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March 21, 2017  
FORTY-SECOND DAY



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Tuesday, March 21, 2017

**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, March 20, 2017, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**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. 10**, John Cameron Brown Bridge,

**H. C. R. 19**, U.S. Army PFC Freeman Ray Meade Memorial Road,

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

**H. C. R. 21**, 1SG Carl J. Crabtree Memorial Road,

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

**H. C. R. 23**, U.S. Army SSG Styish R. Morris Memorial Road,

**H. C. R. 30**, U.S. Army PFC Cornelious Wiley Memorial Bridge,

**H. C. R. 35**, Arnold Miller Memorial Bridge,

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

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

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

**H. C. R. 56**, U. S. Army CPL George Browning Memorial Road,

**H. C. R. 62**, Webster County Veterans Highway,

**H. C. R. 63**, William B. Burgess Memorial Road,

**H. C. R. 68**, James Earl Gibson Memorial Road,

And,

**H. C. R. 73**, U S Army Air Corps PVT William James Irwin, Memorial Bridge,

And reports the same back 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:

**H. B. 2004**, Creating and maintaining a centralized state vehicle inventory system,

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

**Com. Sub. for H. B. 2004** – “A Bill to repeal §5A-3-49 of the Code of West Virginia, 1931, as amended; to amend and reenact §5A-1-2 of said code; to amend and reenact §5A-3-52 of said code; to amend said code by adding thereto a new article, designated §5A-12-1, §5A-12-2, §5A-12-3, §5A-12-4 and §5A-12-5; to amend and reenact §17A-3-23 of said code; to amend said code by adding thereto a new section, designated §17A-3-23a; and to amend and reenact §29B-1-4 of said code, all relating to the management and continuous inventory of vehicles owned, leased, operated or acquired by the state and its agencies; repealing provisions relating to the central motor pool; continuing management of state owned or leased aircraft through an aviation division; continuing the Fleet Management Office; providing powers and duties of the Director of the Fleet Management Office; continuing special fund; requiring reporting of state vehicles to Fleet Management Office; requiring reporting to and inventory of vehicles by State Agency for Surplus Property; requiring reporting to and inventory of vehicles by Enterprise Resource Planning Board; authorizing a rental pool; requiring legislative compliance audit; requiring new title, registration and license plates for state vehicles; allowing the Commissioner of the Division of Motor Vehicles to issue special plates to organizations and entities; requiring agencies to apply for a new uniform vehicle title and registration plate; exempting confidential information relating to certain vehicles from public disclosure under the Freedom of Information Act; authorizing legislative rules; and requiring annual reports to Legislature and Governor.”

**H. B. 2475**, 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,

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

**Com. Sub. for H. B. 2475** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §14-1A-1, §14-1-2 and §14-1A-3, all relating to authorizing the establishment of a Debt Resolution Services Division within the Auditor’s office; providing for administration of division and the offset of a payment due to a vendor, contractor or taxpayer from the state to satisfy an outstanding obligation owed by them to the state; authorizing the administration of the United States Treasury Offset Program; providing for responsibilities of the State Tax Commissioner and spending units of the state; providing for the adoption of procedures, forms, and agreements; and directing the deposit of moneys offset,”

And,

**H. B. 2524**, Improving the focus on school-level continuous improvement processes,

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

**Com. Sub. for H. B. 2524** – “A Bill to repeal §10-5-2a of the Code of West Virginia, 1931, as amended; to repeal §18-2I-3 of said code; to repeal §18A-3-2d of said code; to repeal §18A-3A-1, §18A-3A-2, §18A-3A-2b, §18A-3A-3 and §18A-3A-5 of said code; to repeal §18B-1-5a, §18B-11-4 and §18B-11-6 of said code; to amend and reenact §4-13-2 of said code; to amend and reenact §5-26A-3 of said code; to amend and reenact §5B-2C-6 of said code; to amend and reenact §5F-1-2 of said code; to amend and reenact §5F-2-1 of said code; to amend and reenact §6-7-2a of said code; to amend and reenact §18-2I-1, §18-2I-2 and §18-2I-4 of said code; to amend and reenact §18-10A-1, §18-10A-2, §18-10A-3, §18-10A-6a and §18-10A-12 of said code; to amend and reenact §18-10K-2, §18-10K-5 and §18-10K-6 of said code; to amend and reenact §18-30-4 of said code; to amend and reenact §18A-2-9 and §18A-2-12 of said code; to amend and reenact §18A-3-1, §18A-3-1d, §18A-3-2c and §18A-3-8 of said code; to amend and reenact §18A-3C-1, §18A-3C-2 and §18A-3C-3 of said code; to amend and reenact §18B-1B-2 of said code; to amend and reenact §18B-3D-2 of said code; to amend and reenact §18B-5-2a of said code; to amend and reenact §18B-16-5 and §18B-16-8 of said code; to amend and reenact §18B-18B-1 of said code; and to amend and reenact §29-24-3 and §29-24-5 of said code, all relating to revising the processes through which professional development is delivered for those who provide public education in this state, including improvement of the focus on school-level continuous improvement processes led by the principal, generally; eliminating administrative offices, duplicative programs and obsolete provisions; repealing provisions related to creation and duties of distance learning coordinating council; repealing provisions related to annual state board professional development master plan; repealing provisions related to beginning principal internships; repealing provisions related to center for professional development and principals academy curriculum; repealing provisions related to center for development professional development project; repealing provisions related to principals academy establishment, mission, required attendance and employment of coordinator; repealing provisions related to pilot program of delivering educational services via distance learning; repealing provisions related to creation of depositories for assistive devices and services at two colleges or universities; repealing provisions creating the National Institute for Teaching Excellence and its governing board; modifying membership of Sesquicentennial of the American Civil War Commission; modifying membership of Commission for National and Community Service; removing Department of Education and the Arts as option to provide technical support to the Academy of Science and Technology in preparation of annual report; eliminating Department of Education and the Arts as executive department headed by secretary; transferring Division of Culture and History and Division of Rehabilitation Services to Department of Commerce; making Educational Broadcasting Authority and Library Commission each an independent agency within executive branch; eliminating salary of Secretary of Education and the Arts; modifying scope and goals of the system for coordination and delivery of professional development to be instituted by state Board of Education; modifying legislative findings with respect to professional development; eliminating requirement for state Board of Education master plan for professional development; requiring state Board of Education rule to include process for aggregating school and system strategic plan information to assist design and delivery of professional development; replacing references to the Secretary and the Department of Education and the Arts in rehabilitation and vocational services related statutes; modifying membership of Traumatic Brain and Spinal Cord Injury Rehabilitation Fund Board; transferring fund administration to Department of Commerce; modifying membership of College Prepaid Tuition and Savings Program Board; including instructional leadership among the responsibilities of principals and requiring course work in instructional leadership and related topics as prerequisite for administrative certification; moving from a precertification requirement to a preemployment requirement that principals, assistant principals and administrators complete education and training in evaluation skills; deleting provisions proscribing limitations on certain rights and privileges of principals and assistant principals as

teachers; removing requirements for intereaction between state Board of Education and Center for Professional Development regarding performance evaluations; removing proscription of issuance or renewal of certain administrative certificate; removing requirement for state Board of Education consultation with Secretary of Education and Arts and Chancellor for Higher Education prior to exercise of authority over education; adding within standards for education of professional educators requirement providing for the study of the history and philosophical foundations of Western Civilization and the writings of the founders of the United States of America; authorizing state Board of Education cooperation with regional education service agencies for selected phases of preparation programs and expenditure of funds; removing requirement for state Board of Education to consult with Secretary of Education and the Arts and the Chancellor of Higher Education; removing provisions related to required training and professional development of principals through principals academy; adding instructional leadership and management techniques to required minimum standards for rule governing training of principals; removing language relating to waivers, ineligibility, progress tracking and expenses relating to training of principals; requiring county professional staff development councils to base proposals for staff development on analysis of individual and collective need indicated in school's strategic plans; incorporating principals development in the provisions for a comprehensive system to improve teaching and learning; making legislative finding that professional development resources must be focused rather than increased; removing obsolete provisions related to phased implementation of provisions for professional personnel evaluations; eliminating requirement for five percent of evaluations to be based on state summative assessment and increasing percent based on evidence of student learning by five percent; incorporating principals into the comprehensive system of support for improved professional performance; requiring deficiencies identified through personnel evaluations to be incorporated in strategic plans for continuous improvement; removing language requiring posting and other provisions relating to employment; restricting certain appropriations for certain activities; modifying membership of Higher Education Policy Commission; modifying membership of Workforce Development Initiative Program Advisory Committee; modifying process for approval of transfers of amounts between items of appropriation or special accounts of institutions of higher education; updating agency references and removing Secretary of Education and the Arts with respect to rural health initiative; modifying membership of Science and Research Council; transferring certain references and responsibilities to Technology-Related Assistance Revolving Loan Fund For Individuals With Disabilities Board to Secretary of Commerce; directing the adoption and promulgation of rules and guidelines; and making consequential changes incident to the elimination of agencies or programs or the modification of duties, responsibilities and functions,"

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. 2774**, Defining special aircraft property,

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:

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

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

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. 2971**, Granting the State Auditor the authority to audit the books and records of local economic development authorities,

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 (H. B. 2971) was referred to the Committee on Government Organization.

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. 3073**, Relating generally to public service districts and their 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 the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 3073) was referred to the Committee on the Judiciary.

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

Your Committee on Education has had under consideration:

**H. B. 2799**, Prohibiting the superintendent of schools from requiring a physical examination to be included to the application for a minor's work permit,

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. 2799) was referred to the Committee on the Judiciary.

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

Your Committee on Education has had under consideration:

**H. B. 2809**, Relating to basic state aid to public education,

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. 2809) was referred to the Committee on Finance.

Delegate Hanshaw, 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 20<sup>th</sup> day of March, 2017, 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. 231**, Relating to State Board of Education and Medicaid-eligible children.

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. 2366**, Relating to selling Jackie Withrow Hospital,

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

**Com. Sub. for H. B. 2366** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-25, relating to the selling of a certain state owned health care facility and appurtenances by the Secretary of the Department of Health and Human Resources; exempting certain laws; creating a fund; implementing a benefits package for employees; and providing statutory construction,”

**H. B. 2709**, Authorizing the City of South Charleston to levy a special district excise tax,

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

**Com. Sub. for H. B. 2709** – “A Bill to amend and reenact §8-38-9 of the Code of West Virginia, 1931, as amended, relating to the Legislature’s authorizing the City of South Charleston to levy a special district excise tax for the benefit of the South Charleston Park Place Economic Opportunity Development District,”

**H. B. 2734**, Authorizing a method for the collection and remittance of property taxes related to dealers’ heavy equipment inventory,

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

**Com. Sub. for H. B. 2734** – “A Bill adding thereto a new section, designated §11-5-15, all relating to authorizing a method for the collection and remittance of property taxes related to dealers’ heavy equipment rental inventory,”

**H. B. 2805**, Finding and declaring certain claims against the state and its agencies to be moral obligations of the state,

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



**Com. Sub. for H. B. 2805** – “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,”

And,

**H. B. 2871**, Eliminating the mandated employer versus employee cost share of eighty percent employer, twenty percent employee for Public Employee Insurance Agency,

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

**Com. Sub. for H. B. 2871** – “A Bill to amend and reenact §5-16-5 of the Code of West Virginia, 1931, as amended, relating to setting a maximum eighty percent and a minimum sixty percent employer share and a maximum forty percent and a minimum twenty percent employee share for Public Employee Insurance Agency active employee premiums,”

With the recommendation that the committee substitutes 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. 2208**, Authorizing counties and municipalities to establish a joint airport hazard comprehensive plan,

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

**Com. Sub. for H. B. 2208** - “A Bill to amend and reenact §8A-3-3 of the Code of West Virginia, 1931, as amended, relating to authorizing counties and municipalities to establish a joint airport hazard comprehensive plan for the purpose of satisfying requirements of federal aviation law, protecting the public safety or preventing hazardous conditions; describes requirements for written agreements; requires submission of a plan and public hearing; providing for modifications to written agreements; and providing just compensation for diminution of property value,”

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. 2759**, Creating Statewide Interoperable Radio Network,

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. 2759) 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. 3048**, Relating to collection of Tier II fees for chemical inventories,

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. 3048) 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. 3062**, The state Settlement and Recovered Funds Accountability 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. 3062) 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. 3093**, Establishing Broadband Enhancement and Expansion Policies,

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

**Com. Sub. for H. B. 3093** – “A Bill to repeal §31-15C-1, §31-15C-2, §31-15C-3, §31-15C-4, §31-15C-5, §31-15C-6, §31-15C-7, §31-15C-8, §31-15C-9, §31-15C-12 and §31-15C-13 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new chapter, designated §31G-1-1, §31G-1-2, §31G-1-3, §31G-1-4, §31G-1-5, §31G-1-6, §31G-1-7, §31G-1-8, §31G-1-9, §31G-1-10, §31G-1-11, §31G-1-12, §31G-1-13, §31G-1-14, §31G-2-1, §31G-2-2, §31G-2-3, §31G-2-4, §31G-2-5, §31G-2-6, §31G-2-7, §31G-2-8, §31G-2-9, §31G-2-10, §31G-2-11, §31G-2-12, §31G-2-13, §31G-2-14, §31G-2-15, §31G-2-16, §31G-2-17, §31G-2-18, §31G-2-19, §31G-2-20, §31G-2-21, §31G-2-22, §31G-2-23, §31G-2-24, §31G-2-25, §31G-2-26, §31G-2-27; §31G-3-1, §31G-3-2, §31G-4-1, §31G-4-2, §31G-4-3, §31G-5-1 and §31G-5-2, all relating to establishing Broadband Enhancement and Expansion Policies; re-establishing and continuing the Broadband Enhancement Council; defining terms; revising council powers and duties; directing council to publish an annual assessment and map of broadband in the state; authorizing council to create an interactive map of broadband services; revising terms for retention of expert consultants; authorizing collection of data by council; authorizing creation of guidelines and recommendations to the Legislature for pilot project for municipalities and counties to form non-profit cooperative associations for internet services; authorizing creation of guidelines and recommendations to the Legislature for voluntary pipeline donation program to facilitate broadband services; authorizing creation of guidelines and recommendations to the Legislature for easement program to facilitate broadband services; authorizing council to seek, utilize and dispense non-state funding and grants; providing for legislative rulemaking authority; authorizing formation of cooperative associations for internet services; providing for who may organize a cooperative association; defining terms; setting forth legislative

findings and purpose; establishing the powers of such associations; setting forth all conditions, rights and responsibilities of such cooperative associations; declaring that cooperative association not deemed a restraint in trade; providing for the application of corporation laws; providing for microtrenching; defining terms; providing for make-ready pole access; defining terms; setting forth procedure for attaching items to third-party facilities and poles; providing for exceptions to make-ready pole access; prohibiting internet service providers from advertising the downstream data rate or upstream data rate service solely in terms of the maximum anticipated data rate or as an 'up to' speed; authorizing advertisement in terms of minimum data speeds; declaring violation to be an unfair or deceptive act or practice; and authorizing enforcement and remedy under the Consumer Credit and Protection Act,"

**H. B. 2180**, Authorizing the issuance of special "In God We Trust" motor vehicle registration plates,

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

**Com. Sub. for H. B. 2180** – "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' and 'Friends of Coal' motor vehicle registration plates,"

And,

**H. B. 2679**, Relating to the possession of firearms in parks and park facilities,

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

**Com. Sub. H. B. 2679** – "A Bill to amend and reenact §7-11-5 of the Code of West Virginia, 1931, as amended; and to amend and reenact §20-2-5 of the Code of West Virginia, 1931, as amended, all relating to the possession of firearms in parks and park facilities generally; prohibiting county parks and recreation commissions from promulgating or enforcing rules which prohibit possession of firearms in parks; providing magistrate courts with concurrent jurisdiction; altering antiquated language concerning county courts to county commission; prohibitions on carrying a firearm in state parks, state forests, state wildlife management areas or state rail trails; and providing exceptions for self-defense,"

With the recommendation that the committee substitutes each do pass.

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

Your Committee on Education has had under consideration:

**H. J. R. 24**, Proposing an amendment to the Constitution of the State of West Virginia relating to education, and providing for the election of members of the State Board of Education,

And reports the same back, with amendment, with the recommendation that it be adopted, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the resolution (H. J. R. 24) was referred to the Committee on the Judiciary.

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

Your Committee on Education has had under consideration:

**H. B. 2494**, Providing that statewide school report cards are only to be made available to custodial parents and guardians of students upon request,

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

**Com. Sub. for H. B. 2494** - "A Bill to amend and reenact §18-2E-4 of the Code of West Virginia, 1931, as amended, relating to providing that statewide school report cards are only to be made available to custodial parents and guardians of students upon request,"

With the recommendation that the committee substitute do pass 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 H. B. 2494) to the Committee on Government Organization 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

**S. B. 290** – "A Bill to amend and reenact §60-4-3a of the Code of West Virginia, 1931, as amended, relating to authorizing operators of a distillery or mini-distillery to offer for purchase and consumption liquor on the premises if purchased and consumed at a licensed Class A private club operating on the premises of the distillery or mini-distillery; and allowing distilleries and mini-distilleries to sell and serve alcohol beginning at 10:00 a.m. on Sundays"; 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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 608** – "A Bill to amend and reenact §2-2-10 of the Code of West Virginia, 1931, as amended, relating to clarifying that regulatory, noncriminal legislative enactments prohibiting a type or types of businesses, or business structures are inapplicable to lawful businesses and business structures operating in this state prior to the effective date of the prohibiting enactment; and updating provisions"; which was referred to the Committee on the Judiciary.

### Resolutions Introduced

Delegates Storch, Deem, Folk, Ambler, Anderson, Arvon, Atkinson, Baldwin, Barrett, Bates, Blair, Boggs, Brewer, Butler, Byrd, Canestraro, Capito, Caputo, Cooper, Cowles, Criss, Dean, Diserio, Eldridge, Ellington, Espinosa, A. Evans, E. Evans, Fast, Ferro, Fleischauer, Fluharty, G. Foster, N. Foster, Frich, Gearheart, Hamilton, Hamrick, Hanshaw, Harshbarger, Hartman, Hicks, Higginbotham, Hill, Hollen, Hornbuckle, Householder, Howell, Iaquina, Isner, Kelly, Kessinger, Lane, Lewis, Longstreth, Love, Lovejoy, Lynch, Marcum, Martin, Maynard, Miley, C. Miller, R. Miller, Moye, Nelson, O'Neal, Overington, Paynter, Pethtel, Phillips, Pushkin, Pyles, Queen, Robinson, Rodighiero, Rohrbach, C. Romine, R. Romine, Rowan, Rowe, Shott, Sobonya, Sponaule, Statler, Summers, Sypolt, Thompson, Upson, Wagner, Walters, Ward, Westfall, White, Williams and Wilson offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 90** – “Requesting the Joint Committee on Government and Finance authorize a study on the feasibility of light fidelity (‘Li-Fi’), a bidirectional, high-speed and fully networked wireless communication technology similar to Wi-Fi, as a possible solution to West Virginia’s broadband access limitation.”

Whereas, The Legislature is committed to serving the public by encouraging and promoting infrastructure, commerce and industry; and

Whereas, This optical wireless communication technology uses light from light-emitting diodes (LEDs) as a medium to deliver networked, mobile, high-speed communication in a similar manner to Wi-Fi; and

Whereas, The Li-Fi market is projected to have a compound annual growth rate of 82% from 2013 to 2018 and to be worth over \$6 billion per year by 2018; and

Whereas, Li-Fi has the advantage of being useful in electromagnetic sensitive areas such as in aircraft cabins, hospitals and nuclear power plants without causing electromagnetic interference. Both Wi-Fi and Li-Fi transmit data over the electromagnetic spectrum, but whereas Wi-Fi utilizes radio waves, Li-Fi uses visible light; and

Whereas, The US Federal Communications Commission has warned of a potential spectrum crisis because Wi-Fi is close to full capacity. However, Li-Fi has almost no limitations on capacity. The visible light spectrum is 10,000 times larger than the entire radio frequency spectrum. Researchers have reached data rates of over 224 Gbit/s, which is much faster than typical fast broadband in 2013; and

Whereas, Li-Fi is expected to be ten times cheaper than Wi-Fi; and

Whereas, It is predicted that future home and building automation will be highly dependent on the Li-Fi technology for being secure and fast as the light cannot penetrate through walls hence the signal cannot be hacked from a remote location; and

Whereas, Li-Fi is expected to have many applications including but not limited to security, underwater applications, hospitals and vehicles; and

Whereas, West Virginia has a well-known limitation with regard to providing low cost and reliable broadband due to its geography and rural nature; and

Whereas, Li-Fi may provide an alternative to the citizens of this state; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on Government and Finance is hereby requested to study whether Li-Fi has the feasibility to provide a reasonable alternative to traditional broadband based upon broadband’s well-established limitations in this state, also determining whether this technology would be cost-prohibitive to the average consumer in this state; and, be it

*Further Resolved,* That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2018, 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 and to prepare and draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Delegates Marcum, Rodighiero, Thompson and Hicks offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 91** – “Requesting the Department of Highways to name Bridge Number 30-3/5-2.58 (30A012) (37.81677, -82.25903), locally known as Canterbury Box Beam Bridge, carrying County Route 3/5 over Laurel Fork in Mingo County, the ‘Alleen Ledson Memorial Bridge’.”

Whereas, Alleen Ledson was born August 31, 1928, at Lenore, Mingo County, West Virginia; and was married for sixty-nine years to Marion C. Ledson, Jr. Together she and her husband raised seven children; and

Whereas, When Alleen Ledson was a young mother, she and other women on Laurel Creek beat up rocks and put them in holes on the road, which led to having a black top road on Laurel Creek; and

Whereas, Alleen Ledson enjoyed shopping with her four girls, and often prepared food for fish fries at Laurel Lake, welcoming all to come; and

Whereas, Alleen Ledson began working at J. C. Penney’s in Williamson, West Virginia when she was forty-five years old and worked there for twenty years; and

Whereas, Alleen Ledson was a member of the Bethany Church, often referred to as the old regular Baptist Church; and

Whereas, Alleen Ledson and her husband lived all their lives together at the end of the bridge over Laurel Fork; and

Whereas, Alleen Ledson died April 30, 2015; and

Whereas, naming the bridge after this woman who faithfully served her family, her neighbors, her church and her community at large in the vicinity of the bridge is a fitting memorial to Alleen Ledson; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name Bridge Number 30-3/5-2.58 (30A012) (37.81677, -82.25903), locally known as “Canterbury Box Beam Bridge”, carrying County Route 3/5 over Laurel Fork in Mingo County, the Alleen Ledson Memorial Bridge; and, be it

*Further Resolved*, That the Commissioner of the Division of Highways is hereby requested to have made and be placed at both ends of the bridge signs identifying the bridge as the “Alleen Ledson 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.

Delegate Hanshaw offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 92** – “Requesting the Division of Highways to name that portion of West Virginia Route 16, beginning at mile marker 37.50 and ending at mile marker 40.92, the ‘U.S. Army SGT Eugene Dawson Memorial Highway’.”

Whereas, Sergeant Eugene Dawson was born October 18, 1946, at Hallsburg, in Clay County, West Virginia. He was the son of Everett Dawson and Elsie Sears Dawson, and the grandson of Raymond and Alice Jarvis Dawson, and Martin and Gay Burnside Sears. Sergeant Dawson resided with his family in Bintree, Clay County, West Virginia, until he was drafted into the United States Army on December 1, 1966; and

Whereas, Sergeant Eugene Dawson served honorably in the United States Army ground forces in Vietnam. He was killed in action near Long An in South Vietnam on May 17, 1967. Sergeant Dawson was 20 years old. His body was recovered and is buried in the Nebo Baptist Church Cemetery in Nebo, Clay County, West Virginia; and

Whereas, It is only fitting that a memorial be established honoring the life of Sergeant Eugene Dawson and his outstanding service and sacrifice in protecting his country; 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 16, beginning at mile marker 37.50 and ending at mile marker 40.92, the U.S. Army SGT Eugene Dawson Memorial Highway; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs identifying the designated highway as the U.S. Army SGT Eugene Dawson 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.

Delegate Howell 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** – “Urging the Division of Highways to extend WV Route 93 from its current terminus at US Route 50 near Claysville, West Virginia through the junction of WV Route 927 and US Route 50 to create a new terminus at the junction of WV Route 972 and US Route 220, and to erect signs reflecting this change.”

Whereas, As currently constructed, individuals driving northbound on WV Route 93 must make three separate road changes in quick succession after WV Route 93 reaches its terminus point to reach Keyser, West Virginia, including merging onto US Route 50, WV Route 972 and US Route 220; and

Whereas, These quick, successive road changes cause confusion for drivers, needlessly extending driving time and increasing the risk of accidents; and

Whereas, By extending WV Route 93 from its current terminus at US Route 50, and erecting signage along sections of US Route 50 and the entirety of WV Route 927 to reflect this extension, visitors to Keyser, West Virginia and the surrounding area will be able to reach their destination more expeditiously and safely; therefore, be it

*Resolved by the Legislature of West Virginia:*

Urging the Division of Highways to extend WV Route 93 from its current terminus at US Route 50 near Claysville, West Virginia through the junction of WV Route 927 and US Route 50 to create a new terminus at the junction of WV Route 972 and US Route 220, and to erect signs reflecting this change; and, be it

*Further Resolved*, That the Division of Highways provide updated route number information to GPS navigation services to reflect this change.

Delegate Hornbuckle offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 94** – “Proclaiming and making August 26 of each year to be Katherine Johnson Day celebrating her many NASA achievements in establishing the United States as the premier explorer of outer space, including the moon landing and the NASA Shuttle, and as the recipient of the nation’s highest civilian honor, the Presidential Medal of Freedom.”

Whereas, Katherine Johnson was born on August 26, 1918, in White Sulphur Springs; and

Whereas, Katherine Johnson’s intense curiosity and brilliance with numbers vaulted her ahead several grades in school. By thirteen, she was attending the high school on the campus of historically black West Virginia State College. At eighteen, she enrolled in the college itself, where she made quick work of the school’s math curriculum and found a mentor in math professor W. W. Schieffelin Claytor, the third African American to earn a PhD in Mathematics. Katherine Johnson graduated with highest honors in 1937 with a Bachelor of Science degree in Mathematics and French and took a job teaching at a black public school in Virginia; and

Whereas, When West Virginia integrated its graduate schools in 1939, West Virginia State’s President Dr. John W. Davis selected Katherine Johnson and two male students as the first black students to be offered spots at the state’s flagship school, West Virginia University. She left her teaching job, and enrolled in the graduate math program. At the end of the first session, however, she decided to leave school to start a family with her husband. Ms. Johnson returned to teaching when her three daughters got older, but it wasn’t until 1952 that a relative told her about open positions at the all-black West Area Computing section at the National Advisory Committee for Aeronautics’ (NACA’s) Langley laboratory, headed by fellow West Virginian Dorothy Vaughan. Ms. Johnson and her husband, James Goble, decided to move the family to Newport News to pursue the opportunity, and she began work at Langley in the summer of 1953. Just two weeks into her tenure in the office, Dorothy Vaughan assigned her to a project in the Maneuver Loads Branch of the Flight Research Division, and Ms. Johnson’s temporary position soon became permanent. She spent the next four years analyzing data from flight test, and worked on the investigation of a plane crash caused by wake turbulence. As she was wrapping up this work her husband died of cancer in December 1956; and

Whereas, The 1957 launch of the Soviet satellite Sputnik changed history — and Katherine Johnson’s life. In 1957, she provided some of the math for the 1958 document Notes on Space Technology, a compendium of a series of 1958 lectures given by engineers in the Flight Research Division and the Pilotless Aircraft Research Division (PARAD). Engineers from those groups formed the core of the Space Task Group, the NACA’s first official foray into space travel, and Ms. Johnson, who had worked with many of them since coming to Langley, came along with the program as the NACA became NASA later that year; and

Whereas, Katherine Johnson did trajectory analysis for Alan Shepard’s May 1961 mission Freedom 7, America’s first human spaceflight. In 1960, she and engineer Ted Skopinski coauthored



Determination of Azimuth Angle at Burnout for Placing a Satellite Over a Selected Earth Position, a report laying out the equations describing an orbital spaceflight in which the landing position of the spacecraft is specified. It was the first time a woman in the Flight Research Division had received credit as an author of a research report; and

Whereas, In 1962, as NASA prepared for the orbital mission of John Glenn, Ms. Johnson was called upon to do the work that she would become most known for. The complexity of the orbital flight had required the construction of a worldwide communications network, linking tracking stations around the world to IBM computers in Washington, DC, Cape Canaveral, and Bermuda. The computers had been programmed with the orbital equations that would control the trajectory of the capsule in Glenn's Friendship 7 mission, from blast off to splashdown, but the astronauts were wary of putting their lives in the care of the electronic calculating machines, which were prone to hiccups and blackouts. As a part of the preflight checklist, Glenn asked engineers to get the girl—Katherine Johnson—to run the same numbers through the same equations that had been programmed into the computer, but by hand, on her desktop mechanical calculating machine. If she says they're good, Katherine Johnson remembers the astronaut saying, then I'm ready to go. Glenn's flight was a success, and marked a turning point in the competition between the United States and the Soviet Union in space; and

Whereas, When asked to name her greatest contribution to space exploration, Katherine Johnson talks about the calculations that helped synch Project Apollo's Lunar Lander with the moon-orbiting Command and Service Module. She also worked on the Space Shuttle and the Earth Resources Satellite, and authored or coauthored 26 research reports; and

Whereas, Katherine Johnson retired in 1986, after thirty-three years at Langley. I loved going to work every single day, she said. In 2015, at age 97, Katherine Johnson added another extraordinary achievement to her long list: President Obama awarded her the Presidential Medal of Freedom, America's highest civilian honor; and

Whereas, Katherine Johnson's extraordinary contributions to her country were detailed in Margot Lee Shetterly's acclaimed book, *Hidden Figures: The American Dream and the Untold Story of the Black Women Mathematicians Who Helped Win the Space Race* that was adapted into a motion picture that was not only nominated for an Academy Award for the Best Picture of the Year, but also received standing ovations from movie goers all over the country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Legislature of West Virginia hereby proclaims and makes August 26 of each year to be Katherine Johnson Day celebrating her many NASA achievements in establishing the United States as the premier explorer of outer space, including the moon landing and the NASA Shuttle, and as the recipient of the nation's highest civilian honor, the Presidential Medal of Freedom; and, be it

*Further Resolved,* That the Clerk of the House of Delegates forward a certified copy of this resolution to Katherine Johnson, Dr. Anthony L. Jenkins, President of West Virginia State University, The Board of Trustees of West Virginia State University, Dr. E. Gordon Gee, President of West Virginia University, Dr. Michael Martirano, West Virginia State Superintendent of Schools, Margot Lee Shetterly, and the West Virginia delegation in the U.S. House of Representatives and the U.S. Senate.

Delegates Phillips, Maynard 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. 95** – “Requesting the Division of Highways to name the Bridge Number 23-119-15.47 (23A102) (37.97474, -82.01842), locally known as Chapmanville RR overpass No. 2, carrying US 119 over CSX Railroad in Logan county the ‘PFC O. T. (Teaberry) Mullins Memorial Bridge’.”

Whereas, O. T. (Teaberry) Mullins was born December 18, 1923, the son of John M. and Martha Farley Mullins at Ferrellsburg, West Virginia. He moved to Chapmanville, West Virginia, in 1953. He is survived by his children, Connie Mullins Guthrie and Jill Mullins. PFC O. T. (Teaberry) Mullins served in the Army Air Corp, having been drafted July 8, 1943. He received the Army Achievement Medal, Army Commendation Medal, Army Good Conduct Medal, Asia Pacific Campaign Medal, WW II. Army Occupation of Okinawa Medal and WW II Victory Medal. He was a Life Member of the American Legion and VFW. He was a Conductor for CSX Transportation 42 years and on the Chapmanville Town Council for 47 years. He was the owner of Mullins License Service and Teaberry Motor Sales, salesman for Paul Cooke Ford, sales manager for Boone Motors and served on the Chapmanville Police Department; and

Whereas, Naming the bridge on Rt. 119 in Chapmanville, Boone County, the “PFC O. T. (Teaberry) Mullins Memorial Bridge” is an appropriate recognition of the contributions to his 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 Number 23-119-15.47 (23A102) (37.97474, -82.01842), locally known as Chapmanville RR overpass No. 2, carrying US 119 over CSX Railroad in Logan county the “PFC O. T. (Teaberry) Mullins 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 O. T. (Teaberry) Mullins 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.

### **Special Calendar**

#### **Third Reading**

**Com. Sub. for H. B. 2402**, Relating to abandoned antique 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. 127**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Marcum.

Absent and Not Voting: Higginbotham.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2402) 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. 2471**, Relating to insurance coverage for breast cancer screening; 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. 128**), and there were—yeas 96, nays 3, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Folk, McGeehan and Paynter.

Absent and Not Voting: Higginbotham.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2471) 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. 2637**, Relating to employment of retired teachers and prospective employable professional personnel in areas of critical need and shortage; on third reading, coming up in regular order, was read a third time.

Delegates E. Evans, Pethtel, Ferro, Iaquinta, Ambler, Wagner and Rowan requested to be excused from voting on the passage of Com. Sub. for H. B. 2637 under the provisions of House Rule 49.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 129**), 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: Higginbotham.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2637) 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. 2738**, Providing flexibility in the transfer process of school personnel; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 130**), and there were—yeas 56, nays 43, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Anderson, Baldwin, Barrett, Bates, Boggs, Brewer, Byrd, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hamilton, Hartman, Hicks, Hornbuckle, Iaquinta, Isner, Kelly, Lewis, Longstreth, Love, Lovejoy, Lynch, Marcum, Miley, R. Miller, Moye, Pethtel, Phillips, Pushkin, Pyles, Robinson, Rodighiero, Rohrbach, Rowe, Sponaule, Thompson, Wagner and Williams.

Absent and Not Voting: Higginbotham.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2738) 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. 2767**, Authorizing the Secretary of State to transmit electronic versions of undeliverable mail to the circuit clerks; 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. 131**), 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: Higginbotham and Kelly.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2767) 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. 2797**, Codifying statutory immunity for government agencies and officials from actions of third-parties using documents or records; 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. 132**), and there were—yeas 95, nays 3, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Hicks, Hornbuckle and Marcum.

Absent and Not Voting: Higginbotham 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. 2797) 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. 2798**, Clarifying provisions relating to candidates unaffiliated with a political party; 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. 133**), and there were—yeas 94, nays 4, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Fleischauer, Pushkin, Robinson and Rowe.

Absent and Not Voting: Higginbotham and Walters.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2798) 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. 2828**, Changing the number of strikes in jury selection in felony cases; 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. 134**), and there were—yeas 40, nays 58, absent and not voting 2, with the yeas and absent and not voting being as follows:

Yeas: Mr. Speaker, Mr. Armstead, Anderson, Arvon, Atkinson, Blair, Butler, Canestraro, Cooper, Cowles, Deem, Ellington, Espinosa, A. Evans, G. Foster, Gearheart, Hamrick, Hanshaw, Hollen, Householder, Howell, Kessinger, Lane, C. Miller, R. Miller, Moore, Nelson, O’Neal, Overington, Phillips, Queen, Rohrbach, C. Romine, R. Romine, Shott, Sobonya, Statler, Summers, Sypolt, Westfall and Zatezalo.

Absent and Not Voting: Higginbotham and Walters.

So, a majority of the members present and voting not having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2828) rejected.

**Com. Sub. for H. B. 3030**, Relating to appeals as a matter of right in the West Virginia Supreme Court of Appeals; on third reading, coming up in regular order, was read a third time.

Delegates Fast and Isner requested to be excused from voting on the passage of Com. Sub. for H. B. 3030 under the provisions of House Rule 49.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 135**), and there were—yeas 96, nays 2, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Robinson and Rowe.

Absent and Not Voting: Higginbotham 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. 3030) passed.

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

**Com. Sub. for S. B. 330** – “A Bill to amend and reenact §21-5G-1 and §21-5G-7 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia Workplace Freedom Act; eliminating the term “state” from the definitions section; eliminating a provision regarding construction of the act as it relates to the building and construction industry; and clarifying dates of applicability.”

*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. 2827**, Updating the all payor claims database,

**Com. Sub. for H. B. 2840**, Reorganizing the departments, agencies and commissions within the executive branch of state government,

And,

**H. B. 2856**, Declaring public policy and legislative intent for improving the marketing, quality and frequency of passenger rail service of the Cardinal Passenger Train.

### **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. 127**, Authorizing Department of Revenue to promulgate legislative rules,

**Com. Sub. for H. B. 2519**, Medicaid program compact,

**Com. Sub. for H. B. 2808**, The West Virginia Assisted Outpatient Treatment Act,

**Com. Sub. for H. B. 2857**, West Virginia Safer Workplaces Act,

**H. B. 3009**, Relating to access by the Office of Health Facility Licensure and Certification to the Controlled Substances Monitoring Program database,

**Com. Sub. for H. B. 3061**, Encouraging mastery-based education through the Innovation In Schools program,

And,

**H. B. 3089**, Relating to the adoption of instructional resources for use in the public schools.

### **Leaves of Absence**

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

### **Miscellaneous Business**

Delegate Kelly announced that he was absent on today when the vote was taken on Roll No. 131, and that had he been present, he would have voted "Yea" thereon.

Delegate Boggs announced that he was absent yesterday when the votes were taken on Roll Nos. 122 through 126, and had he been present, he would have voted "Yea" thereon.

Delegate Barrett asked and obtained unanimous consent that the remarks of Delegate Pushkin during Remarks by Members today be printed in the Appendix to the Journal.

Delegate Wilson asked and obtained unanimous consent that the remarks of Delegate Kessinger during Remarks by Members today be printed in the Appendix to the Journal.

Delegate Westfall asked and obtained unanimous consent that the remarks of Delegate Dean during Remarks by Members today be printed in the Appendix to the Journal.

Delegate Barrett asked and obtained unanimous consent that the remarks of Delegates Ferro, Hicks, Marcum, E. Evans, Moye and Iaquina regarding Com. Sub. for H. B. 2738 be printed in the Appendix to the Journal.

Delegate Longstreth filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2416.

Delegate Capito filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2934.

Delegate Eldridge filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2953.

Delegate White filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 3014.

Delegate Lovejoy filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 3018.

At 1:38 p.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, March 22, 2017.

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





**SPECIAL CALENDAR**

**Wednesday, March 22, 2017**

**43<sup>rd</sup> Day**

**11:00 A. M.**

**UNFINISHED BUSINESS**

- H. C. R. 10 - John Cameron Brown Bridge
- H. C. R. 19 - U.S. Army PFC Freeman Ray Meade Memorial Road
- H. C. R. 20 - US Army PVT James Earl Pelfrey Memorial Bridge
- H. C. R. 21 - 1SG Carl J. Crabtree Memorial Road
- H. C. R. 22 - U.S. Air Force MSgt Johnny Baxter Clark and U.S. Air Force MSgt Carl Richard (Dick) Clark Memorial Bridge
- H. C. R. 23 - U.S. Army SSG Styish R. Morris Memorial Road
- H. C. R. 30 - U.S. Army PFC Cornelious Wiley Memorial Bridge
- H. C. R. 35 - Arnold Miller Memorial Bridge
- H. C. R. 49 - U.S. Army PFC Donald Ray Cochran Memorial Bridge
- H. C. R. 51 - Toby Runyon Memorial Bridge
- H. C. R. 54 - U.S. Army PVT Preston D. Vanscoy Memorial Bridge
- H. C. R. 56 - U. S. Army CPL George Browning Memorial Road
- H. C. R. 62 - Webster County Veterans Highway
- H. C. R. 63 - William B. Burgess Memorial Road
- H. C. R. 68 - James Earl Gibson Memorial Road
- H. C. R. 73 - U S Army Air Corps PVT William James Irwin, Memorial Bridge

### **THIRD READING**

- Com. Sub. for H. B. 2827 - Updating the all payor claims database (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 2840 - Reorganizing the departments, agencies and commissions within the executive branch of state government (HOWELL) (REGULAR)
- H. B. 2856 - Declaring public policy and legislative intent for improving the marketing, quality and frequency of passenger rail service of the Cardinal Passenger Train (NELSON) (REGULAR)

### **SECOND READING**

- Com. Sub. for S. B. 127 - Authorizing Department of Revenue to promulgate legislative rules (SHOTT) (EFFECTIVE FROM PASSAGE) (JUDICIARY COMMITTEE AMENDMENT PENDING)
- Com. Sub. for H. B. 2519 - Medicaid program compact (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2808 - The West Virginia Assisted Outpatient Treatment Act (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2857 - West Virginia Safer Workplaces Act (SHOTT) (REGULAR)
- H. B. 3009 - Relating to access by the Office of Health Facility Licensure and Certification to the Controlled Substances Monitoring Program database (SHOTT) (REGULAR)
- Com. Sub. for H. B. 3061 - Encouraging mastery-based education through the Innovation In Schools program (ESPINOSA) (REGULAR)
- H. B. 3089 - Relating to the adoption of instructional resources for use in the public schools (ESPINOSA) (REGULAR)

### **FIRST READING**

- Com. Sub. for S. B. 306 - Supplemental appropriation of federal funds from Treasury to Workforce West Virginia (NELSON) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2004 - Creating and maintaining a centralized state vehicle inventory system (NELSON) (JULY 1, 2017)

- Com. Sub. for H. B. 2180 - Authorizing the issuance of special "In God We Trust" motor vehicle registration plates (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2208 - Authorizing counties and municipalities to establish a joint airport hazard comprehensive plan (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2366 - Relating to selling Jackie Withrow Hospital (NELSON) (REGULAR)
- Com. Sub. for H. B. 2475 - 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 (NELSON) (REGULAR)
- Com. Sub. for H. B. 2494 - Providing that statewide school report cards are only to be made available to custodial parents and guardians of students upon request (ESPINOSA) (REGULAR)
- Com. Sub. for H. B. 2524 - Improving the focus on school-level continuous improvement processes (NELSON) (JULY 1, 2017)
- Com. Sub. for H. B. 2679 - Relating to the possession of firearms in parks and park facilities (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2709 - Authorizing the City of South Charleston to levy a special district excise tax (NELSON) (REGULAR)
- Com. Sub. for H. B. 2734 - Authorizing a method for the collection and remittance of property taxes related to dealers' heavy equipment inventory (NELSON) (REGULAR)
- H. B. 2774 - Defining special aircraft property (NELSON) (REGULAR)
- Com. Sub. for H. B. 2805 - Finding and declaring certain claims against the state and its agencies to be moral obligations of the state (NELSON) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2871 - Eliminating the mandated employer versus employee cost share of eighty percent employer, twenty percent employee for Public Employee Insurance Agency (NELSON) (REGULAR)
- Com. Sub. for H. B. 3093 - Establishing Broadband Enhancement and Expansion Policies (SHOTT) (REGULAR)



**HOUSE CALENDAR**

**Wednesday, March 22, 2017**

**43<sup>rd</sup> Day**

**11:00 A. M.**

**SECOND READING**

Com. Sub. for H. B. 2538 - Relating to the licensure of physician assistants (HOWELL)  
(REGULAR)

**FIRST READING**

H. B. 2500 - Supplementary appropriation to the Department of Health and  
Human Resources, Division of Human Services (NELSON)  
(EFFECTIVE FROM PASSAGE)

H. B. 2501 - Supplementary appropriation to the Department of Education,  
State Board of Education – School Lunch Program (NELSON)  
(EFFECTIVE FROM PASSAGE)

Com. Sub. for H. B. 2702 - Relating to excused absences for personal illness from school  
(ESPINOSA) (REGULAR)



**WEST VIRGINIA  
HOUSE OF DELEGATES**

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**WEDNESDAY, MARCH 22, 2017**

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

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**COMMITTEE ON FINANCE  
9:00 A.M. & 2:00 P.M. – ROOM 460M**

**COMMITTEE ON THE JUDICIARY  
9:15 A.M. – ROOM 418M**

**COMMITTEE ON RULES  
10:45 A.M. – BEHIND CHAMBER**

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

**COMMITTEE ON GOVERNMENT ORGANIZATION  
2:00 P.M. – ROOM 215E**

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