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FORTY-SIXTH DAY

Saturday, March 25, 2017

FORTY-SIXTH DAY

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

The House of Delegates met at 8:30 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, March 24, 2017, 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. 3037, Removing the Division of Energy as an independent agency,

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 (H. B. 3037) was taken up for immediate consideration, read a first time and ordered to second reading.

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 24th day of March, 2017, 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. 2300, Regulating step therapy protocols,

Com. Sub. for H. B. 2678, Changing the amounts of prejudgment and post-judgment interest to reflect today's economic conditions,

And,

H. B. 2766, Establishing a new special revenue fund, designated the Adult Drug Court Participation Fund.

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. 3088, Relating generally to teacher-pupil ratios,

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 was taken up for immediate consideration, read a first time and ordered to second reading

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. 2195, Relating to requiring comprehensive drug awareness and prevention program in all public schools,

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

Com. Sub. for H. B. 2195 - "A Bill to amend and reenact §18-2-7b of the Code of West Virginia, 1931, as amended, relating to requiring comprehensive drug awareness and prevention program in all public schools; requiring county boards to implement no later than 2018-2019 school year; specifying purposes of program; requiring county boards to coordinate delivery of instruction to meet program purposes with educators, drug rehabilitation specialists and law-enforcement agencies; requiring instruction relating to interactions with law-enforcement officers; and requiring instruction in any of the grades six through twelve in the subject of health on dangers, and addictive nature of opioid use and safer alternatives to treat pain,"

And,

H. B. 3080, Requiring instruction in the Declaration of Independence and the United States Constitution,

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

Com. Sub. for H. B. 3080 - "A Bill to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating to recognition of "Celebrate Freedom Week" in all public, private, parochial and denominational schools; stating purpose; providing for instructional elements; exempting from state accountability measures; requiring administration to public school students of civics portion of test the same or substantially similar to certain naturalization test in any grades nine through twelve beginning 2018-2019 school year; report of aggregate results to county board; and exempting from state accountability measures,"

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. 2428, Establishing additional substance abuse treatment facilities,

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

Com. Sub. for H. B. 2428 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-53-1 and §16-53-2, all relating to ensuring that an additional six hundred beds for purposes of providing substance abuse treatment services are made available in locations throughout the state; providing duties of the Secretary of the Department of Health and Human Resources; creating the Ryan Brown Addiction Prevention and Recovery Fund; and directing the transfer of money recovered on behalf of the state arising out of the settlement of a certain civil action,”

H. B. 2552, Increasing the pet food registration fee and directing that the additional money be deposited into the West Virginia Spay Neuter Assistance Fund,

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

Com. Sub. for H. B. 2552 – “A Bill to amend and reenact §19-14-4 and §19-14-5 of the Code of West Virginia, 1931, as amended, all relating to temporarily increasing pet food registration fees; directing that the additional money be deposited into the West Virginia Spay Neuter Assistance Fund; requiring spay and neuter services purchased with these funds be performed within the state,”

H. B. 2708, Relating to a lawful method for a developmentally disabled person to purchase a base hunting license,

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

Com. Sub. for H. B. 2708 – “A Bill to amend and reenact §20-2-30a of the Code of West Virginia, as amended, relating to a lawful method for a developmentally disabled person to purchase a base hunting license when that person attends an on-site hunter training course and successfully completes all nonwritten aspects of the course to receive a certificate but is unable to successfully complete the required course for the certificate of training; providing that the developmentally disabled person possessing the base hunting license may hunt when accompanied and directly supervised by a person over the age of eighteen years; and providing criminal penalties for violation of this section of the code,”

H. B. 2711, Abolishing regional educational service agencies and providing for the transfer of property and records,

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

Com. Sub. for H. B. 2711– “A Bill to repeal §18-2-26a of the Code of West Virginia, 1931, as amended; to amend and reenact §18-2-26 of said code; to amend and reenact §18-2E-5 of said code; to amend and reenact §18-5-13 and §18-5-45 of said code; to further amend said code by adding thereto two new sections designated §18-5-13b and §18-5-13c; to amend and reenact §18-9A-8a of said code; and to amend and reenact §18A-4-14 of said code, all relating generally to education; repealing requirement for biennial meetings of county boards by region; providing for dissolving regional educational service agencies by certain date; allowing for modification and dissolving by cooperative agreement before said date; providing for the transfer, liquidation or disbursement of property and records; clarifying responsibilities and authority of Legislature and state board with respect to process for improving education and purposes and intent of system of accountability; requiring high quality digital literacy skill standard; modifying statewide assessment program; modifying annual performance measures for accreditation; requiring county board use of statewide electronic information system; modifying process for assessing school and school system performance; eliminating office of education performance audits and authorizing employment of experienced education professionals with certain duties; modifying school accreditation and removing authorization for state board intervention in school operations; modifying school system approval and

processes for state board intervention; modifying processes for improving capacity; modifying process for building leadership capacity of system during intervention; expanding county board authority for entering into cooperative agreements; establishing the County Superintendents' Advisory Council; setting forth the council's authority and responsibilities, including the formation of four geographic quadrants to carry out the work of the council; requiring certain meetings and reports; authorizing county board agreements to establish educational services cooperatives; providing references to regional education service agencies mean cooperatives; providing priorities for transfer, liquidation and disbursement of regional education service agency property, equipment and records upon dissolution; providing for governing council of educational services cooperatives; providing for powers and duties; providing for cooperative annual plan and optional programs and services; providing for selection of fiscal agent county board and annual audit; providing for staff and member expenses; providing for member compensation; defining instructional day and instruction through alternative methods; providing for increasing length of instructional day and uses of instructional time gained; providing for use of instruction delivered through alternative methods; providing flexibility in scheduling faculty senate meetings; authorizing reduction in instructional term for certain emergency or disaster declaration by Governor; reducing foundation allowance for regional education service agencies; requiring planning period within school day, rather than instructional day and encouraging districts and schools to develop and execute planning period strategy; and making technical improvements and removing obsolete provisions,"

H. B. 2759, Creating Statewide Interoperable Radio Network,

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

Com. Sub. for H. B. 2759 – “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; to amend and reenact §5A-10-6 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 Statewide Interoperable Radio Network; establishing short title; defining terms; establishing objectives and purpose; creating position of Statewide Interoperable Coordinator; prescribing duties for Statewide Interoperability Coordinator; creating Statewide Interoperability Executive Committee; prescribing duties for Statewide Interoperability Executive committee; creating the Regional Interoperability Committee; providing for disposition of assets and staffing of Statewide Interoperable Radio Network; establishing special revenue account for Statewide Interoperable Radio Network; exempting Statewide Interoperable Radio Network from certain Purchasing Division and Office of Technology requirements; directing any revenue from certain leases to new special revenue account; and authorizing emergency and legislative rulemaking,”

H. B. 2851, Updating fee structure provisions for broker-dealers

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

Com. Sub. for H. B. 2851 – “A Bill to amend and reenact §32-2-202 of the Code of West Virginia, 1931, as amended; to amend and reenact §32-3-305 of said code; and to amend and reenact §32-4-413 of said code, all relating to increasing fees assessed by the Auditor's Securities Division,”

H. B. 3062, The state Settlement and Recovered Funds Accountability Act,

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

Com. Sub. for H. B. 3062 – “A Bill to repeal §5-3-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §5-3A-1, §5-3A-2, §5-3A-3, §5-3A-4, §5-3A-5 and §5-3A-6, all relating to creating the State Settlement and Recovered

Funds Accountability Act; providing a short title; setting forth legislative findings; directing that recovered funds and assets to be deposited into the state treasury in the general revenue fund of the state, and exceptions; directing that certain recovered funds and assets be held in trust to be deposited into a special revenue account in the State Treasury; prohibiting agreements to settlement or agreement terms that are contrary to the depositing of funds in the State Treasury; establishing a special fund to be known as the Consumer Protection Recovery Fund; requiring quarterly transfer of funds from the to the general revenue fund; authorizing the deposit and expenditure of attorney fees, expenses and costs awarded to the Attorney General from the fund; prohibiting agreements to settlement or agreement terms that are contrary to the provisions of law; requiring quarterly reporting by the Attorney General as to the disposition of matters; requiring reporting to the State Auditor relating to contracted legal services; and repealing provisions governing the disposition of certain fees of the Attorney General taxed as costs in legal proceedings,”

With the recommendation that the committee substitutes each do pass.

At the respective requests of Delegate Cowles, and by unanimous consent, Com. Sub. for H. B. 2552 and Com. Sub. for H. B. 2771 were each 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. 2188, Extending the length of time for the special Community-Based Pilot Demonstration Project to Improve Outcomes for At-Risk Youth,

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 (H. B. 2188) 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. 2363, Requiring that a state employee with a commercial driver’s license have a current medical evaluation certification.

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

Com. Sub. for H. B. 2363 – “A Bill to amend and reenact §17E-1-9 of the Code of West Virginia, 1931, as amended, relating to commercial driver’s licenses; and requiring that state, county, city, and other local government employees with commercial driver’s licenses have valid and current medical evaluation certification statuses and, if applicable, medical waivers,”

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. 2129, Relating to the powers and authority of state and local law enforcement to enforce underage drinking laws at private clubs,

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

Com. Sub. for H. B. 2129 – “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 from taking other appropriate police action or investigation to enforce the underage drinking laws of this state,”

And,

H. B. 2483, Requiring the Division of Juvenile Services to transfer to a correctional facility or regional jail any juvenile in its custody that has been transferred to adult jurisdiction of the circuit court and who reaches his or her eighteenth birthday,

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

Com. Sub. for H. B. 2483 – “A Bill to amend and reenact §49-4-720 and §49-4-722 of the Code of West Virginia, 1931, as amended, all relating to requiring the Division of Juvenile Services to transfer to a correctional facility or regional jail any juvenile in its custody that has been transferred to adult jurisdiction of the circuit court and who reaches his or her eighteenth birthday; requiring transfer of juvenile in adult jurisdiction upon reaching eighteen years of age if he or she has either been convicted or is in a pretrial status; directing the Division of Juvenile Services to notify the circuit court of a juvenile reaching the age of eighteen years of age; authorizing the circuit court to conduct a hearing as to alternative placement; mandating that the position of victim be taken under consideration by the court in considering disposition or alternative placement; prohibiting juveniles that commit an adult offense while under the custody of the Division of Juvenile Services from returning back to the placement in a juvenile facility if the juvenile has attained the age of eighteen years; and requiring the court to conduct a hearing as to placement of a juvenile that has turned eighteen years of age and is remanded back to the custody of the Division of Juvenile Services after completion of an adult sentence,”

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 March 24, 2017, he approved **S. B. 231**.

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. 18 - “A Bill to amend and reenact §18-2E-5 of the Code of West Virginia, 1931, as amended, relating to requiring the state board to use a new comprehensive statewide student assessment program beginning with the 2017-2018 school year; setting forth requirements for the new assessment program; removing authorization to require student proficiencies be

measured through the ACT EXPLORE and the ACT PLAN assessments or other comparable assessments; allowing state board to waive certain requirements for the new assessment program if less than two vendors submit bids; clarifying that state board may issue more than one request for proposals and contract with more than one vendor; prohibiting the Smarter Balance Assessment System or the PARCC Assessment System from being used; requiring the state board to include in its rule accountability measures for students taking the comprehensive statewide assessment; prohibiting certain summative assessments from taking more than two percent of a student's instructional time; prohibiting a student from being required to complete a greater number of summative assessments than is required by the Every Student Succeeds Act; providing exception; and prohibiting collection of personal data as part of the assessment process except for what is necessary for the students' instruction, academic and college and career search needs"; 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. 61 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-15-9p, relating to specifying exemption from the consumers sales and service tax and use tax for purchases of certain services and tangible personal property sold for the repair, remodeling and maintenance of certain specified aircraft; defining terms; and specifying method for claiming exemption"; 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. 76 - "A Bill to amend and reenact §61-11-26 of the Code of West Virginia, 1931, as amended, relating to the creation of the West Virginia Second Chance for Employment Act; defining terms; eliminating age limitations for petitioners seeking to expunge certain misdemeanors; expanding eligibility for criminal expungement to persons convicted of certain nonviolent felonies; defining 'nonviolent felony'; providing exclusions to eligibility; establishing time limitations for filing a petition for expungement; creating petition requirements and court procedure for evaluating preliminary and final orders of expungement for nonviolent felonies; providing for preliminary orders of expungement; requiring a five-year period under a preliminary order of expungement for a felony before one may obtain a final order of expungement; clarifying disclosure requirements with respect to the information sealed pursuant to an order of expungement, including exemptions; providing standard for inspection of sealed records; and making technical changes"; which was referred to the Committee on the Judiciary.

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

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. 183 - "A Bill to repeal §19-12A-1, §19-12A-2, §19-12A-3, §19-12A-4, §19-12A-5, §19-12A-6, §19-12A-7 and §19-12A-8 of the Code of West Virginia, 1931, as amended; to

amend and reenact §5B-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 said code by adding thereto a new section, designated §19-1-3b; to amend and reenact §19-1A-5 of said code; and to amend and reenact §19-1B-3 of said code, all relating to transferring the Division of Forestry from the Department of Commerce to the Department of Agriculture; transferring all authorities, powers, funds, duties and affiliated boards or commissions of the Division of Forestry to the division under the department; ensuring legislative rules remain in effect and transfer; permitting the commissioner to hire the director and set the director's salary; transferring Division of Forestry employees and director at hourly rate and salary and with benefits; making employees and director will and pleasure employees of the commissioner; requiring a transition plan be submitted to the Joint Committee of Government and Finance; and repealing outdated code sections"; which was referred to the Committee on Government Organization the 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. 419 - "A Bill to amend and reenact §21-3-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §21-3C-11 of said code; to amend and reenact §21-3D-8 of said code; to amend and reenact §21-5-5c of said code; to amend and reenact §21-9-9 of said code; to amend and reenact §21-10-4 of said code; to amend and reenact §21-11-17 of said code; to amend and reenact §21-14-9 of said code; to amend and reenact §21-15-7 of said code; to amend and reenact §21-16-10 of said code; to amend and reenact §47-1-8, §47-1-20, §47-1-21 and §47-1-22 of said code; and to amend and reenact §47-1A-10 and §47-1A-14 of said code, all relating to creating special revenue funding sources for the Division of Labor to meet its statutory obligations; establishing Steam Boiler Fund; establishing HVAC Fund; establishing Plumbing Work Fund; establishing Psychophysiological Examiners Fund; establishing Bedding and Upholstery Fund; removing requirement that fees from issuing licenses to administer psychophysiological detection of deception, lie detector or similar examinations be deposited in the General Revenue Fund; authorizing the commissioner to charge fees for the registration of service persons and service agencies, and the registration of businesses that use weighing and measuring devices for commercial purposes and directing such fees to the Weights and Measures Fund; authorizing the commissioner to promulgate emergency legislative rules to administer and enforce fees on service persons and service agencies and businesses using weighing and measuring devices; directing civil penalty fees to the Weights and Measures Fund; removing requirement that the commissioner approve applications for sterilization permits held in states other than West Virginia only after personal inspection of such sterilizer or disinfectant; increasing fees for the issuance of certificates of operation of elevators; establishing late fees; establishing reissuance fee for revoked or expired permits; increasing registration fees for manufacturers of bedding, upholsters and renovators; increasing permitting fees for sterilizers; authorizing the commissioner to promulgate legislative rules; and making general edits and clarifications."

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the bill (Com. Sub. for S. B. 419) 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 requested the concurrence of the House of Delegates in the passage, of

S. B. 464 - "A Bill to amend and reenact §33-3-15 of the Code of West Virginia, 1931, as amended, relating to eliminating taxation on annuity considerations collected and received by a life insurer"; 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 July 1, 2017, 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 §11-27-38 of the Code of West Virginia, 1931, as amended, relating to health care provider taxes; making conforming amendments consistent with federal law; changing the rate of tax on eligible acute care hospitals for fiscal year 2018; specifying purposes for which funds may be collected; providing for distribution of remaining funds at the end of fiscal year; providing for an effective date; and extending the expiration date for the tax"; which was referred to the Committee on Health and Human 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. 535 - "A Bill to repeal §5B-2-8, §5B-2-8a, §5B-2-9, §5B-2-11, §5B-2-12 and §5B-2-12a of the Code of West Virginia, 1931, as amended; to amend and reenact §5B-1-2 of said code; and to amend said code 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, §5B-2I-7 and §5B-2I-8, all relating to the reorganization of the Division of Tourism; transferring all powers and duties of the Tourism Commission to the new West Virginia Tourism Office; requiring quarterly meetings; restructuring the Tourism Advertising Partnership Program as a cooperative advertising program administered by the West Virginia Tourism Office; vesting in the executive director all authority for expenditures of funds in the Tourism Promotion Fund; and requiring confidentiality of certain private information"; 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

Com. Sub. for S. B. 538 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §62-12-17a, relating generally to creating special conditions of parole; authorizing the Board of Parole to require parolees to engage in alcohol or antagonist drug opioid therapy as a special condition of parole if recommended by the Commissioner of Corrections; and establishing conditions for imposition and maintenance of the special condition"; 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. 35 – "Urging the United States Congress to reassess the federal definition of industrial hemp, allowing the product to contain up to one percent delta-9 tetrahydrocannabinol on a dry weight basis."

Whereas, In 2002 West Virginia adopted the Industrial Hemp Development Act to promote growth of industrial hemp farms and industry in the state; and

Whereas, Industrial hemp farmers and processors encourage Congress to reassess the definition of industrial hemp as referenced in 7 U. S. C. §5940 and increase the farm production values to one percent tetrahydrocannabinol to allow industrial hemp farmers to increase yield potential per acre and profitability for all industrial hemp grown in the state; and

Whereas, A change in the definition not only impacts the crop values for West Virginia farmers producing industrial hemp for nutraceutical extract but also impacts all other aspects of industry development; and

Whereas, Increasing yield potential per acre equates to increased profit potential for West Virginia's farm families and industrial hemp processors; and

Whereas, A variety of products can be made from industrial hemp through its use of fiber, seed, seed oil or floral extracts. Industrial hemp can be found in products such as paper, fabric, auto parts, animal bedding, body care products and essential oils; and

Whereas, The Industrial Hemp Farming Act of 2015 amended the Controlled Substances Act of 1970 to redefine "industrial hemp" and remove it from the current definition of "marijuana", thereby allowing hemp to be grown, processed, transported and sold under state and federal laws; and

Whereas, West Virginia can prosper in the cultivation, processing, manufacturing and sale of hemp for food, textiles, building materials and dietary supplement uses; and

Whereas, The federal government defines industrial hemp as "the plant *Cannabis sativa* L. and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent on a dry weight basis"; and

Whereas, Industrial hemp has thirty percent more protein per pound than beef, essential amino acids and a source of omega 3s, making it a great replacement for fish oil, useful as a replacement for coconut oil and useful for many health benefits; and

Whereas, The West Virginia Department of Agriculture has been very supportive of the hemp industry; and

Whereas, West Virginia agriculture will play a large role in the state's future, ranking 11th in the United States in apple production, 16th in the United States turkey production and 18th in the United States chicken meat production; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby urges the United States Congress to reassess the federal definition of industrial hemp, allowing the product to contain up to one percent delta-9 tetrahydrocannabinol on a dry weight basis; and, be it

Further Resolved, That the West Virginia Senate urges the United States Congress to consider revising the current definition of industrial hemp found in 7 U. S. C §5940, increasing the tetrahydrocannabinol threshold of dry weight flower concentration from three tenths of one percent to one percent; and, it be

Further Resolved, That the West Virginia Senate is hereby urged to promote the increased production of industrial hemp to promote agricultural growth within the state; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to each member of West Virginia's delegation to the United States Congress.

Resolutions Introduced

Delegates Sponaugle and A. Evans offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 104 – “Requesting the Division of Highways to name Bridge Number 36-33-33.85 (36A165) (38.65987, -79.31816), locally known as River Gap Bridge, carrying US 33 over South Branch Potomac River in Pendleton County, the ‘Dr. H. Luke Eye Memorial Bridge’.”

Whereas, Dr. H. Luke “Doc” Eye was born on July 9, 1928, in Pendleton County, and attended West Virginia University for his undergraduate studies, and then the University of Maryland School of Medicine; and

Whereas, Dr. Eye began his medical career in Pendleton County, working with other local doctors before starting his own medical practice to provide health care services to the residents of Pendleton County; and

Whereas, Dr. Eye was instrumental in renovating the Franklin High School interior, restoring the Thorn Spring Park, and raising funds to make the Potomac Highlands Rec Center a reality in the late 1990's; and

Whereas, Dr. Eye held many positions outside of his capacity as a doctor. He was the county coroner, Medical Director of Pendleton Manor, on the board of directors for the Pendleton County Health Department, a member of the church choir of the Franklin United Methodist Church, recipient of the Pendleton County Farm Bureau Farm Service Award, and recipient of a Lifetime Community Service Award; and

Whereas, Dr. H. Luke Eye passed away March 8, 2016, after a lifetime of service to Pendleton County and providing a face to the definition of a country doctor in rural America; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name Bridge Number 36-33-33.85 (36A165) (38.65987, -79.31816), locally known as River Gap Bridge, carrying US 33 over South Branch Potomac River in Pendleton County, the “Dr. H. Luke Eye 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 “Dr. H. Luke Eye 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 Maynard, Eldridge, C. Miller and Hornbuckle offered the following resolution, which was read by its title and referred to the Committee on Rules.

H. C. R. 105 – “Requesting that the Division of Highways name bridge number 322-10-28.14 (22A038) (38.28695, -82.19690), currently known as the West Hamlin Bridge, carrying West Virginia Route 10 over the Guyandotte River in Lincoln County, West Virginia, the ‘Army SSG Arthur N. McMellon Memorial Bridge’.”

Whereas, Staff Sergeant Arthur N. McMellon was the seventh child born to Frank and Garnett McMellon of West Hamlin, Lincoln County, and attended Guyan Valley High School. Arthur N. McMellon had four brothers, Frank, Jr. of West Hamlin, Forrest of Barboursville, Gerald of Alum Creek and Jimmy of Star Route 10, near Barboursville, and three of the four also served in the military; and

Whereas, SSG Arthur N. McMellon saw combat action in the United States Army in Korea at the age of seventeen, where he was missing in action once for 18 days but returned uninjured. He never intended to make a career of the Army, but later reenlisted because he was unable to find a job in West Virginia and was deployed to a combat area in Vietnam. While serving as a mess sergeant, SSG Arthur N. McMellon was able to scrounge up supplies for and serve a turkey feast for 71 Vietnamese children who unexpectedly visited his First Division Company on a Thanksgiving Day. His letters home to his wife and mother described the debilitating heat and humidity endured by the troops in Vietnam, the intense fighting in the area where he was stationed near Ben Cat and his desire to be home; and

Whereas, While riding in a Jeep to secure supplies for his unit, SSG Arthur N. McMellon was killed December 1, 1965, by a Viet Cong grenade. SSG Arthur N. McMellon was buried in Arlington National Cemetery on December 16, 1965. Rep. Ken Hechler, D. W.Va., who arranged for the sergeant's burial at Arlington, said of him, "He showed that human kindness and love can shine through and can never be obscured by the muck and grime of a brutal war"; therefore, be it

Resolved by the Legislature of West Virginia:

That bridge number 322-10-28.14, (22A038) (38.28695, -82.19690), currently known as the West Hamlin Bridge, carrying West Virginia Route 10 over the Guyandotte River, in Lincoln County, West Virginia, be named the "Army SSG Arthur N. McMellon 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 Arthur N. McMellon 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 Walters, Phillips, Rowe, Hornbuckle, Eldridge, Mr. Speaker (Mr. Armstead), Ambler, Arvon, Atkinson, Baldwin, Blair, Brewer, Butler, Byrd, Canestraro, Capito, Caputo, Cooper, Criss, Dean, Diserio, Ellington, A. Evans, Fast, Ferro, Fleischauer, Fluharty, Folk, G. Foster, N. Foster, Frich, Hamilton, Hamrick, Hanshaw, Harshbarger, Hicks, Higginbotham, Hill, Householder, Howell, Iaquina, Isner, Kelly, Kessinger, Lane, Lewis, Longstreth, Love, Lovejoy, Miley, Moore, Moye, Nelson, O'Neal, Pushkin, Pyles, Queen, Robinson, Rohrbach, C. Romine, R. Romine, Rowan, Shott, Sponaule, Storch, Thompson, Upson, Wagner, Ward, Westfall, Wilson 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. 106 – "Requesting the Division of Highways to place appropriate supplemental signs on Interstate 77 at Exits 111 and 114 to direct travelers to the Sissonville Business District; and to place appropriate supplemental signs at Exit 116 on Interstate 77 indicating that travelers should use exits 111 and 114 for the Sissonville Business District."

Whereas, The area within the greater Sissonville community extending from exit 111 off Interstate 77, Tappers Creek and extending west on Call Road to the intersection of Sissonville Drive and then north on Sissonville Drive to Pocatlico (Aldersgate United Methodist Church) is not included in any current unincorporated community. Significant business and school development has occurred in this

area which includes within these boundaries the following community institutions: Sissonville Post Office, Sissonville High School, Sissonville Middle School, Sissonville Branch Library, office of the Sissonville Public Service District, the Sissonville-Millertown-Guthrie-Pocatalico Volunteer Fire Department headquarters listed on the Internet as the Sissonville Volunteer Fire Department – Johnson Station, and the forthcoming Sissonville Health Services, now under construction. This defined district comprises the largest concentration of businesses in the greater Sissonville area including: Two banks, one supermarket, six restaurants, one drug store, two modern office buildings, one convenience store and many other businesses; and

Whereas, It is important to the residents and businesses of the greater Sissonville community to further attract other businesses and residential services to their community. The identification and designation of this area will make it easier for travelers to find this business district as well as the high school and middle school. The only sign for Sissonville currently on Interstate 77 is at Exit 116 and that sign indicates historic Sissonville; and

Whereas, This identification and designation will not change any unincorporated designations of current locations within this community, especially historic Sissonville; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to have made, and be placed, appropriate supplemental signs on Interstate 77 at Exits 111 and 114 to direct travelers to the Sissonville Business District; and to place appropriate supplemental signs at Exit 116 on Interstate 77 indicating that travelers should use exits 111 and 114 for the Sissonville Business District; 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 Greater Sissonville Development Council.

Delegates Maynard, Moye, Eldridge and Arvon offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules.

H. C. R. 107 – “Requesting the Division of Highways to name Bridge Number 41-1-12.89 (41A006) (37.93155, - 81.36240), locally known as “Artie Bridge”, carrying County Route 1 over Clear Fork in Raleigh County the ‘U.S. Air Force SMSgt Billie E. “Bunky” Hodge Bridge’.”

Whereas, Billie Hodge was born in the town of Artie in Raleigh County in 1939; and

Whereas, Billie Hodge attended Clear Fork High School where he graduated valedictorian of his class while serving as President of the National Honor Society at Clear Fork; and

Whereas, Upon graduation from high school, Billie Hodge enlisted in the United States Air Force where he served in various duty locations, including Korea, Guam and Taiwan. He also served in various locations in the United States, including Nevada in the 1980s where he participated in the implementation of the U.S. Military’s stealth aircraft technology; and

Whereas, Billie Hodge retired from the Air Force after serving therein for 26 years as a Senior Master Sergeant and moved his family back to his roots in Raleigh County where he demonstrated exceptional civic expression and community-based good works; and

Whereas, Billie Hodge took in scores of foster children over the years who needed a home and loving and tender care, which Billie and his wife were always willing to supply; and

Whereas, Billie Hodge passed away on September 23, 2015; and

Whereas, Billie Hodge left a legacy of good works and community leadership in multiple ways and it is only fitting that a lasting memorial be made to his exceptional life; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name Bridge Number 41-1-12.89 (41A006) (37.93155, - 81.36240), locally known as “Artie Bridge”, carrying County Route 1 over Clear Fork in Raleigh County the “U.S. Air Force SMSgt Billie E. ‘Bunky’ Hodge 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 proclaiming the name to be the “U.S. Air Force SMSgt Billie E. ‘Bunky’ Hodge 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. 2219, Authorizing miscellaneous boards and agencies to promulgate legislative rules; on third reading, coming up in regular order, was read a third time.

Reordering of the Calendar

Delegate Cowles announced that the Committee on Rules had transferred Com. Sub. for S. B. 113 and Com. Sub. for S. B. 362, on Second Reading, Special Calendar, to the House Calendar; S. B. 164, Com. Sub. for S. B. 233, Com. Sub. for S. B. 247 and Com. Sub. for S. B. 248, on First Reading, Special Calendar, to the House Calendar; and Com. Sub. for H. B. 2794, Com. Sub. for H. B. 2804, H. B. 2878, Com. Sub. for H. B. 2897 and Com. Sub. for H. B. 2941, First Reading, House Calendar to the Special Calendar.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 168**), and there were—yeas 94, nays 1, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Walters.

Absent and Not Voting: Eldridge, Ellington, G. Foster, Hicks and Upson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2219) passed.

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 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Ellington, G. Foster, Hicks and Upson.

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. 2219) 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. 2346, Relating to motor vehicle license plates; 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. 170**), and there were—yeas 93, nays 3, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Baldwin, Fleischauer and Longstreth.

Absent and Not Voting: Ellington, G. Foster, Hicks and Upson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2346) 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. 2515, West Virginia Monument and Memorial Protection Act of 2017; 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. 171**), and there were—yeas 73, nays 23, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Baldwin, Barrett, Bates, Byrd, Canestraro, Caputo, Cowles, Diserio, E. Evans, Hornbuckle, Isner, Lane, Lynch, Miley, R. Miller, Moye, Pushkin, Robinson, Rowe, Sponaugle, Statler, Wagner and Williams.

Absent and Not Voting: Ellington, G. Foster, Hicks and Upson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2515) 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. 2721, Removing the cost limitation on projects completed by the Division of Highways; 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. 172**), 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: Ellington, G. Foster, Hicks and Upson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2721) 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. 2722, Eliminating the financial limitations on utilizing the design-build program for highway construction; 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. 173**), 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: Ellington, G. Foster, Hicks and Upson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2722) 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. 2724, Relating to creating a pilot program under the Herbert Henderson Office of Minority Affairs; 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. 174**), and there were—yeas 88, nays 8, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Blair, Cowles, Fast, Folk, Gearheart, McGeehan, Overington and Paynter.

Absent and Not Voting: Ellington, G. Foster, Hicks and Upson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2724) 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. 2745, Adding the examination of Advanced Care Technician; 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. 175**), 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: Ellington, G. Foster, Hicks and Upson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2745) 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. 2788, Allowing military veterans with certain military ratings to qualify for examinations required of a probationary firefighter; 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. 176**), 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: Ellington, G. Foster, Hicks and Upson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2788) 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. 2838, Allowing military veterans who meet certain qualifications to qualify for examination for license as an emergency medical technician; 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. 177**), 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: Ellington, G. Foster, Hicks and Upson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2838) 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. 2841, Requiring board members to have attended a board meeting in order to be compensated for the meeting; 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. 178**), 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: Ellington, G. Foster, Hicks and Upson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2841) 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. 2846, Including high school students participating in a competency based pharmacy technician education and training program as persons qualifying to be a pharmacy technician trainee; 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 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Ellington, G. Foster, Hicks and Upson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2846) 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. 2935, Relating to state flood protection planning; 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. 180**), 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: Ellington, G. Foster, Hicks and Upson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2935) 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. 2948, Establishing timelines for taking final action on certain permits; 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. 181**), 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: Ellington, G. Foster, Hicks and Upson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2948) 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. 2949, Exempting specified Division of Natural Resources' contracts for some replacement, repair or design for repairs to facilities from review and approval requirements; 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 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Ellington, G. Foster, Hicks and Upson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2949) 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. 2980, Relating to civil lawsuit filing fees for multiple defendant civil action; 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. 183**), and there were—yeas 89, nays 7, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Folk, Gearheart, Marcum, Martin, McGeehan, Wagner and Wilson.

Absent and Not Voting: Ellington, G. Foster, Hicks and Upson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2980) 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. 3018, Adding definition of correctional employee to the list of persons against whom an assault is a felony; 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 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Ellington, G. Foster, Hicks and Upson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 3018) passed.

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

H. B. 3018 – “A Bill to amend and reenact §61-2-10b of the Code of West Virginia, 1931, as amended, relating to crimes against the person; adding the definition of correctional employee; including correctional employees as a group to which the criminal penalties of malicious assault, unlawful assault, battery and assault in this section apply; providing that any person convicted of any crime in this section who is incarcerated at a facility operated by the West Virginia Division of Corrections or the West Virginia Regional Jail Authority at the time the offense was committed and whose victim is a correctional employee may not be sentenced in a manner that the sentence would run concurrently with any other sentence being served at the time of sentencing, but shall run consecutively to the current sentence.”

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. 3020, Relating to criminal penalties for the offenses of hunting, trapping or fishing on the lands of another person; 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 94, nays 2, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Isner and Marcum.

Absent and Not Voting: Ellington, G. Foster, Hicks and Upson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3020) 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. 3053, Relating to motor vehicle lighting; 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. 186**), 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: Ellington, G. Foster, Hicks and Upson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 3053) 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. 3064, Allowing vehicles of a size and weight exceeding certain specifications to operate over specified routes; 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 86, nays 10, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Baldwin, Caputo, Ferro, Fluharty, Folk, Gearheart, Hamilton, Isner, Marcum and Sponaule.

Absent and Not Voting: Ellington, G. Foster, Hicks and Upson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3064) 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. 3101, Creating a misdemeanor for violation of catching, taking or killing fish within two hundred feet of agency personnel stocking fish into public waters; 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 92, nays 4, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Fluharty, Folk, McGeehan and Phillips.

Absent and Not Voting: Ellington, G. Foster, Hicks and Upson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 3101) 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. 3105, Relating to the Licensed Racetrack Modernization 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. 189**), and there were—yeas 50, nays 46, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Baldwin, Barrett, Bates, Boggs, Brewer, Byrd, Canestraro, Caputo, Dean, Diserio, Eldridge, Espinosa, A. Evans, E. Evans, Ferro, Fleischauer, Fluharty, Folk, Hartman, Hornbuckle, Iaquina, Isner, Longstreth, Love, Lovejoy, Lynch, Marcum, McGeehan, Miley, R. Miller, Moore, Moye, Paynter, Pethel, Phillips, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaugle, Storch, Thompson, Ward, Williams and Zatezalo.

Absent and Not Voting: Ellington, G. Foster, Hicks and Upson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 3105) 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. 3106, Relating to increasing the number of limited video lottery terminals; 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. 190**), and there were—yeas 88, nays 8, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Speaker Armstead, Fast, Frich, Hollen, Iaquina, Isner, Kelly and Sobonya.

Absent and Not Voting: Ellington, G. Foster, Hicks and Upson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 3106) 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, Creating and maintaining a centralized state vehicle inventory system; on second reading, coming up in regular order, was read a second time

On motion of Delegates Howell, Atkinson, Criss, Diserio, Eldridge, Ellington, Ferro, Hamrick, Hill, Lewis, Lynch, Martin, Maynard, Paynter, Queen, Storch, Sypolt, Walters and Ward, the bill was amended on page one, after the enacting clause, by striking out the enacting section in its entirety, and by striking out the remainder of the bill in its entirety, and inserting in lieu thereof the following:

“That §5A-3-49 of the Code of West Virginia, 1931, as amended, be repealed; that §5A-1-2 of said code be amended and reenacted; that §5A-3-52 of said code be amended and reenacted; that said code be amended by adding thereto a new article, designated §5A-12-1, §5A-12-2, §5A-12-3, §5A-12-4, §5A-12-5, §5A-12-6, §5A-12-7, §5A-12-8, §5A-12-9, §5A-12-10 and §5A-12-11; that §17A-3-23 of said code be amended and reenacted; that said code be amended by adding thereto three new sections, designated §17A-3-25, §17A-3-26 and §17A-3-27; and that §29B-1-4 of said code be amended and reenacted, all to read as follows:

CHAPTER 5A. DEPARTMENT OF ADMINISTRATION.

ARTICLE 1. DEPARTMENT OF ADMINISTRATION.

§5A-1-2. Department of Administration and Office of Secretary; secretary; divisions; directors.

(a) The Department of Administration and the Office of Secretary of Administration are continued in the executive branch of state government. The secretary is the Chief Executive Officer of the department and shall be appointed by the Governor, by and with the advice and consent of the Senate, for a term not exceeding the term of the Governor.

(b) The Department of Administration may receive federal funds.

(c) The secretary serves at the will and pleasure of the Governor. The annual compensation of the secretary shall be as specified in section two-a, article seven, chapter six of this code.

(d) There shall be in the Department of Administration a Finance Division, a General Services Division, an Information Services and Communications Division, Division of Personnel and a Purchasing Division. Each division shall be headed by a director who may also head any and all sections within that division and who shall be appointed by the secretary.

(e) There shall also be in the Department of Administration those agencies, boards, commissions and councils specified in section one, article two, chapter five-f of this code.

(f) The secretary may establish ~~a Fleet Management Office~~ an aviation division within the Department of Administration to:

(1) Manage all ~~motor vehicles and~~ aircraft owned or possessed by the State of West Virginia or any of its departments, divisions, agencies, bureaus, boards, commissions, offices or authorities: *Provided, That, such vehicles and* aircraft shall not be used for personal purposes, other than for de minimis personal use;

(2) Administer the rules, including emergency rules, promulgated under the provisions of ~~sections~~ section forty-eight ~~and forty-nine~~, article three of this chapter; and

(3) Perform any duties relating to ~~motor vehicles and~~ aircraft owned or possessed by the State of West Virginia assigned by the secretary, which duties may include those set out in sections fifty through fifty-three, article three of this chapter.

ARTICLE 3. PURCHASING DIVISION.

§5A-3-52. ~~Special funds for travel management created.~~ Aviation Fund.

(a) ~~The travel management special fund is terminated. All deposits currently in this special~~

fund from aviation fees shall be transferred into the Aviation Fund created in subsection c of this section. All funds in this special fund from the monthly fee for vehicles shall be transferred into the Fleet Management Office Fund created in subsection (b) of this section.

~~(b) There is created in the State Treasury a special revenue account, to be known as the Fleet Management Office Fund. Expenditures are authorized from collections, but are to be made only in accordance with appropriation by the Legislature 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. Any balance remaining in the special revenue account at the end of any state fiscal year does not revert to the General Revenue Fund but remains in the special revenue account and shall be used solely in a manner consistent with this article. All costs and expenses incurred pursuant to this section, including administrative, shall be paid from those funds. Charges for operating, repairing and servicing motor vehicles made against any institution, agency or department shall be paid into the Fleet Management Office Fund by that institution, department or agency.~~

~~(c) There is created in the State Treasury a~~ The special revenue account, to be known as the Aviation Fund, is hereby continued and shall be administered by the secretary. Expenditures from this fund are authorized from collections but are to be made only in accordance with appropriation by the Legislature 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. Any balance remaining in the special revenue account at the end of any state fiscal year does not revert to the General Revenue Fund but remains in the special revenue account and shall be used solely in a manner consistent with this article. All costs and expenses incurred pursuant to this section, including administrative, shall be paid from those funds. Charges for operating, repairing and servicing aircraft made against any institution, agency or department shall be paid into the Aviation Fund by that institution, department or agency.

ARTICLE 12. FLEET MANAGEMENT OFFICE.

§5A-12-1. Fleet Management Office; purpose; Fleet Management Office Fund.

(a) Beginning July 1, 2017, the Fleet Management Office, as previously authorized by section two, article one of this chapter, is hereby created in the Department of Administration for the purpose of maintaining a centralized state vehicle inventory system.

(b) In coordination with the Commissioner of the Division of Motor Vehicles, the Fleet Management Office shall participate in the State Vehicle Title, Registration and Relicensing Project of 2017, as provided for in section twenty-five, article three, chapter seventeen-a of this code.

(c) The Fleet Management Office shall develop and maintain a centralized state vehicle inventory system, which includes the capability of monitoring the utilization of state vehicles for best practices for vehicle use, and to track the costs of purchasing, leasing, operating, maintaining, transferring, and decommissioning state vehicles.

(d) The special revenue account, known as the Fleet Management Office Fund, previously created by section fifty-two, article three of this chapter, is hereby continued and shall be administered by the secretary. Expenditures are authorized from collections, but are to be made only in accordance with appropriation by the Legislature and in accordance with article three, chapter twelve of this code and upon fulfillment of article two, chapter eleven-b of this code. Any balance remaining in the special revenue account at the end of any state fiscal year does not revert to the General Revenue Fund but remains in the special revenue account and may be used solely in a manner consistent with this article. All costs and expenses incurred pursuant to this article, including administrative, shall be paid

from those funds. Charges for operating, repairing and servicing state vehicles made against any spending unit shall be paid into the Fleet Management Office Fund by that spending unit.

§5A-12-2. Scope of article; exemption.

(a) This article applies to all spending units of state government relating to the purchase, lease or use of any vehicle with a rating of one ton and under utilized with the expenditure of public funds, except as otherwise provided by this code.

(b) Spending units shall report annually to the Fleet Management Office the records, information and data as required by this article, to facilitate the development, operation and maintenance of an accurate and updated centralized state vehicle inventory system; and

(c) Each spending unit of the state that owns, leases, purchases or uses vehicles with a rating of one ton and under for any purpose, shall comply with the reporting provisions of this article when any public money is expended to own, lease, purchase or use a state vehicle, regardless of the source of the funds: *Provided*, That this article does not apply to the reporting of information related to undercover vehicles as provided in section twenty-three, article three, chapter seventeen–a of this code: *Provided, however*, That the Fleet Management Office may require aggregate vehicle data regarding undercover vehicle use that does not identify any specific undercover vehicle, location or any other undercover vehicle information exempt from disclosure under chapter twenty-nine–b of this code.

§5A-12-3. Definitions.

As used in this article,

(a) 'Central Motor Pool' means, under the direction and control of the Secretary of Administration, the group of state vehicles to be shared among spending units;

(b) 'Centralized state vehicle inventory system' means the database to be maintained by the Fleet Management Office and must include, but not be limited to, the physical devices, hardware, software, inventory records, agency reports, and other data sources necessary to identify every state vehicle, by vehicle type, make, model, year, the location, agency assigned to own, lease, or otherwise use any vehicle by each spending unit in this state for a public purpose for which public funds have been expended;

(c) 'Director' means the Director of the Fleet Management Office;

(d) 'Fleet Coordinator' means the head of a spending unit, or his or her designee, who is responsible for the duties as required by this article;

(e) 'Office' means the Fleet Management Office, under the Department of Administration, as established pursuant to this article;

(f) 'Secretary' means the Secretary of the Department of Administration;

(g) 'State vehicle' means a vehicle with a rating of one ton or less that is owned, purchased, or leased by any state spending unit, on which a state vehicle license plate is required, where the use of such vehicle is paid for with public funds regardless of the source of such funding, but does not include all-terrain vehicles (ATVs) or vehicles requiring a commercial driver's license to operate;

(h) 'State vehicle fleet' means all state vehicles;

(i) 'State vehicle license plate' means a license plate authorized to be issued by the Division of Motor Vehicles, which identifies the vehicle as owned or leased by the state or a spending unit;

(j) 'State Vehicle Title, Registration and Relicensing Project of 2017' means the requirement for all spending units owning or leasing state vehicles, to report to the Division of Motor Vehicles and obtain new titles, new registration cards and new state vehicle license plates by December 31, 2017, pursuant to sections twenty-three and twenty-five, article three, chapter seventeen-a of this code, to standardize the naming conventions on titles and registration cards of state vehicles in order to facilitate the creation and maintenance of a centralized state vehicle inventory system;

(k) 'Undercover vehicle' means any motor vehicle that is registered as a Class A motor vehicle and that is owned or leased by, or assigned to, an agency authorized by section twenty-three, article three, chapter seventeen-a of this code to use motor vehicles for undercover activity; and

(l) 'Vehicle log' means the record of state vehicle use to track the type of travel, time of travel, starting and ending destinations, mileage, and other information as required to be compiled and maintained pursuant to this article.

§5A-12-4. Director; office; powers, duties and responsibilities.

(a) The secretary shall appoint a director of the office who has the following powers:

(1) Employ such staff as needed, with the approval of the secretary, to operate and maintain a centralized state vehicle inventory system;

(2) Maintain adequate office space, with the approval of the secretary, for staff and equipment as needed to effectuate the provision of this article;

(3) Review the reporting of spending units for compliance with the requirements of this article, and provide guidance to spending units on keeping an accurate and current inventory of state vehicles and aircraft within their supervision;

(4) Report annually to the Governor and to the Joint Committee on Government and Finance; and

(5) Recommend legislative rules to the secretary.

(b) The office has the following duties and responsibilities:

(1) Maintain a centralized state vehicle inventory system for all state vehicles and aircraft owned, leased, or used by the State of West Virginia or any of its spending units;

(2) Under the direction of the secretary, establish a central motor pool, which shall be maintained and administered by the Department of Administration, subject to such rules as the secretary may promulgate: *Provided*, That the Department of Administration is responsible for the storage, maintenance, and repairs of all vehicles and aircraft assigned to the central motor pool; and

(3) Coordinate with the Division of Motor Vehicles, the Enterprise Resource Planning Board, the Board of Risk and Insurance Management, the Travel Management Office, the State Agency for Surplus Property, and such other agencies as may be necessary to develop consistent and efficient policies and systems for identifying state vehicles and aircraft, the spending units to which they are assigned, their location, condition, cost of operation, maintenance and retirement from use.

§5A-12-5. Rule-making authority; emergency rules.

(a) The director may recommend legislative rules to the secretary, and the secretary shall propose legislative rules as may be necessary to implement this article, in accordance with article three, chapter twenty-nine-a of this code, including but not limited to prescribe:

(1) The minimum requirements governing the use of state vehicles or any other vehicle use where such vehicle has a rating of one ton and under for which public funds have been expended;

(2) A policy governing commuting in and taking home state vehicles, including requirements for emergency use of take-home vehicles with a rating of one ton and under, and restrictions on the use of such take-home vehicles solely for commuting;

(3) A policy governing volunteer and nonemployee drivers of state vehicles;

(4) The reporting requirements and responsibilities for fleet coordinators, regarding state vehicle use, to track and maintain records regarding the direct and itemized indirect costs of state vehicle use, and any maintenance, leasing and decommissioning costs and activities;

(5) The requirements and responsibilities for each driver or operator of a state vehicle or vehicle with a rating of one ton and under operated for a public purpose for which public funds have been expended;

(6) The minimum criteria to be collected and maintained in state vehicle log sheets for each state vehicle, including what information is to be recorded by the vehicle operator, the vehicle log information to be maintained by each fleet coordinator, and the vehicle log information to be reported to the office by the spending unit and the frequency thereof;

(7) The form for each spending unit to report the justification of purchasing or leasing a state vehicle, which shall require, at a minimum, the frequency of anticipated use, the type of vehicle needed, the purpose for vehicle use, and other contributing factors;

(8) The form for each spending unit to affirm that the spending unit has notified the Division of Motor Vehicles, the Board of Risk and Insurance Management, pursuant to section six, article twelve, chapter twenty-nine of this code, and the office, that the state vehicle had been purchased, transferred or decommissioned, and the manner thereof;

(9) The information that each fleet coordinator shall annually report to the office, including the manner of reporting direct and itemized indirect costs associated with state vehicle use, which includes, at a minimum, the following where applicable:

(A) The name of the spending unit titled to own or lease each state vehicle;

(B) Each state vehicle owned or leased by the spending unit;

(C) The frequency of use of each state vehicle;

(D) The vehicle identification number;

(E) The class of vehicle or vehicle type;

(F) The manufacturer, make, model, and year;

(G) The license plate number of each vehicle as issued by the Division of Motor Vehicles;

(H) The license renewal date;

(I) The date of acquisition;

(J) The funding source for the purchase or lease of each state vehicle;

(K) The assigned user or users of the vehicle if known;

(L) Periodic odometer readings;

(M) Fuel use and fuel expenditures for each vehicle;

(N) The maintenance expenditures, including corresponding maintenance and service records for each state vehicle;

(O) State vehicle inspection records, including the date of the inspection and the vendor who performed the state inspection;

(P) The location of where each state vehicle is housed, including any monthly parking or storage costs as applicable;

(Q) The costs associated with vehicle rental expenses; and

(R) Monthly reimbursements for personal vehicle use shall include at a minimum, the date, the starting and ending points, the total miles, and the reimbursement rate.

(10) The form for affirming, at a minimum, that the person in charge of the spending unit has verified the accuracy of the spending unit annual reports to the office, and that the spending unit has reconciled the report against the spending unit actual inventory of state vehicles, and as compared to the applicable databases, including the Division of Motor Vehicles, the recording of fleet assets in the state's central financial system maintained by the Enterprise Resource Planning Board, and the Board of Risk and Insurance Management, within the scope and capabilities of each database; and

(11) The procedures by which the director shall annually report irregularities and errors among the databases and state systems, and for reconciling errors and omissions thereof.

(b) The secretary may promulgate emergency and legislative rules under article three, chapter twenty-nine-a of this code, in coordination with the Commissioner of Motor Vehicles, the Enterprise Resource Planning Board, the Board of Risk and Insurance Management, and those other agencies as may be necessary to develop a standardized naming convention for universal use by state spending units for the registration, titling, and licensing of state vehicles in the centralized state vehicle inventory system; and for the development of reporting criteria that is consistent, standardized, and the least burdensome for the agencies as practicable; *Provided*, That the Commissioner of the Division of Motor Vehicles, with the advice of the Enterprise Resource Planning Board, has the authority to promulgate rules describing the standard naming conventions for the registration, titling, and licensing of state vehicles as provided in sections twenty-three and twenty-five, article three, chapter seventeen-a of this code.

(c) The secretary may amend or modify existing legislative rules and propose new rules governing the use of state vehicles pursuant to this article: *Provided*, That the Fleet Management Office

legislative rules in effect upon the effective date of this article shall be and remain in effect unless modified, repealed, or replaced by the Legislature.

§5A-12-6. Statewide inventory of motor vehicles; annual report to Governor and Joint Committee on Government and Finance.

(a) The Fleet Management Office shall maintain sufficient records for an accurate centralized state vehicle inventory system that identifies, at a minimum, each state vehicle, the spending unit titled to own or lease each state vehicle, the frequency of use of each state vehicle, the vehicle identification number of each state vehicle, class of vehicle or vehicle type, manufacturer, make, model, year, state issued license plate number, the license renewal date, the date of acquisition, the funding source for the purchase or lease of each state vehicle, the assigned user or users of the state vehicle if known, periodic odometer readings, fuel use and fuel expenditures for each state vehicle, maintenance expenditures, maintenance and service records, vehicle inspection records, the location of where each state vehicle is housed, monthly parking or storage costs for each vehicle where applicable.

(b) Beginning December 31, 2017 and by each December 31 thereafter, the office shall report to the Governor and the Joint Committee on Government and Finance, describing the total cost of maintaining the state vehicle fleet, the direct and itemized indirect costs associated with the state vehicle fleet operation and maintenance, the total number of state vehicles operated in the state vehicle fleet, and a breakdown of state vehicles by spending units. The annual report shall include a cost benefit analysis of fleet activity, including comparing leasing, vehicle rental costs and reimbursement for personal vehicle use, as compared to state ownership of certain vehicles, and make recommendations for the proper allocation of spending unit use, ownership or leasing of state vehicles.

(c) An annual report produced in an electronic format complies with the reporting requirements of this article.

§5A-12-7. Spending unit duties; annual report.

(a) Each spending unit shall designate a Fleet Coordinator, who is responsible for reviewing spending unit state vehicle information, including that previously submitted to the office, and as maintained in other applicable state databases, including the Division of Motor Vehicles, the state's central financial system maintained by the Enterprise Resource Planning Board, and the Board of Risk and Insurance Management, to verify the accuracy of such information against the actual inventory of state vehicles used by the spending unit: *Provided*, That the head of each spending unit is responsible for affirming the accuracy of all reports submitted to the office, including such reports submitted by the Fleet Coordinator.

(b) Each spending unit that uses a state vehicle, or reimburses for personal vehicle use, shall annually report to the office beginning on or before October 31, 2017 and on or before October 31 each year thereafter, in the manner required by this article.

(c) Each spending unit shall track its vehicle use and report to the office all information, as required by this article and legislative rules, related to the ownership, purchase, lease and use of any vehicle with a rating of one ton and under where public funds have been expended.

(d) Each spending unit that purchases or leases a state vehicle, or rents or reimburses an employee for personal vehicle use, shall periodically compile and maintain the record of each vehicle log, or records of rental and private vehicle use expenditures, for not less than two years.

§5A-12-8. Vehicle operator regulations; training.

(a) Each operator of a state vehicle, or a personal vehicle for which reimbursement is sought, shall maintain the vehicle logs to the level of detail described in this article, as required by the office through legislative rules, and as may be required by the spending unit.

(b) Each operator of a state vehicle shall comply with the laws, rules and policies governing state vehicle use, including spending unit rules and policies.

(c) Each time a state vehicle is refueled, it shall be refilled as full as practical and shall be recorded on the vehicle log, including the fuel amount, and a description of the circumstances where the state vehicle is not fully refueled.

(d) In order to operate a state vehicle, the operator shall be required to take such training courses as may be required by the Board of Risk and Insurance Management, the Travel Management Office, the Fleet Management Office, and the spending unit.

§5A-12-9. Enforcement of regulations.

If any public employee or public official fails to comply with any rule or regulation for state vehicle use, the spending unit may require that the individual attend training, be restricted from using state vehicles, or prohibited from using state vehicles: *Provided*, That nothing in this section authorizes the office to restrict the use of state vehicles except for employees under its control.

§5A-12-10. Notice to spending units.

The office, in coordination with the Commissioner of the Division of Motor Vehicles, shall provide notice to each spending unit, and advertise as deemed appropriate, to inform the Fleet Coordinators that certain state vehicle license plates expire December 31, 2017, and the procedure for being issued new titles, registration and license plates pursuant to sections twenty-three and twenty-five, article three, chapter seventeen-a. The head of each spending unit with state vehicles shall cooperate and comply with the requirements of the State Vehicle Title, Registration and Relicensing Project of 2017 and the centralized state vehicle inventory system.

§5A-12-11. Compliance audit.

On or before December 31, 2020, the Legislative Auditor, in accordance with article ten, chapter four of this code, shall audit the office for state spending unit compliance with the reporting requirements and applicable provisions of this article, including evaluating the data collected by the office to determine if the data being provided in the spending unit annual reports is sufficient to evaluate the state costs of owning, maintaining and leasing state vehicles and for evaluating vehicle use and expenditure trends among the spending units. The Legislative Auditor may make recommendations for future compliance monitoring of any spending unit found not in compliance with the reporting requirements of this article, and may make such recommendations for administrative penalties for noncompliance with this article.

CHAPTER 17A. MOTOR VEHICLE ADMINISTRATION, REGISTRATION, CERTIFICATE OF TITLE, AND ANTITHEFT PROVISIONS.**ARTICLE 3. ORIGINAL AND RENEWAL OF REGISTRATION; ISSUANCE OF CERTIFICATES OF TITLE.**

§17A-3-23. Registration plates to state, county, municipal and other governmental vehicles; use for undercover activities.

(a) Any motor vehicle designed to carry passengers, owned or leased by the state of West Virginia, or any of its departments, bureaus, commissions or institutions, except vehicles used by the Governor, Treasurer, three vehicles per elected office of the Board of Public Works, vehicles operated by the State Police, not to exceed five vehicles operated by the office of the Secretary of Military Affairs and Public Safety, not to exceed five vehicles operated by the Division of Homeland Security and Emergency Management, vehicles operated by natural resources police officers of the Division of Natural Resources, not to exceed ten vehicles operated by the arson investigators of the Office of State Fire Marshal, not to exceed two vehicles operated by the Division of Protective Services, not to exceed sixteen vehicles operated by inspectors of the Office of the Alcohol Beverage Control Commissioner, vehicles operated by the West Virginia Wing of the Civil Air Patrol and vehicles operated by probation officers employed under the Supreme Court of Appeals may not be operated or driven by any person unless it has displayed and attached to the front thereof, in the same manner as regular motor vehicle registration plates are attached, a plate of the same size as the regular registration plate, with white lettering on a green background bearing the words 'West Virginia' in one line and the words 'State Car' in another line and the lettering for the words 'State Car' shall be of sufficient size to be plainly readable from a distance of one hundred feet during daylight: Provided, That passenger vehicles with a rating of one ton and under may not be operated or driven by any person unless it has displayed and attached to the front thereof, in the same manner as regular motor vehicle registration plates are attached, a plate of the same size as the regular registration plate, with blue lettering on a gold background bearing the words 'West Virginia' in one line and the words 'State Car' in another line and the lettering for the words 'State Car' shall be of sufficient size to be plainly readable from a distance of one hundred feet during daylight .

The vehicle shall also have attached to the rear a plate bearing a number and any other words and figures as the Commissioner of Motor Vehicles shall prescribe. The rear plate shall also be green with the number in white: Provided, That passenger vehicles with a rating of one ton and under shall also have attached to the rear a plate bearing a number and any other words and figures as the Commissioner of Motor Vehicles shall prescribe. The rear plate shall be gold with the number in blue. The commissioner may also designate additional insignia or stencils to be displayed on the front and rear plates for the purpose of identifying motor vehicles within the higher education system, public service districts, or designated nongovernmental organizations: Provided, That where the institutions of higher education opt to have their logo displayed on the state license plate, such institution shall bear any additional costs of those added features.

(b) Registration plates issued to vehicles owned by counties shall be white on red with the word 'County' on top of the plate and the words 'West Virginia' on the bottom.

(c) Registration plates issued to a city or municipality shall be white on blue with the word 'City' on top and the words 'West Virginia' on the bottom.

(d) Registration plates issued to a city or municipality law-enforcement department shall include blue lettering on a white background with the words 'West Virginia' on top of the plate and shall be further designed by the commissioner to include a law-enforcement shield together with other insignia or lettering sufficient to identify the motor vehicle as a municipal law-enforcement department motor vehicle. The colors may not be reversed and shall be of reflectorized material. The registration plates issued to counties, municipalities and other governmental agencies authorized to receive colored plates hereunder shall be affixed to both the front and rear of the vehicles.

(e) (1) Registration plates issued to vehicles operated by county sheriffs shall be designed by the commissioner in cooperation with the sheriffs' association with the word 'Sheriff' on top of the plate and the words 'West Virginia' on the bottom. The plate shall contain a gold shield representing the sheriff's star and a number assigned to that plate by the commissioner. Every county sheriff shall provide the commissioner with a list of vehicles operated by the sheriff, unless otherwise provided in this section, and a fee of \$10 for each vehicle submitted by July 1, 2002.

(2) Registration plates issued to vehicles operated by the West Virginia Wing of the Civil Air Patrol shall be designed by the commissioner in cooperation with the Civil Air Patrol and include the words 'Civil Air Patrol' on the plate. The Civil Air Patrol shall provide the commissioner with a list of vehicles operated by the Civil Air Patrol, unless otherwise provided in this section, and a fee of \$10 for each new vehicle for which a Civil Air Patrol license plate is requested.

(f) The commissioner is authorized to designate the colors and design of any other registration plates that are issued without charge to any other agency in accordance with the motor vehicle laws.

(g) Upon application, the commissioner is authorized to issue a maximum of five Class A license plates per applicant to be used by county sheriffs and municipalities on law-enforcement vehicles while engaged in undercover investigations.

(h) The commissioner is authorized to issue a maximum of five Class A license plates to be used on vehicles assigned to the Division of Motor Vehicles investigators for commercial driver examination fraud investigation and driver's license issuance fraud detection and fraud prevention.

(i) The commissioner is authorized to issue an unlimited number of license plates per applicant to authorized drug and violent crime task forces in the state of West Virginia when the chairperson of the control group of a drug and violent crime task force signs a written affidavit stating that the vehicle or vehicles for which the plates are being requested will be used only for official undercover work conducted by a drug and violent crime task force.

(j) The commissioner is authorized to issue twenty Class A license plates to the Criminal Investigation Division of the Department of Revenue for use by its investigators.

(k) The commissioner may issue a maximum of ten Class A license plates to the Division of Natural Resources for use by natural resources police officers. The commissioner shall designate the color and design of the registration plates to be displayed on the front and the rear of all other state-owned vehicles owned by the Division of Natural Resources and operated by natural resources police officers.

(l) The commissioner is authorized to issue an unlimited number of Class A license plates to the Commission on Special Investigations for state-owned vehicles used for official undercover work conducted by the Commission on Special Investigations.

(m) The commissioner is authorized to issue a maximum of two Class A plates to the Division of Protective Services for state-owned vehicles used by the Division of Protective Services in fulfilling its mission.

(n) The commissioner is authorized to issue Class A registration plates for vehicles used by the Medicaid Fraud Control Unit created by section seven, article seven, chapter nine of this code.

(o) The commissioner is authorized to issue Class A registration plates for vehicles used by the West Virginia Insurance Fraud Unit created by section eight, article forty-one, chapter thirty-three of this code.

(p) No other registration plate may be issued for, or attached to, any state-owned vehicle.

(q) The Commissioner of Motor Vehicles shall have a sufficient number of both front and rear plates produced to attach to all state-owned cars. ~~The numbered registration plates for the vehicles shall start with the number five hundred and the commissioner shall issue consecutive numbers for all state-owned cars or leased vehicles.~~ The commissioner shall, in cooperation with the Fleet Management Office, established pursuant to article twelve, chapter five-a of this code, and the Enterprise Resource Planning Board, established pursuant to article six-d, chapter twelve of this code, develop a standardized naming convention for the title, registration and licensing of state vehicles, pursuant to this article.

(r) It is the duty of each office, department, bureau, commission or institution furnished any vehicle to have plates as described herein affixed thereto prior to the operation of the vehicle by any official or employee.

(s) The commissioner may issue special registration plates for motor vehicles titled in the name of the Division of Public Transit or in the name of a public transit authority as defined in this subsection and operated by a public transit authority or a public transit provider to transport persons in the public interest. For purposes of this subsection, 'public transit authority' means an urban mass transportation authority created pursuant to ~~the provisions of~~ article twenty-seven, chapter eight of this code or a nonprofit entity exempt from federal and state income taxes under the Internal Revenue Code and whose purpose is to provide mass transportation to the public at large. The special registration plate shall be designed by the commissioner and shall display the words 'public transit' or words or letters of similar effect to indicate the public purpose of the use of the vehicle. The special registration plate shall be issued without charge.

(t) Each green registration plate with white letters affixed to a passenger vehicle with a rating of one ton and under, and each corresponding title and registration certificate for all state vehicles with a rating of one ton and under, other than those vehicles with Class A registration plates as provided in this section, terminates at midnight on December 31, 2017, pursuant to section twenty-five of this article. The owner or lessee of every vehicle with a rating of one ton and under that is required to display a state vehicle license plate and registration shall obtain a new title, a new registration card, and a new state vehicle license plate prior to the termination dates specified in this article. When new registrations are issued pursuant to this article and for subsequent, non-Class A registrations of state owned or leased vehicles, the state vehicle registration plate and certificate shall be valid for a period of not more than twelve months and shall be renewed annually.

(u) The commissioner is authorized to prepare and promulgate emergency rules, pursuant to article three, chapter twenty-nine-a, of this code in order to implement amendments to this section.

~~(t)~~ (v) Any person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$50 nor more than \$100. Magistrates have concurrent jurisdiction with circuit courts for the enforcement of this section.

§17A-3-25. State vehicle title, registration and relicensing project of 2017; emergency rules.

(a) Beginning on or before July 1, 2017, the commissioner shall coordinate with the Fleet Management Office, established pursuant to article twelve, chapter five-a of this code, the Enterprise Resource Planning Board, established pursuant to article six-d, chapter twelve of this code, the Board of Risk and Insurance Management, established pursuant to article twelve, chapter twenty-nine of this code, and other applicable agencies, to develop a standardized titling and registration system for state vehicles. To the extent practical, the standardization of vehicle title, registration and state vehicle

license plates shall conform to the state's central financial system maintained by the Enterprise Resource Planning Board. The standardization of state vehicle titles, registrations and license plates, as described in this section, shall be known as the 'State Vehicle Title, Registration and Relicensing Project of 2017.'

(b) The commissioner shall propose legislative and emergency rules, pursuant to article three, chapter twenty-nine-a of this code, establishing the standard naming conventions for the registration, titling, and licensing of every state vehicle, and assign by rule, a list of the standardized naming conventions for each spending unit for the purpose of issuing new title, registration and license plates to each state vehicle by December 31, 2017. The commissioner, in coordination with the Fleet Management Office, shall develop a standard system for identifying and recording the names of agencies, offices or spending units to which each state vehicle is assigned or registered, and such standard naming conventions shall be developed to align with the state's central financial system, and the centralized state vehicle inventory system.

(c) As soon as the commissioner has promulgated legislative and emergency rules as authorized pursuant to this section, and not later than September 1, 2017, the division shall begin to issue the standardized title, registration and state vehicle license plates for all state vehicles.

(d) The commissioner is authorized, by legislative and emergency rule, to establish a procedure whereby the commissioner shall reject the application for a state vehicle title, registration and state vehicle license plate that does not conform to the standard naming convention requirements. The commissioner shall provide by rule for the reasonable remedy, correcting of errors, or to compel compliance with the standard naming conventions.

(e) At midnight on December 31, 2017, all green state vehicle license plates with white lettering affixed to vehicles with a rating of one ton and under shall expire. The commissioner, in coordination with the Fleet Management Office, shall provide notice to each spending unit, and advertise as deemed appropriate, to inform the fleet coordinators, as defined in section three, article twelve, chapter five-a, that such license plates expire and the procedure for being issued new titles, registrations and license plates pursuant to this article. The head of each spending unit with state vehicles shall cooperate and comply with the requirements of the State Vehicle Title, Registration and Relicensing Project of 2017 and the centralized state vehicle inventory system.

§17A-3-26. Enforcement; report.

(a) Beginning January 1, 2018, any state vehicle with a rating of one ton and under in this state with an expired green state license plate with white lettering is in violation of this article. After January 1, 2018, any law-enforcement officer who discovers a state vehicle with an expired state vehicle license plate, shall issue a citation with the penalty of \$100 per violation. The penalty shall be paid by the spending unit that owns or leases the vehicle. Upon payment of such penalty, notwithstanding court costs, the clerk of the court shall remit the amount of the penalty to the law-enforcement agency having brought the charge before the court.

(b) Any spending unit issued a citation pursuant to this section shall file a report with the Fleet Management Office within thirty days of the citation, and describe the state vehicle by the vehicle identification number, the make, model and year of the vehicle, the state vehicle license plate, and the date on which the license plate was renewed.

§17A-3-27. Compliance audit.

On or before December 31, 2018, the Legislative Auditor, in accordance with article ten, chapter four of this code, shall audit the Division of Motor Vehicles and the Fleet Management Office for

compliance with the State Vehicle Title, Registration and Relicensing Project of 2017. The Legislative Auditor may make recommendations for future compliance monitoring of any spending unit found not in compliance with the project and make such recommendations for administrative penalties for noncompliance with the project.

CHAPTER 29B. FREEDOM OF INFORMATION.

ARTICLE 1. PUBLIC RECORDS.

§29B-1-4. Exemptions.

(a) There is a presumption of public accessibility to all public records, subject only to the following categories of information which are specifically exempt from disclosure under ~~the provisions of this article~~:

(1) Trade secrets, as used in this section, which may include, but are not limited to, any formula, plan pattern, process, tool, mechanism, compound, procedure, production data or compilation of information which is not patented which is known only to certain individuals within a commercial concern who are using it to fabricate, produce or compound an article or trade or a service or to locate minerals or other substances, having commercial value, and which gives its users an opportunity to obtain business advantage over competitors;

(2) Information of a personal nature such as that kept in a personal, medical or similar file, if the public disclosure of the information would constitute an unreasonable invasion of privacy, unless the public interest by clear and convincing evidence requires disclosure in this particular instance: *Provided*, That this article does not preclude an individual from inspecting or copying his or her own personal, medical or similar file;

(3) Test questions, scoring keys and other examination data used to administer a licensing examination, examination for employment or academic examination;

(4) (A) Records of law-enforcement agencies that deal with the detection and investigation of crime and the internal records and notations of such law-enforcement agencies which are maintained for internal use in matters relating to law enforcement;

(B) Records identifying motor vehicles used, and the agencies using them, for undercover investigation activities conducted by state law-enforcement agencies or other agencies that are authorized by this code to use undercover or unmarked vehicles;

(5) Information specifically exempted from disclosure by statute;

(6) Records, archives, documents or manuscripts describing the location of undeveloped historic, prehistoric, archaeological, paleontological and battlefield sites or constituting gifts to any public body upon which the donor has attached restrictions on usage or the handling of which could irreparably damage the record, archive, document or manuscript;

(7) Information contained in or related to examination, operating or condition reports prepared by, or on behalf of, or for the use of any agency responsible for the regulation or supervision of financial institutions, except those reports which are by law required to be published in newspapers;

(8) Internal memoranda or letters received or prepared by any public body;

(9) Records assembled, prepared or maintained to prevent, mitigate or respond to terrorist acts or the threat of terrorist acts, the public disclosure of which threaten the public safety or the public health;

(10) Those portions of records containing specific or unique vulnerability assessments or specific or unique response plans, data, databases and inventories of goods or materials collected or assembled to respond to terrorist acts; and communication codes or deployment plans of law-enforcement or emergency response personnel;

(11) Specific intelligence information and specific investigative records dealing with terrorist acts or the threat of a terrorist act shared by and between federal and international law-enforcement agencies, state and local law-enforcement and other agencies within the Department of Military Affairs and Public Safety;

(12) National security records classified under federal executive order and not subject to public disclosure under federal law that are shared by federal agencies and other records related to national security briefings to assist state and local government with domestic preparedness for acts of terrorism;

(13) Computing, telecommunications and network security records, passwords, security codes or programs used to respond to or plan against acts of terrorism which may be the subject of a terrorist act;

(14) Security or disaster recovery plans, risk assessments, tests or the results of those tests;

(15) Architectural or infrastructure designs, maps or other records that show the location or layout of the facilities where computing, telecommunications or network infrastructure used to plan against or respond to terrorism are located or planned to be located;

(16) Codes for facility security systems; or codes for secure applications for facilities referred to in subdivision (15) of this subsection;

(17) Specific engineering plans and descriptions of existing public utility plants and equipment;

(18) Customer proprietary network information of other telecommunications carriers, equipment manufacturers and individual customers, consistent with 47 U.S.C. §222;

(19) Records of the Division of Corrections, Regional Jail and Correctional Facility Authority and the Division of Juvenile Services relating to design of corrections, jail and detention facilities owned or operated by the agency, and the policy directives and operational procedures of personnel relating to the safe and secure management of inmates or residents, that if released, could be used by an inmate or resident to escape a facility, or to cause injury to another inmate, resident or to facility personnel;

(20) Information related to applications under section four, article seven, chapter sixty-one of this code, including applications, supporting documents, permits, renewals, or any other information that would identify an applicant for or holder of a concealed weapon permit: *Provided:* That information in the aggregate that does not identify any permit holder other than by county or municipality is not exempted: *Provided, however,* That information or other records exempted under this subdivision may be disclosed to a law enforcement agency or officer: (i) to determine the validity of a permit, (ii) to assist in a criminal investigation or prosecution, or (iii) for other lawful law-enforcement purposes; and

(21) Personal information of law-enforcement officers maintained by the public body in the ordinary course of the employer-employee relationship. As used in this paragraph, "personal information" means a law-enforcement officer's social security number, health information, home address, personal address, personal telephone numbers and personal email addresses and those of his or her spouse, parents and children as well as the names of the law-enforcement officer's spouse, parents and children.

(b) As used in subdivisions (9) through (16), inclusive, subsection (a) of this section, the term "terrorist act" means an act that is likely to result in serious bodily injury or damage to property or the environment and is intended to:

- (1) Intimidate or coerce the civilian population;
- (2) Influence the policy of a branch or level of government by intimidation or coercion;
- (3) Affect the conduct of a branch or level of government by intimidation or coercion; or
- (4) Retaliate against a branch or level of government for a policy or conduct of the government.

(c) The provisions of subdivisions (9) through (16), inclusive, subsection (a) of this section do not make subject to the provisions of this chapter any evidence of an immediate threat to public health or safety unrelated to a terrorist act or the threat of a terrorist act which comes to the attention of a public entity in the course of conducting a vulnerability assessment response or similar activity."

The bill was ordered to engrossment and third reading.

H. B. 2548, Relating to the use of outside speakers by persons licensed to manufacture, sell, possess for sale, transport or distribute nonintoxicating beer; 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. 2763, Relating to the approval by the Council for Community and Technical College Education of acquisitions; 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. 2799, Prohibiting the superintendent of schools from requiring a physical examination to be included to the application for a minor's work permit; 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. 2850, Relating to product liability actions; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2869, Providing for paid leave for certain state officers and employees during a declared state of 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. 2936, Requiring competitive bidding for all state purchases of commodities, printing and services; on second reading, coming up in regular order, was read a second time.

On motion of Delegates Butler, Nelson and Householder the bill was amended on page two, section eleven, line sixteen, after the words "ten of", by inserting the word "this".

On page two, section eleven, line sixteen, after the word "article", by deleting the words "five-a" and inserting in lieu thereof "and article three-a".

And,

On page three, section eleven, immediately after line fifty-eight, by inserting a new subsection (j) to read as follows:

“(j) The director of purchasing shall periodically report information regarding purchases to the Joint Committee on Government and Finance.”

The bill was ordered to engrossment and third reading.

Com. Sub. for H. B. 2939, Relating to the sale of items in the State Police Academy post exchange to the public; 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. 2966, Creating the West Virginia Sentencing Commission; 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. 3028, Relating to the Comprehensive Substance Use Reduction 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. 3096, Relating to operation and regulation of certain water and sewer utilities owned or operated by political subdivisions of the state; on second reading, coming up in regular order, was read a second time.

On motion of Delegates Espinosa and Hanshaw the bill was amended on page three, section nine, line seventeen, by striking out the words “May be determined on” and capitalizing the first letter of the word “any” to read “Any”.

On page six, section nine, line eighty-three and line eighty-four, by striking out the comma following the word “charges” and striking out the words “and the circuit court shall resolve said complaint within 120 days of filing”.

And,

On page nineteen, section three, line thirty-three, by striking the words “section four-b subsections (d)(2) or(g) [§§24-2-4b(d)(2) or (g)]” and inserting in lieu thereof “subsections (d)(2) or (g) of section four-b”.

The bill was ordered to engrossment and third reading.

H. B. 3107, Relating generally to horse and dog racing lottery; 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 postponed one day.

H. B. 3108, Relating to authorizing redirection of certain amounts to the General Revenue Fund; 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. 2002, Relating to parental notification of abortions performed on unemancipated minors,

Com. Sub. for H. B. 2109, Relating to the West Virginia Land Reuse Agency Authorization Act,

Com. Sub. for H. B. 2196, Relating to the secondary schools athletic commission,

Com. Sub. for H. B. 2376, Relating to the organizational structure of state government,

Com. Sub. for H. B. 2453, Expanding the list of persons the Commissioner of Agriculture may license to grow or cultivate industrial hemp,

Com. Sub. for H. B. 2520, Prohibiting the use of a tanning device by a person under the age of eighteen,

Com. Sub. for H. B. 2561, Relating to public school support,

Com. Sub. for H. B. 2589, Permitting students who are homeschooled or attend private schools to enroll and take classes at the county's vocational school,

Com. Sub. for H. B. 2654, Expanding county commissions' ability to dispose of county or district property,

Com. Sub. for H. B. 2704, Prohibiting persons convicted of sexual offenses against children with whom they hold positions of trust from holding certification or license valid in public schools,

Com. Sub. for H. B. 2720, Allowing the School Building Authority to transfer funds allocated into the School Construction Fund,

Com. Sub. for H. B. 2771, Relating to temporary teaching certificates for Armed Forces spouses,

Com. Sub. for H. B. 2776, Creating of special revenue funding sources for the Division of Labor,

Com. Sub. for H. B. 2781, Requiring a person desiring to vote to present documentation identifying the voter to one of the poll clerks,

Com. Sub. for H. B. 2794, Relating to the means of giving notice to a debt collector of a consumer's representation by legal counsel,

Com. Sub. for H. B. 2804, Removing chiropractors from the list of medical professions required to obtain continuing education on mental health conditions common to veterans and family members,

Com. Sub. for H. B. 2815, Relating to higher education governance,

Com. Sub. for H. B. 2816, Eliminating new film tax credits,

Com. Sub. for H. B. 2817, Providing for the reduction of the unfunded liability in the teachers retirement system over a 30 year period,

H. B. 2878, Increasing amount of authorized Federal Grant Anticipation Notes for which Division of Highways may apply,

Com. Sub. for H. B. 2887, Relating to retirement and separation incentives,

Com. Sub. for H. B. 2897, Raising the amount required for competitive bidding of construction contracts by the state and its subdivisions,

And,

Com. Sub. for H. B. 2930, Allowing powerball, hot lotto, and mega millions winners to remain anonymous.

Com. Sub. for H. B. 2933, Relating to the consumers sales and service taxes and use taxes; on first reading, coming up in regular order, was read a first time.

Delegate McGeehan moved, pursuant to the provisions of House Rule 103, that Com. Sub. for H. B. 2933 be rejected on First Reading.

Delegate Zatezalo was addressing the House when Delegate Caputo arose to a point of order regarding content of the Delegate's remarks.

The Speaker replied and reminded the Member to confine his remarks to the question before the House.

The Speaker propounded, "Shall the bill be rejected?"

On this question, Delegate McGeehan demanded the yeas and nays, which demand was sustained. The yeas and nays having been ordered, they were taken (**Roll No. 191**), and there were—yeas 44, nays 50, absent and not voting 6, with the yeas and absent and not voting being as follows:

Yeas: Baldwin, Barrett, Boggs, Brewer, Byrd, Canestraro, Caputo, Dean, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Folk, Gearheart, Hartman, Hornbuckle, Iaquina, Isner, Lewis, Longstreth, Love, Lovejoy, Lynch, Marcum, Martin, McGeehan, Miley, R. Miller, Moye, Paynter, Pethel, Phillips, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaugle, Thompson, Ward, Williams and Wilson.

Absent and Not Voting: Ellington, A. Evans, G. Foster, N. Foster, Hicks and Upson.

So, a majority of the members present and voting not having voted in the affirmative, the motion that the bill be rejected on First Reading was not adopted.

The bill was 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. 2941, Requiring the Commissioner of the Division of Highways to utilize the Attorney General for all legal assistance and services,

Com. Sub. for H. B. 2961, Relating generally to charitable bingo games and charitable raffles,

H. B. 2962, Enlarging the authority of the Tax Commissioner to perform background investigations of employees and contractors,

H. B. 2963, Eliminating tax lien waiver requirement for estates of nonresidents,

H. B. 2967, Relating generally to administration of estates and trusts,

Com. Sub. for H. B. 3006, Exempting certain contracts between the Department of Health and Human Resources and West Virginia University or Marshall University from state purchasing requirements,

H. B. 3022, Relating to the reporting of fraud, misappropriation of moneys, and other violations of law to the commission on special investigations,

Com. Sub. for H. B. 3048, Relating to collection of Tier II fees for chemical inventories,

H. B. 3091, Relating generally to employer withholding taxes,

Com. Sub. for H. B. 3095, Allowing retired teachers to be employed by a higher education institution,

Com. Sub. for H. B. 3102, Relating to selling Hopemont Hospital,

And,

H. B. 3109, Relating to establishing a Board of Nursing and Health Services.

Leaves of Absence

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

Miscellaneous Business

Delegate Eldridge announced that he was absent on today when the vote was taken on Roll No. 168, and that had he been present, he would have voted "Yea" thereon.

Delegate Kelly asked and obtained unanimous consent that the remarks of Delegate Paynter regarding Com. Sub. for H. B. 2841 today be printed in the Appendix to the Journal.

Delegate Caputo asked and obtained unanimous consent that the remarks of Delegate Baldwin regarding Com. Sub. for H. B. 2935 today be printed in the Appendix to the Journal.

At 11:31 a.m., the House of Delegates adjourned until 11:00 a.m., Monday, March 27, 2017.

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

SPECIAL CALENDAR

Monday, March 27, 2017

48th Day

11:00 A. M.

THIRD READING

- Com. Sub. for H. B. 2004 - Creating and maintaining a centralized state vehicle inventory system (NELSON) (JULY 1, 2017)
- H. B. 2548 - Relating to the use of outside speakers by persons licensed to manufacture, sell, possess for sale, transport or distribute nonintoxicating beer (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2763 - Relating to the approval by the Council for Community and Technical College Education of acquisitions (NELSON) (REGULAR)
- Com. Sub. for 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 (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2850 - Relating to product liability actions (SHOTT) (REGULAR)
- H. B. 2869 - Providing for paid leave for certain state officers and employees during a declared state of emergency (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2936 - Requiring competitive bidding for all state purchases of commodities, printing and services (NELSON) (REGULAR)
- Com. Sub. for H. B. 2939 - Relating to the sale of items in the State Police Academy post exchange to the public (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2966 - Creating the West Virginia Sentencing Commission (SHOTT) (REGULAR)
- Com. Sub. for H. B. 3028 - Relating to the Comprehensive Substance Use Reduction Act (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 3096 - Relating to operation and regulation of certain water and sewer utilities owned or operated by political subdivisions of the state (STORCH) (REGULAR)

H. B. 3108 - Relating to authorizing redirection of certain amounts to the General Revenue Fund (NELSON) (REGULAR)

SECOND READING

Com. Sub. for S. B. 419 - Creating special revenue fund sources for Division of Labor to meet statutory obligations (NELSON) (REGULAR)

Com. Sub. for H. B. 2002 - Relating to parental notification of abortions performed on unemancipated minors (SHOTT) (REGULAR)

Com. Sub. for H. B. 2109 - Relating to the West Virginia Land Reuse Agency Authorization Act (SHOTT) (EFFECTIVE FROM PASSAGE)

H. B. 2188 - Extending the length of time for the special Community-Based Pilot Demonstration Project to Improve Outcomes for At-Risk Youth (SHOTT) (REGULAR)

Com. Sub. for H. B. 2196 - Relating to the secondary schools athletic commission (ESPINOSA) (REGULAR)

Com. Sub. for H. B. 2376 - Relating to the organizational structure of state government (HOWELL) (REGULAR)

Com. Sub. for H. B. 2453 - Expanding the list of persons the Commissioner of Agriculture may license to grow or cultivate industrial hemp (SHOTT) (REGULAR)

Com. Sub. for H. B. 2520 - Prohibiting the use of a tanning device by a person under the age of eighteen (SHOTT) (REGULAR)

Com. Sub. for H. B. 2552 - Increasing the pet food registration fee and directing that the additional money be deposited into the West Virginia Spay Neuter Assistance Fund (NELSON) (REGULAR)

Com. Sub. for H. B. 2561 - Relating to public school support (NELSON) (JULY 1, 2017)

Com. Sub. for H. B. 2589 - Permitting students who are homeschooled or attend private schools to enroll and take classes at the county's vocational school (ESPINOSA) (REGULAR)

Com. Sub. for H. B. 2654 - Expanding county commissions' ability to dispose of county or district property (SHOTT) (REGULAR)

- Com. Sub. for H. B. 2704 - Prohibiting persons convicted of sexual offenses against children with whom they hold positions of trust from holding certification or license valid in public schools (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2711 - Abolishing regional educational service agencies and providing for the transfer of property and records (NELSON) (REGULAR)
- Com. Sub. for H. B. 2720 - Allowing the School Building Authority to transfer funds allocated into the School Construction Fund (NELSON) (REGULAR)
- Com. Sub. for H. B. 2771 - Relating to temporary teaching certificates for Armed Forces spouses (ESPINOSA) (REGULAR)
- Com. Sub. for H. B. 2776 - Creating of special revenue funding sources for the Division of Labor (NELSON) (REGULAR)
- Com. Sub. for H. B. 2781 - Requiring a person desiring to vote to present documentation identifying the voter to one of the poll clerks (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2794 - Relating to the means of giving notice to a debt collector of a consumer's representation by legal counsel (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2804 - Removing chiropractors from the list of medical professions required to obtain continuing education on mental health conditions common to veterans and family members (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 2815 - Relating to higher education governance (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2816 - Eliminating new film tax credits (NELSON) (REGULAR)
- Com. Sub. for H. B. 2817 - Providing for the reduction of the unfunded liability in the teachers retirement system over a 30 year period (NELSON) (JULY 1, 2017)
- H. B. 2878 - Increasing amount of authorized Federal Grant Anticipation Notes for which Division of Highways may apply (NELSON) (REGULAR)
- Com. Sub. for H. B. 2887 - Relating to retirement and separation incentives (ESPINOSA) (REGULAR)
- Com. Sub. for H. B. 2897 - Raising the amount required for competitive bidding of construction contracts by the state and its subdivisions (HOWELL) (REGULAR)

- Com. Sub. for H. B. 2930 - Allowing powerball, hot lotto, and mega millions winners to remain anonymous (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2933 - Relating to the consumers sales and service taxes and use taxes (NELSON) (REGULAR)
- Com. Sub. for H. B. 2941 - Requiring the Commissioner of the Division of Highways to utilize the Attorney General for all legal assistance and services (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2961 - Relating generally to charitable bingo games and charitable raffles (NELSON) (REGULAR)
- H. B. 2962 - Enlarging the authority of the Tax Commissioner to perform background investigations of employees and contractors (NELSON) (REGULAR)
- H. B. 2963 - Eliminating tax lien waiver requirement for estates of nonresidents (NELSON) (REGULAR) (FINANCE COMMITTEE TITLE AMENDMENT PENDING)
- H. B. 2967 - Relating generally to administration of estates and trusts (NELSON) (REGULAR)
- Com. Sub. for H. B. 3006 - Exempting certain contracts between the Department of Health and Human Resources and West Virginia University or Marshall University from state purchasing requirements (ESPINOSA) (REGULAR)
- H. B. 3022 - Relating to the reporting of fraud, misappropriation of moneys, and other violations of law to the commission on special investigations (SHOTT) (REGULAR)
- H. B. 3037 - Removing the Division of Energy as an independent agency (HOWELL) (REGULAR)
- Com. Sub. for H. B. 3048 - Relating to collection of Tier II fees for chemical inventories (NELSON) (REGULAR)
- H. B. 3088 - Relating generally to teacher-pupil ratios (ESPINOSA) (REGULAR)
- H. B. 3091 - Relating generally to employer withholding taxes (NELSON) (REGULAR)

- Com. Sub. for H. B. 3095 - Allowing retired teachers to be employed by a higher education institution (ESPINOSA) (REGULAR)
- Com. Sub. for H. B. 3102 - Relating to selling Hopemont Hospital (NELSON) (REGULAR)
- H. B. 3107 - Relating generally to horse and dog racing lottery (NELSON) (EFFECTIVE FROM PASSAGE)
- H. B. 3109 - Relating to establishing a Board of Nursing and Health Services (HOWELL) (REGULAR)

FIRST READING

- Com. Sub. for H. B. 2129 - Relating to the powers and authority of state and local law enforcement to enforce underage drinking laws at private clubs (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2195 - Relating to requiring comprehensive drug awareness and prevention program in all public schools (ESPINOSA) (REGULAR)
- Com. Sub. for H. B. 2363 - Requiring that a state employee with a commercial driver's license have a current medical evaluation certification (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2428 - Establishing additional substance abuse treatment facilities (NELSON) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2483 - Requiring the Division of Juvenile Services to transfer to a correctional facility or regional jail any juvenile in its custody that has been transferred to adult jurisdiction of the circuit court and who reaches his or her eighteenth birthday (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2708 - Relating to a lawful method for a developmentally disabled person to purchase a base hunting license (NELSON) (REGULAR)
- Com. Sub. for H. B. 2759 - Creating Statewide Interoperable Radio Network (NELSON) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2851 - Updating fee structure provisions for broker-dealers (NELSON) (REGULAR)
- Com. Sub. for H. B. 3062 - The state Settlement and Recovered Funds Accountability Act (NELSON) (REGULAR)

Com. Sub. for H. B. 3080 - Requiring instruction in the Declaration of Independence and the United States Constitution (ESPINOSA) (REGULAR)

HOUSE CALENDAR

Monday, March 27, 2017

48th Day

11:00 A. M.

SECOND READING

- Com. Sub. for S. B. 113 - Authorizing DEP promulgate legislative rules (SHOTT) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 362 - Authorizing redirection of certain amounts to General Revenue Fund (NELSON) (REGULAR)
- Com. Sub. for H. B. 2538 - Relating to the licensure of physician assistants (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2871 - Eliminating the mandated employer versus employee cost share of eighty percent employer, twenty percent employee for Public Employee Insurance Agency (NELSON) (REGULAR)

FIRST READING

- S. B. 164 - Relating to traffic regulations and special load limits (SHOTT) (REGULAR)
- Com. Sub. for S. B. 233 - Excluding from protection oral communications uttered in child care center under Wiretapping and Electronic Surveillance Act (SHOTT) (REGULAR)
- Com. Sub. for S. B. 247 - Authorizing prosecuting attorney designate and deliver grand jury records for investigative purposes (SHOTT) (EFFECTIVE FROM PASSAGE) (JUDICIARY COMMITTEE AMENDMENT PENDING)
- Com. Sub. for S. B. 248 - Clarifying composition and chairmanship of Commission on Special Investigations (SHOTT) (EFFECTIVE FROM PASSAGE) (JUDICIARY COMMITTEE AMENDMENT PENDING)
- Com. Sub. for S. B. 347 - Relating to modernization of Physician Assistant Practice Act (ELLINGTON) (REGULAR) (HEALTH AND HUMAN RESOURCES COMMITTEE AMENDMENT PENDING)

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

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

**WEST VIRGINIA
HOUSE OF DELEGATES**

MONDAY, MARCH 27, 2017

HOUSE CONVENES AT 11:00 A.M.

**COMMITTEE ON GOVERNMENT ORGANIZATION
9:00 A.M. – ROOM 215E**

**COMMITTEE ON RULES
10:15 A.M. – BEHIND CHAMBER**

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

TUESDAY, MARCH 28, 2017

**COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES
9:00 A.M. – ROOM 215E**

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