ihle, Lane, Longstreth, Lynch, Manchin, McGeehan, Moffatt, Moye, J. Nelson, Perdue, Perry, Pushkin, Rodighiero, Rowe, Skinner, Wagner and H. White.

ABSENT AND NOT VOTING: Boggs, Deem, Ellington, Howell, Marcum, Morgan, Reynolds, Rohrbach, Storch and Trecost.

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

The bill was then ordered to second 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. 2728, Relating to risk-based capital reporting for health organizations,

Com. Sub. for H. B. 2790, Relating to minimum responsibility limits of car insurance,

And,

Com. Sub. for H. B. 2829, Defining “midwife”, “certified midwife” and “midwifery”.

MESSAGES FROM THE SENATE

A message from the Senate, by

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

Com. Sub. for H. B. 2457, Prohibiting the use of the name or likeness of elected or appointed officials on publicly-owned vehicles.

A message from the Senate, by

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

H. B. 2523, Creating a special revenue account to offset costs for the West Virginia State Police 100th Anniversary in 2019.

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. 63 - “A Bill to amend and reenact §29-26-2 of the Code of West Virginia, 1931, as amended, relating to modifying funding assistance from Courthouse Facilities Improvement Authority; and changing definition of facilities that are eligible for funding assistance from courthouse facilities that are occupied by county or judicial officials to ones that are currently owned and occupied by those officials or upon renovation will be owned and occupied by those officials”; which was referred to the Committee on the Judiciary then Finance.

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. 291 - “A Bill to amend and reenact §5-3-3 and §5-3-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §5-3-3a, all relating generally to appointment of assistants to the Attorney General; establishing competitive bidding process for the use of private attorneys in certain matters by the Attorney General; requiring reports on certain legal causes and matters to the Governor, President of the Senate and Speaker of the House; outlining contents of those reports; and defining terms”; 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. 347 - “A Bill to repeal §61-7-3 and §61-7-6 of the Code of West Virginia, 1931, as amended; to amend and reenact §20-2-5 and §20-2-6a of said code; and to amend and reenact §61-7-4 of said code, all relating to creating the West Virginia Firearms Act of 2015; removing requirement one must have a license to carry a concealed handgun; repealing exceptions section of said code to prohibitions against carrying concealed handguns without a license and removing exemptions from licensing fees; authorizing carrying a handgun for purposes of self defense while in the woods of this state whether concealed or not; providing that if findings of fact and conclusions of law of the court fail to uphold denial of a license, the applicant is entitled to reasonable costs and attorney’s fees, payable by the sheriff’s office which issued denial; defining who is prohibited from possessing firearms and retaining criminal penalties for violations; and establishing procedure for sheriff in determining eligibility for license when license holder changes home county”; 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. 377 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-27, relating generally to manufacturers and sellers of prescription drugs and medical devices and liability of those entities for alleged inadequate warning or instruction; and adopting the learned intermediary doctrine as defense to civil action based upon inadequate warnings or instructions”; 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, to take effect May 17, 2015, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 393 - “A Bill to amend and reenact §49-1-4 of the Code of West Virginia, 1931, as amended; to amend and reenact §49-5-2a, §49-5-3, §49-5-11, §49-5-11a, §49-5-13, §49-5-13a, §49-5-14, §49-5-15, §49-5-17 and §49-5-20 of said code; to amend said code by adding thereto four new sections, designated §49-5-13h, §49-5-13i, §49-5-22 and §49-5-23; to amend and reenact §49-5B-4 and §49-5B-5 of said code; to amend and reenact §49-5D-3 and §49-5D-3c of said code; to amend and reenact §49-5E-2 of said code; and to amend said code by adding thereto two new sections, designated §49-5E-9 and §49-5E-10, all relating generally to juvenile justice reform; defining terms; providing mandatory prepetition diversion process for juveniles who commit status offenses and misdemeanor offenses effective July 1, 2016; establishing prepetition review team; providing that a juvenile may be referred to a truancy diversion specialist prior to filing of petition; permitting court to order completion of community services; requiring court to consider results of risk and needs assessment of the juvenile prior to dispositional proceedings; requiring inclusion of accepted treatment and

rehabilitation goals for juveniles in certain findings of fact; providing that a juvenile adjudicated as a status offender may not be placed in out-of-home placement in certain circumstances; providing that a juvenile adjudicated delinquent for a misdemeanor offense may not be placed in out-of-home placement in certain circumstances; requiring court to issue certain findings of fact if a juvenile is to be placed in a residential facility; providing for standardized screener to conduct a psychological evaluation of the juvenile in certain circumstances; providing that a court shall make all reasonable efforts to keep the juvenile in his or her home; permitting court to include reasonable and relevant orders to parents in its disposition order for a juvenile; providing that juveniles may only be transferred to juvenile diagnostic centers under certain circumstances; authorizing creation of restorative justice programs; establishing individualized case planning; establishing review and modification procedures for probation dispositional orders; authorizing the Supreme Court of Appeals to develop community-based juvenile probation sanctions and incentives; requiring aftercare plan for all juvenile out-of-home placements; providing for disclosure of juvenile records to Department of Health and Human Resources social workers for case planning and to the juvenile's family; providing for adoption of risk and needs assessment and validation thereof; providing for aggregate data collection related to outcomes and disproportional minority contact; requiring dedication of a percentage of funding for community services to evidence-based practices; establishing criteria for transition to juvenile's home setting following out-of-home placement; providing for cooperative agreements solely between the Department of Health and Human Resources and private agencies to house status offenders; providing for multidisciplinary team meetings; establishing members of multidisciplinary team; providing that multidisciplinary team shall advise court on treatment and rehabilitation goals for the juvenile; providing that multidisciplinary team shall monitor the juvenile's progress; providing that the Director of the Division of Juvenile Services may transfer custody of a juvenile to the Department of Health and Human Resources; establishing community-based youth

reporting centers; establishing the Juvenile Justice Reform Oversight Committee; and making technical revisions”; which was referred to the Committee on the Judiciary then Finance.

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, to take effect July 1, 2015, of

S. B. 398, Extending expiration date for health care provider tax on eligible acute care hospitals.

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. 409 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-22-3, relating to establishing the Fair and Open Competition in Governmental Construction Act; providing legislative findings; defining terms; prohibiting project labor agreements from being part of the competitive bid process on governmental construction projects; prohibiting project labor agreements from being a condition for receiving a grant, tax abatement or tax credit for construction projects; providing exclusions; and establishing a process for an exemption”; 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. 411 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-7E-1, §55-7E-2, §55-7E-3, §55-7E-4, §55-7E-5, §55-7E-6, §55-7E-7, §55-7E-8, §55-7E-9, §55-7E-10 and §55-7E-11; and that said code be amended by adding thereto a new article, designated

§55-7F-1, §55-7F-2, §55-7F-3, §55-7F-4, §55-7F-5, §55-7F-6, §55-7F-7, §55-7F-8, §55-7F-9 and §55-7F-10, all relating to procedures for determining liability for exposures to asbestos or silica; setting forth findings and purposes; setting forth definitions; requiring disclosures of existing and potential asbestos bankruptcy trust claims; establishing legal standards and procedures for the handling of certain asbestos and silica claims; providing for sanctions; establishing procedures for set offs and credits; establishing medical criteria procedures for certain asbestos and silica claims; providing for statute of limitations standards and other limitations on liability; and providing for applicability future asbestos and silica claims”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 413 - “A Bill to amend and reenact §19-16A-12 of the Code of West Virginia, 1931, as amended, relating to pesticide control; and requiring certain additional requirements for commercial applicators”; which was referred to the Committee on Agriculture and Natural Resources then Government Organization.

A message from the Senate, by

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

Com. Sub. for S. B. 416 - “A Bill to repeal §7-18-5 of the Code of West Virginia, 1931, as amended; and to amend and reenact §7-18-1 and §7-18-3 of said code, all relating to eliminating exemption from hotel occupancy taxes on rental of hotel and motel rooms for thirty or more consecutive days; redefining certain terms; exempting hotel rooms occupied by federal or state officials on official business and complimentary hotel rooms provided without charge to guests from tax; and retroactive application”; which was referred to the Committee on Political Subdivisions then Finance.

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. 434 - “A Bill to amend and reenact §19-23-12b and §19-23-13b of the Code of West Virginia, 1931, as amended, all relating to approvals of televised racing days and simulcast contracts by Horsemen’s Benevolent and Protective Association; reducing racing days; providing additional reason for reduction in live racing dates; notifying mutual clerks and Horsemen’s Benevolent and Protective Association of request to reduce racing dates; determining reduction in live racing dates at special commission meeting; and eliminating certain restrictions on moneys placed in purse fund”; which was referred to the Committee on the Judiciary then Finance.

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. 486 - “A Bill to amend and reenact §17A-3-23 of the Code of West Virginia, 1931, as amended, relating to removing requirement for vehicles operated by West Virginia Wing of the Civil Air Patrol to display front license plates with white lettering on a green background bearing the words ‘West Virginia’ in one line and the words ‘State Car’ in another line; authorizing special license plates for Civil Air Patrol vehicles; and establishing fee to be paid per special license plate”; which was referred to the Committee on Roads and Transportation 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

S. B. 518 - “A Bill to amend and reenact §7-12-7 and §7-12-12 of the Code of West Virginia, 1931, as amended, all relating generally to granting the power to county and municipal economic development authorities to invest funds received from the sale, lease or other

disposition of real or personal property owned by such authority in a manner determined by the authority's board of directors to be in the best interest of the authority"; which was referred to the Committee on Government Organization then Finance.

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. 532 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-7E-1, §55-7E-2, §55-7E-3, §55-7E-4, §55-7E-5 and §55-7E-6, all relating to immunity from civil liability for clinical practice plans and personnel associated with medical and dental schools; providing legislative findings and declarations of public purpose; defining terms; limiting civil liability for clinical practice plans and their directors, officers, employees, agents and contractors; providing for minimum medical professional liability insurance requirements; and determining the applicability and construction of the immunity from civil liability"; which was referred to the Committee on the Judiciary then Finance.

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. 537 - "A Bill to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended, relating to school calendar; and changing mandatory instructional days from one hundred eighty days to minutes based upon minimum amount of hours of instruction offered to students provided by state board rules"; which was referred to the Committee on Education.

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. 559 - “A Bill to amend and reenact §30-30-18 of the Code of West Virginia, 1931, as amended, relating to exemptions from the social work licensing requirements of this article”; which was referred to the Committee on Government Organization.

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

Your Committee on Finance has had under consideration:

H. B. 2226, Eliminating dedication of corporation net income tax revenues to and deposits of such revenues into the Special Railroad Intermodal Enhancement Fund,

And,

H. B. 2877, Relating to electronic filing of tax returns and electronic funds transfers in payment of taxes,

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

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

Your Committee on Government Organization has had under consideration:

H. B. 2827, Abolishing the James “Tiger” Morton catastrophic illness fund and commission,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 2827) was referred to the Committee on Finance.

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

Your Committee on Government Organization has had under consideration:

Com. Sub. for S. B. 435, Creating WV Sheriffs' Bureau of Professional Standards,

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

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

Your Committee on Government Organization has had under consideration:

S. B. 294, Eliminating certain unnecessary, inactive or redundant councils, committees and boards,

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

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

Your Committee on Government Organization has had under consideration:

H. B. 2878, Creating a one-stop electronic business portal in West Virginia,

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

Com. Sub. for H. B. 2878 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §31D-1-131, relating to creating a one-stop electronic business portal in West Virginia.”

With the recommendation that the committee substitute do pass.

Delegate Ellington, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2999, Relating to neonatal abstinence centers,

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

Com. Sub. for H. B. 2999 - “A Bill to amend and reenact §16-2D-5 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §16-2D-5f, to amend said code by adding thereto a new article, designated §16-2M-1, §16-2M-2 and §16-2M-3; all relating to neonatal abstinence centers; authorizing neonatal abstinence centers; requiring the secretary to promulgate a licensure program and rules; requiring the state agency to consider neonatal abstinence care as a unique service in conducting certificate of need review; exempting neonatal abstinence centers from moratoriums on certain nursing facilities; prohibiting the Health Care Authority from ordering a moratorium on skilled nursing facilities providing services for children under one year of age suffering from

Neonatal Abstinence Syndrome; and exempting such facilities from current moratoriums.”

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

In the absence of objection, reference of the bill (Com. Sub. for H. B. 2999) to the Committee on the Judiciary was abrogated.

Delegate Ellington, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2961, Relating to abuse-deterrent opioid analgesic drugs,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 2961) was referred to the Committee on the Judiciary.

Delegate Ellington, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

Com. Sub. for S. B. 286, Relating to compulsory immunizations of students; exemptions,

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

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 286) was referred to the Committee on the Judiciary.

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

Your Committee on Finance has had under consideration:

S. B. 477, Supplementing, amending, decreasing and increasing appropriation from State Road Fund to DOH,

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

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

Your Committee on Finance has had under consideration:

H. B. 2015, Requiring the Legislative Auditor to conduct performance reviews and audits for every government spending unit, including all members of the Board of Public Works and the Legislature,

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

Com. Sub. for H. B. 2015 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §4-2-4a; and to amend and reenact §4-10-3 of said code, all relating to the examination of spending units by the Legislative Auditor generally; requiring the legislative auditor to make certain post audits during 2015 and to make a report on the post audit process at the direction of the Joint Committee on Government and Finance on or before December 1, 2015, that includes recommendations for the formulation of a regular schedule for making post audits of each

spending unit of the state government; providing for a report to the Legislature by the Joint Committee on Government and Finance; and clarifying definitions of certain terms,”

H. B. 2466, Exempting valid nonprofit organizations from licensing requirements of the West Virginia Alcoholic Beverage Control Authority during certain events,

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

Com. Sub. for H. B. 2466 - “A Bill to amend and reenact §18-17-1 of the Code of West Virginia, 1931, as amended, relating to the compensation of personnel employed at the West Virginia Schools for the Deaf and the Blind; updating reference to minimum salaries in effect for personnel at facilities under jurisdiction of the State Board of Education; and authorizing board to establish salary schedules or compensation in excess of the minimums for certain teachers at the West Virginia Schools for the Deaf and the Blind,”

And,

H. B. 2515, Relating to elk restoration,

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

Com. Sub. for H. B. 2515 - “A Bill to amend and reenact §11-13A-5b of the Code of West Virginia, 1931, as amended, relating to the West Virginia Future Fund; and prohibiting deposits into the fund in years when certain state retirement systems are not funded to ninety percent or more of their actuarial accrued liabilities,”

With the recommendation that the committee substitutes each do pass.

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

Your Committee on Finance has had under consideration:

S. B. 471, Making supplementary appropriation of federal funds to DHHR, Human Rights Commission, and DHHR, DHS,

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

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

Your Committee on Energy has had under consideration:

H. B. 2816, Relating to the eligibility of a mine operator to receive a tax credit for performing reclamation or remediation at a bond forfeiture site,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, and with the recommendation that second reference of the bill to the Committee on Finance be dispensed with.

In the absence of objection, reference of the bill (H. B. 2816) to the Committee on Finance was abrogated.

Delegate Shott, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

H. B. 2521, Clarifying the scope, application and methods for error correction required by the CPRB,

And reports the same back with the recommendation that it do pass.

Delegate Shott, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

H. B. 3011, Relating to the Uniform Controlled Substance Act,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 3011) was referred to the Committee on Finance.

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. 2585, Requiring leaseholders of mineral interests to notify the owners of the minerals when there is an assignment of the lease to another party,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 2585 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §36-4-9b, relating to requiring leaseholders of mineral interests to notify the owners of the minerals in writing when there is an assignment of the lease to another party,"

With the recommendation that the committee substitute do pass.

Delegate Nelson, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

H. B. 2916, Providing limited borrowing authority to the Governor for the completion of renovations to Capitol Complex Building 3,

And reports back a committee substitute therefore, with a new title, as follows:

Com. Sub. for H. B. 2916 - “A Bill to amend and reenact §11B-2-20 of the Code of West Virginia, 1931, as amended, relating to providing limited authority to the Governor to borrow amounts from the Revenue Shortfall Reserve Fund for the completion of renovations to Capitol Complex Building 3,”

H. B. 2840, Providing an alternative plan to make up lost days of instruction,

And reports back a committee substitute therefore, with a new title, as follows:

Com. Sub. for H. B. 2840 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-45a, relating to authorizing a county board of education in certain circumstances to provide instruction to students during emergency closures under an alternative plan to make up lost days of traditional instruction in a manner that meets the instructional day and time requirements for not more than four instructional days of accumulated time so that the board is not required to repurpose other days or add additional days of instruction to maintain compliance in reaching the mandatory one hundred eighty separate instructional days,”

And,

H. B. 3006, Relating to the determination of the adjusted rate established by the Tax Commissioner for the administration of tax deficiencies,

And reports back a committee substitute therefore, with the same title, as follows:

Com. Sub. for H. B. 3006 - “A Bill to amend and reenact §11-10-17a of the Code of West Virginia, 1931, as amended, relating to the

determination of the adjusted rate of interest by the Tax Commissioner for the administration of tax deficiencies and overpayments for tax years beginning after December 31, 2016,”

With the recommendation that the committee substitutes each do pass.

Delegate Nelson, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

H. B. 2914, Providing for voluntary dissolution of resort area district,

And reports the same back with the recommendation that it do pass.

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

H. B. 2239, Creating a Board of Health Professions,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2239 - “A Bill to amend and reenact §30-1-19 of the Code of West Virginia, 1931, as amended, relating to logistical advisory committee; setting forth a purpose of the committee; requiring participation from certain entities; providing for membership; providing the committee with certain authority; and requiring certain reporting,”

With the recommendation that the committee substitute do pass.

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

Com. Sub. for S. B. 140, Amending State Administrative Procedures Act,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 140) was referred to the Committee on the Judiciary.

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

Com. Sub. for S. B. 343, Exempting chiropractors from continuing education requirement on mental health conditions common to veterans,

And reports the same back, with amendment, with the recommendation that it do pass, as amended.

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. 463, Making supplementary appropriation to DHHR, DHS, Health Care Provider Tax, Medicaid State Share Fund,

S. B. 466, Making supplementary appropriation of federal funds to Department of Commerce,

S. B. 467, Making supplementary appropriation of federal funds to Department of Agriculture, State Conservation Committee,

And,

S. B. 469, Making supplementary appropriation of federal funds to DEP, Division of Environmental Protection,

And reports the same back with the recommendation that they each do pass.

On motion for leave, a bill was introduced (Originating in the Committee on Education and reported with the recommendation that it do pass), which was read by its title, as follows:

By Delegates Pasdon, Espinosa, Perry, Statler, Duke, Kelly and Kurcaba:

H. B. 3018 - “ A Bill to amend and reenact §18A-4-5 of the code of West Virginia, 1931, as amended, relating to increasing the allowable range of difference in salary potential of school employees in different counties.”

On motion for leave, a bill was introduced (Originating in the Committee on Education and reported with the recommendation that it do pass), which was read by its title, as follows:

By Delegates Pasdon, Perdue, Perry, Rohrbach, Rowan, Duke, Campbell, Moye, Ambler and Upson:

H. B. 3017 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-25b, relating to addressing sudden cardiac arrest in interscholastic athletes; requiring promulgation and minimum contents of rules by West Virginia Secondary School Activities Commission; defining interscholastic athletes; providing guidelines and information about the nature and warning signs of sudden cardiac arrest and the risks; requiring signature and return of information by athlete and parent or guardian prior to practice or competition; requiring head coach

complete a commission-approved sudden cardiac arrest recognition and return-to-play protocol course annually; requiring head coach receive instruction on proper administration of cardiopulmonary resuscitation including use of hands-on practicing to support cognitive learning; and listing available sources for potential use in program development.”

LEAVES OF ABSENCE

At the request of Delegate Cowles, and by unanimous consent, leave of absence for the day was granted Delegate Ellington.

Delegate Ferro asked and obtained unanimous consent that all remarks regarding the amendments and passage of Com. Sub. for S. B. 357 be printed in the Appendix to the Journal.

Delegate Sobonya asked and obtained unanimous consent that the remarks of Delegate Statler regarding Com. Sub. for H. B. 2478 be printed in the Appendix to the Journal.

At 7:05 P.M., the House of Delegates adjourned until 1:00 P.M., Saturday, February 28, 2015.