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NINTH DAY

Thursday, January 21, 2016

NINTH DAY

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

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

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

The Clerk proceeded to read the Journal of Wednesday, January 20, 2016, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

Delegate Nelson, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

H. B. 4080, Department of Veterans' Assistance, rule relating to VA headstones or markers,

And reports the same back, with the recommendation that it do pass, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 4080) was referred to the Committee on the Judiciary.

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

H. B. 4046, Department of Administration, rule relating to the purchasing division,

And,

H. B. 4106, State Board of Registration for Professional Engineers, rule relating to the examination, licensure and practice of professional engineers,

And reports the same back with the recommendation that they each do pass, but that they first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bills (H. B. 4046 and H. B. 4106) were each referred to the Committee on the Judiciary.

Delegate Canterbury, Chair of the Committee on Pensions and Retirement, submitted the following report, which was received:

Your Committee on Pensions and Retirement has had under consideration:

H. B. 4048, Consolidated Public Retirement Board, legislative rule relating to service credit for accrued and unused sick leave,

H. B. 4090, Consolidated Public Retirement Board, rule relating to the Deputy Sheriff Retirement System,

H. B. 4091, Consolidated Public Retirement Board, rule relating to benefit determination and appeal,

And,

H. B. 4095, Consolidated Public Retirement Board, rule relating to the West Virginia State Police,

And reports the same back with the recommendation that they each do pass, but that they first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bills (H. B. 4048, H. B. 4090, H. B. 4091 and H. B. 4095) were each referred to the Committee on the Judiciary.

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

H. B. 4005, Repealing prevailing hourly rate of wages requirements,

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

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

Your Committee on the Judiciary has had under consideration:

H. B. 2111, Providing a special method for valuation of certain wireless technology property for property taxes,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2111) was referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration:

H. B. 2130, Including law-enforcement officers among those professionals the assault or battery of which leads to enhanced criminal penalties,

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

Com. Sub. for H. B. 2130 – “A Bill to amend and reenact §61-2-10b of the Code of West Virginia, 1931, as amended, relating to enhanced charges and penalties for assaults and batteries of law-enforcement officers; adding law-enforcement officers among the list of professionals the malicious assault, unlawful assault, battery or assault of which leads to enhanced criminal penalties; adding

an element of the criminal offense of battery a requirement that the perpetrator have knowledge that the victim was acting in his or her official capacity; adding an element of the criminal offense of assault a requirement that the perpetrator have knowledge that the victim was acting in his or her official capacity; and defining law-enforcement officers,”

With the recommendation that the committee substitute do pass.

Messages from the Senate

A message from the Senate, by

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

Com. Sub. for S. B. 263 – “A Bill to amend and reenact §8-1-5a of the Code of West Virginia, 1931, as amended, relating to the Municipal Home Rule Pilot Program; and allowing for members of the Municipal Home Rule Board, with the exception of ex-officio nonvoting members, to be reimbursed for travel and other reasonable expenses”; which was referred to the Committee on Political Subdivisions then Finance.

Resolutions Introduced

Delegates P. White, Phillips, Marcum and Eldridge offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 10 - “Requesting the Division of Highways to name a portion of Route 119/91 from Mud Fork Road to County Route 73 in Logan County, the ‘U. S. Marine Corps GySgt Lionel Collins Memorial Road’.”

Whereas, US Marine Corps Gunnery Sergeant Lionel Collins was born on January 8, 1936, in Verdunville, West Virginia to Russia Vance Collins and Ora Collins and passed away on August 3, 2014; and

Whereas, US Marine Corps Gunnery Sergeant Lionel Collins was a 20 year veteran, serving in New River, North Carolina from 1953 to 1956, in Quantico, Virginia from 1956 to 1958, in Japan from 1958 to 1960, from 1960 to 1965 in Cherry Point, North Carolina, from 1965 to 1967 in Vietnam, returning to Cherry Point in 1967 and again serving in Vietnam from 1969 to 1970 and in El Toro, California from 1970 to 1972; and

Whereas, During his twenty years of loyal service, US Marine Corps Gunnery Sergeant Lionel Collins was awarded the National Defense Service Medal, the Good Conduct Medal with five Stars, the Vietnamese Cross of Gallantry with Palm, the Vietnamese Service Medal with four Stars, the Air Medal with Bronze, the Air Medal Strike, the Republic of Vietnam Campaign Medal, the National Presidential Unit Citation and the Vietnam Civil Action Unit Citation; and

Whereas, US Marine Corps Gunnery Sergeant Lionel Collins was also an Expert in Rifles and Pistols and had his Air Crew Wings and retired after 20 years of loyal service with a 50% disability; and

Whereas, After leaving the service, US Marine Corps Gunnery Sergeant Lionel Collins worked at Oasis (the water fountain company) in Columbus from 1973 to 1976, FEMA from 1977 to 1983 and the Buffalo Creek Apartments from 1983 until his final retirement in 1988; and

Whereas, US Marine Corps Gunnery Sergeant Lionel Collins was a commander in the American Legion, a district commander in the Veterans of Foreign Wars, a life member of the Vietnam

Veterans of America, a Local Detachment Commandant in the Marine Corps League, a charter member of the Danny M. Greene League Detachment and a member of the Devil Dogs; and

Whereas, It is only fitting that we name this road in honor of US Marine Corps Gunnery Sergeant Lionel Collins; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name that portion of the road on Route 119/91 from Mud Fork Road to County Route 73 in Logan County, the "U.S. Marine Corps GySgt Lionel Collins Memorial Road"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs, in both directions, identifying the road, as the "U.S. Marine Corps GySgt Lionel Collins Memorial Road"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation and U.S. Marine Corps Gunnery Sergeant Lionel Collins' widow, Karen Collins, and his six children, Lionel Barry Collins, Tammy Shawn Marcum, David T. Collins, Kimberly Dawn Collins, Steven Bryan Collins and Joy Lynn Queen.

Delegates Campbell, Moye, Rowan, Espinosa, Wagner, Hornbuckle, P. White, Marcum, Phillips, Stansbury and Hamilton offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 11 - "Designating April 2 as West Virginia Autism Awareness Day."

Whereas, The seventh annual World Autism Awareness Day was April 2, 2015. Every year, autism organizations around the world celebrate the day with unique fund-raising and awareness-raising events. World Autism Awareness Day aims to increase awareness about people, especially children, with autism. The day often features educational events for teachers, health care workers and parents, as well as exhibitions showcasing work created by children with autism; and

Whereas, Autism is a developmental disability that remains with a person for his or her whole life. This condition affects the brain's functions. The first signs usually appear before a child is three years old. People with autism often find social interaction difficult, have problems with verbal and nonverbal communication, demonstrate restrictive and repetitive behavior and have a limited set of interests and activities. Autism affects girls and boys of all races and in all geographic regions and has a large impact on children, their families, communities and societies. The prevalence is currently rising in many countries around the world. Caring for and educating children and young people with this condition places challenges on health care, education and training programs; and

Whereas, Health officials estimate that one in every eighty-eight children in America is growing up on the autism spectrum. It is a reality that affects millions of families every day, from the classroom to the job market. On World Autism Awareness Day, all people recommit to helping individuals on the autism spectrum reach their full potential; therefore, be it

Resolved by the Legislature of West Virginia:

That it is the hope and desire of the Legislature that West Virginians increase their awareness about people, especially children, with autism and, with that goal in mind, April 2 be designated as West Virginia Autism Awareness Day; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to The Autism Society of West Virginia.

Delegates Campbell, Hartman, Sponaugle, Espinosa, Wagner, P. White, Stansbury, Perry and Hamilton offered the following resolution, which was read by its title and referred to the Committee on Agriculture and Natural Resources then Rules:

H. C. R. 12 – “Requesting the Division of Natural Resources to designate the Cheat Mountain Salamander as the State symbol of conservation.”

Whereas, The Extended Studies Students of Jennings Randolph Elementary School, 4th grade, completed an extensive study of West Virginia State symbols and seals. They used the state symbols to learn about many aspects of West Virginia including geography, ecology, culture and history, discovering the special place West Virginia occupies. This appreciation for West Virginia led the 5th grade Extended Studies group to explore deeper into the study of the state symbols, where they encountered the Cheat Mountain Salamander and the history behind its environment. They discovered that no state in the United States has a conservation symbol. This led to many discussions about how they could make an impact on the people and visitors of our state and how they look at West Virginia in the future; and why the 5th grade Extended Studies group felt the state of West Virginia should have a symbol of conservation; and

Whereas, In their research, they found that West Virginia holds an important history when it comes to the environment in our high mountains and the salamander that inhabits the forest floors. In the highest of elevation, the red spruce covered our mountain tops in portions of Pocahontas, Randolph, Tucker, Greenbrier, and Mineral Counties. In these same Red Spruce forests, one can find a very unique species, the Cheat Mountain Salamander. This salamander is so special that it is found only in a specific environment in West Virginia, nowhere else. Today, efforts to teach about these environments can be seen in places such as Gaudineer, where visitors can witness the Red Spruce Forest and see efforts at restoration of the Red Spruce, all the while recognizing how important practicing conservation is for species such as the Cheat Mountain Salamander; and

Whereas, According to the West Virginia Division of Natural Resources, out of thirty salamanders in West Virginia, the Cheat Mountain Salamander lives exclusively in a small section of West Virginia. It is a Federally Threatened Species listed by the U. S. Fish and Wildlife. The West Virginia Division of Natural Resources indicates that the Cheat Mountain Salamander belongs to a group known as the Woodland Salamanders (Plethodontids); and

Whereas, The 4th grade Extended Studies group believes the story of this salamander speaks volumes about our state’s rich history in practicing conservation. West Virginia can make history by being the first state with a conservation symbol. And, the Cheat Mountain Salamander holds such value that by making the Cheat Mountain Salamander the state conservation symbol of West Virginia we can teach the story of our state and tell how conservation is important in designated areas and place attention to proper practices in these areas; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Natural Resources is requested to designate the Cheat Mountain Salamander as the State symbol of conservation; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to Extended Studies Students of Jennings Randolph Elementary: Jon Bonner, Hannah Cutright, Alyson Evick, Ruby Jackson, Thomas Nixon, Darian Selders and Emily Wanless; Project Supervisor: Allison Mullenax; Itinerant Extended Studies Teacher Jennings Randolph Elementary and Christine M. Toscano-Nixon; Parent Volunteer.

Delegates Cooper and Ambler offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 13 – “Requesting the Division of Highways to name the Indian Creek Bridge #3, bridge number 32-122-8.95 (32A056), latitude 37.52981, longitude -80.65837, carrying West Virginia Route 122 over Indian Creek, in Monroe County, the ‘U.S. Army SPC 4 Everette R. Johnson Memorial Bridge’.”

Whereas, Everette R. Johnson was born on November 7, 1947, in Beckley, West Virginia, the son of John C. and Minnie Louise Johnson. He lived most of his life in Monroe County and was educated in Monroe County schools, graduating from Greenville High School in 1965. He was married to Sue G. Loan, and they were expecting their first child when Everette was killed in Vietnam on February 7, 1968; and

Whereas, Everette R. Johnson was survived by his widow and son, Everette Robert Johnson, Jr., who was born in August, 1968, and his mother and father, sister Darlene Johnson and three brothers, Wayne, David and Maury; and

Whereas, Naming the Indian Creek Bridge #3, bridge number 32-122-8.95 (32A056) latitude 37.52981, longitude -80.65837, carrying West Virginia Route 122 over Indian Creek, in Monroe County, the “U.S. Army SPC 4 Everette R. Johnson Memorial Bridge” is an appropriate recognition of his contributions and his supreme sacrifice to his country, state, community and Monroe County; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the Indian Creek Bridge #3, bridge number 32-122-8.95 (32A056) latitude 37.52981, longitude -80.65837, carrying West Virginia Route 122 over Indian Creek, in Monroe County, the “U.S. Army SPC 4 Everette R. Johnson Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the twin bridges, both northbound and southbound, as the “U.S. Army SPC 4 Everette R. Johnson Memorial Bridge”; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation and the surviving relatives of Everette R. Johnson.

Delegates Howell, Mr. Speaker (Mr. Armstead), Ambler, Anderson, Arvon, Atkinson, Azinger, Border, Butler, Cadle, Cooper, Cowles, Duke, Ellington, Espinosa, D. Evans, Frich, Hamrick, Hanshaw, Hill, Householder, Ihle, Ireland, Kelly, Kessinger, Kurcaba, McGeehan, Miller, Moffatt, O’Neal, Overington, Rowan, Shott, R. Smith, Sobonya, Stansbury, Statler, Storch, Walters, Waxman 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. 14 - “Designating the second Friday in July as West Virginia Collector Car Appreciation Day.”

Whereas, The collection and restoration of historic and classic cars is an important part of preserving the technological achievements and cultural heritage of West Virginia. Many people in this state maintain classic automobiles as a pastime and do so with great passion and as a means of individual expression; and

Whereas, It is important to recognize the effect that the more than 100-year history of the automobile has had on the economic progress of the United States and to support wholeheartedly all activities involved in the restoration and exhibition of classic automobiles. The collection,

restoration and preservation of automobiles is an activity shared across generations and across all segments of society. Hundreds of local car clubs and related businesses have been instrumental in preserving a historic part of the heritage of West Virginia by encouraging the restoration and exhibition of such vintage works of art; and

Whereas, Automotive restoration provides well-paying, high-skilled jobs for people throughout West Virginia as well as providing the inspiration for music, photography, cinema, fashion and other artistic pursuits that have become part of the culture of West Virginia; therefore, be it

Resolved by the Legislature of West Virginia:

That the second Friday in July be designated as West Virginia Collector Car Appreciation Day.

Mr. Speaker (Mr. Armstead) offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 15 – “Requesting the Division of Highways to name bridge numbers 20-79-15.46, northbound and southbound (20A510 and 20A511), latitude 38.50136, longitude -81.41475, locally known as I-79 Wills Creek Overpass 2674 Bridges Northbound and Southbound, carrying Interstate 79 over County Route 53 and Wills Creek in Kanawha County, as the ‘U.S. Marine Corps PFC Clayton Andrew Craft Memorial Bridge’.”

Whereas, PFC Clayton Andrew Craft was born on May 30, 1949, in Charleston, West Virginia, the son of Raymond W. Craft and Faye D. Nunley; and

Whereas, PFC Clayton Andrew Craft grew up near Clendenin, West Virginia, and graduated in 1967 from Herbert Hoover High School; and

Whereas, Following his graduation from high school, PFC Clayton Andrew Craft enlisted in the US Marine Corps on August 9, 1967, in Ashland, Kentucky and received his basic military training in California; and

Whereas, PFC Clayton Andrew Craft arrived in the Republic of Vietnam on January 18, 1968, where he was assigned for duty with Company D, 1st Battalion, 5th Marine Regiment; and

Whereas, On April 8, 1968, while on patrol in the Thua Thien Province of the Republic of Vietnam, PFC Clayton Andrew Craft was wounded and killed by a hostile explosive device; and

Whereas, During his service in the United States Marine Corps, PFC Clayton Andrew Craft received the following decorations and awards: Purple Heart with two Gold Stars; National Defense Service Medal; Vietnam Service Medal with three Bronze Stars; Republic of Vietnam Campaign Medal with 1960 device; Republic of Vietnam Military Merit Medal; Republic of Vietnam Gallantry Cross with Palm; and Gold Star Lapel Button; and

Whereas, It is fitting that an enduring memorial be established to commemorate PFC Clayton Andrew Craft, a native son who gave the ultimate sacrifice for his state and his country, by naming the bridges in his honor; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways to name bridge numbers 20-79-15.46, northbound and southbound (20A510 and 20A511), latitude 38.50136, longitude -81.41475, locally known as I-79 Wills Creek Overpass 2674 Bridges Northbound and Southbound, carrying Interstate 79 over County Route 53 and Wills Creek in Kanawha County, as the “U.S. Marine Corps PFC Clayton Andrew Craft Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying both bridges, northbound and southbound, as the "U.S. Marine Corps PFC Clayton Andrew Craft Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation and to the members of the American Legion Post 61 in Clendenin, West Virginia.

Delegates Morgan, Perdue, Hornbuckle, Sobonya, Rohrbach, Miller, Reynolds and Hicks offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 16 - "Requesting the Division of Highways name bridge number 06-35-3.83 (06A086) (38.36457, - 82.37397), locally known as the 'Green Valley Bridge', which, along County Route 35 traverses 'Fourpole Creek' in Cabell County, the 'U.S. Army PFC John Ira Pinkerman Memorial Bridge'."

Whereas, John Ira Pinkerman was born in Huntington, West Virginia in 1921 and was raised on Green Valley Road near Bowen Ridge in Cabell County; and

Whereas, PFC Pinkerman married Geneva Frances Alley in 1941. They had one child, John Alan Pinkerman, born May 19, 1943; and

Whereas, PFC Pinkerman was drafted into the U.S. Army on January 18, 1944; and

Whereas, PFC Pinkerman was killed in action in Northeast France on January 12, 1945. He is one of five thousand two hundred and fifty-five soldiers laid to rest in the U.S. Military Cemetery in Epinal France; and

Whereas, It is fitting and proper that PFC John Ira Pinkerman be remembered and acknowledged for his dedicated service to this country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 06-35-3.83 (06A086) (38.36457, - 82.37397), locally known as the "Green Valley Bridge," which, along County Route 35 traverses "Fourpole Creek" in Cabell County, the "U.S. Army PFC John Ira Pinkerman Memorial Bridge; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge the "U.S. Army PFC John Ira Pinkerman Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this concurrent resolution to the Secretary of the Department of Transportation and all surviving family members of PFC John Ira Pinkerman.

Delegates Phillips, Marcum, Rodighiero and P. White offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 17 – "Requesting the Division of Highways name Greenville Road Bridge, located in Logan County near the town of Man which traverses Rock House Creek, the 'SGT Larry Joseph Whitt Bridge'."

Whereas, Larry Joseph Whitt was the son of the late Frank and Texie Whitt of Greenville, West Virginia; and

Whereas, SGT Whitt joined the United States Army in 1969 and served his country valiantly during the Vietnam War where he received horrific combat injuries, including the loss of both of his legs, his left arm from his elbow down and an eye, while, additionally, having to undergo surgery to remove shrapnel from his brain; and

Whereas, After receiving these injuries he recovered from them in the Walter Reed Hospital in Cleveland, Ohio and he became an inspiration to all whose lives he touched, as he suffered his injuries without complaint nor blame while continuing to enjoy life; and

Whereas, SGT Whitt married Lillian McCoy and adopted her three children, Lisa, James David and Gaye while later being blessed with two sons from his marriage to Ms. McCoy, Larry and Kevin. Further, SGT Whitt was blessed with loving brothers and sisters who helped make sure his life included many activities he enjoyed, especially hunting and fishing; and

Whereas, Approximately ten years after his service to this country as a combat soldier in Viet Nam, SGT Whitt developed leukemia to which he succumbed on April 17, 1980, one day shy of his birthday; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to erect signs at both entrances to the Greenville Road Bridge located in Logan County near the town of Man which traverses Rock House Creek renaming the bridge the "SGT Larry Joseph Whitt Bridge"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this concurrent resolution to the Secretary of the Department of Transportation and all surviving family members of SGT Whitt, named herein.

Delegates Phillips, Marcum, Rodighiero and P. White offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 18 – "Requesting the Division of Highways to name a section of road on State Route 10 running through Man, Logan County from the intersection of State Route 10 and State Route 80 to the intersection of State Route 10 and County Route 16, the 'U.S. Air Force Staff Sergeant William Henry 'Bill' Whitman Memorial Highway'."

Whereas, Staff Sergeant William Henry "Bill" Whitman attended Man High School where he lettered in football and graduated in 1947. He then attended Greenbrier Military Academy and Marshall College in Huntington, West Virginia; and

Whereas, William Henry "Bill" Whitman enlisted in the United States Air Force on October 10, 1950. After completing training at Lackland Air Force Base in Texas, he was stationed at Yokota Air Base in Japan as a crew member of a B-29A Superfortress Bomber with the 345th Squadron, 98th Bomber Wing. On November 19, 1952, after completing a successful bombing run on Sonchon, North Korea, his aircraft was badly damaged by an enemy MIG fighter jet. His crew bailed out about a half mile north of Cho-do, North Korea. He was thereafter listed as missing in action and was presumed dead on November 20, 1953. His remains were never recovered; and

Whereas, Staff Sergeant William Henry "Bill" Whitman was awarded the Air Medal, the Purple Heart, the Korean Service Medal, the United Nations Service Medal, the National Defense Service Medal, the Korean Presidential Unit Citation and the Republic of Korea War Service Medal; and

Whereas, It is fitting and proper that an enduring memorial be established to commemorate his service and ultimate sacrifice to his country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a section of road on State Route 10 running through Man, Logan County from the intersection of State Route 10 and State Route 80 to the intersection of State Route 10 and County Route 16, the "U.S. Air Force Sergeant William Henry 'Bill' Whitman Memorial Highway"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the section of road containing bold and prominent letters proclaiming the road the "U.S. Air Force Staff Sergeant William Henry 'Bill' Whitman Memorial Highway"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Commissioner of the Division of Highways and to the family of the late Staff Sergeant William Henry "Bill" Whitman.

Delegates Waxman, Trecost, Miley and Hamrick offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 19 – "Requesting the Division of Highways to name the bridge on U. S. Route 19 at mile marker 15.55 over the West Fork River in Clarksburg, Harrison County, the "H. Laban White Memorial Bridge'."

Whereas, H. Laban White, father, husband, lawyer, veteran, former Speaker of the West Virginia House of Delegates, former chairman of the Judiciary Committee for the West Virginia House of Delegates and distinguished West Virginian, was born on May 1, 1916, in Spencer, West Virginia, the son of H. Laban White, Sr. and Nan Leigh (Cox) White. He passed away on January 31, 2015, at his home in Clarksburg. He married the love of his life, Gwendolyn Beall on December 23, 1943, and they were the parents of three daughters, Patricia Linda (White) Stumpo (deceased), Diane (White) Slaughter and son-in-law, Gary Slaughter, and Carol White; grandchildren, Melissa and David McCullough, Joshua Laban and Jaime Gutshall, Liza Gabrielle and Nicholas Vick, Traci Michelle and Joe Terango, Jennifer Careen and Scott Duarte, Tina Nicole Stumpo (deceased); thirteen great-grandchildren, Lauren Walatka, Dillon McCullough, Emma McCullough, Hannah Gutshall, Joshua Gutshall, Kobe Vick, Noah Vick, Anthony Terango, Dante Terango, Brock Duarte, Brennan Duarte, Sophia Duarte and Amelia Duarte; and

Whereas, H. Laban White entered the United States Army in 1942 as a private and retired from the U.S. Army Reserve as Lieutenant Colonel after 35 years in active and reserve service. He was State Commander and National Director of AMVETS and a very prominent and active member of his community for 70 years. He practiced law from 1942 to 2004, served as President of the Harrison County Bar Association and was the City Attorney of Clarksburg and a member of the Clarksburg Sanitary Board. His many honors received include: Glenville State College's Alumnus of the Year and the Distinguished Service Award; the West Virginia Vocational Rehabilitation Division's Distinguished Service Award; and the Boy Scouts of America's Distinguished Silver Beaver. He was also a member of the Clarksburg Lions, Elks and Moose Clubs and a past president of Clarksburg Lions; a member of the Harrison County, the West Virginia and the American Bar Associations, the Allohak Council of the Boy Scouts of America, a past president of the Clarksburg-Harrison Cultural Foundation, the Board of Trustees of Alderson-Broaddus College, the American Legion, the Reserve Officers Association and National Conference of State Legislative Leaders where he served as National Vice President; and

Whereas, H. Laban White received the Distinguished Legislative Commendation for introducing and procuring the passage of many legislative bills to improve the safety, welfare and human rights of the people of West Virginia, and he holds the highest award of the Lions International, a Fellow of the Melvin Jones Foundation. Mr. White was honored by the Harrison County Commission for significant contributions made to prove that a life well lived can make a great difference by proclaiming July 8, 2004, as H. Laban White Day. He was also honored on June 1, 1996, by the Clarksburg Lions Club "Roast" to commend him for his leadership and participation in the formation of the Scholarship Foundation; and

Whereas, H. Laban White also provided counsel and guidance to the Energy Corporation of America since 1973, first as legal adviser and subsequently as a member of the Board of Directors and finally as a Director Emeritus. Mr. White was also a member of the Clarksburg Baptist Church, where he served in many capacities, including being a teacher for 46 years, a member of the Choir and of the board and as the church attorney for many years; and

Whereas, Naming the bridge on U. S. Route 19 at mile marker 15.55 over the West Fork River in Clarksburg, Harrison County, the "H. Laban White Memorial Bridge" is an appropriate recognition of the contributions to his country, state, community and Harrison County; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the bridge on U. S. Route 19 at mile marker 15.55 over the West Fork River in Clarksburg, Harrison County, the "H. Laban White Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is requested to have made and be placed signs identifying the bridge as the "H. Laban White Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation and all surviving members of his family.

Delegates Cooper, D. Evans, J. Nelson, Fleischauer, Longstreth, Rowan and Weld offered the following resolution, which was read by its title and referred to the Committee on Veterans' Affairs and Homeland Security then Rules:

H. C. R. 20 – "Urging the United States Congress to provide funding for the West Virginia National Guard to sustain and enhance its capabilities in its role in a regional catastrophe and to modernize the antiquated avionics of its fleet of C130s and other aircraft to meet global airspace requirements for 2020."

Whereas, In the event of a regional catastrophe, West Virginia's east-west highways, including I-68 and I-64 are links to the major exit corridors from the FEMA National Capital Region (NCR) westward and, assuming that a regional catastrophe will likely include Baltimore to the north of the NCR and Richmond to the south of the NCR, westward evacuation utilizing these highways is highly likely and is, in fact anticipated; and

Whereas, The routes through West Virginia will traverse rural areas that do not have infrastructure adequate for what could be a mass of evacuees in the worst-case scenario; experience in regional emergencies, such as Superstorm Sandy in 2012, illustrates some shortcomings in planning that is less focused on regions and more on states; and

Whereas, West Virginia is perfectly (and geographically) postured to support any emergency or disaster response to the NCR, including mass evacuation westward; and

Whereas, FEMA regions do not necessarily represent grouping of states likely to be involved in some scenarios; FEMA region III contains the NCR and West Virginia as its western-most edge and in a major catastrophe, Regions V, with Ohio, Indiana, and Illinois, VII with Missouri, and IV with Kentucky, Tennessee, and North Carolina are likely to be involved in some combinations; and

Whereas, The National Guard, through the use of Emergency Management Assistance Compacts, can operate across state lines to provide vital response capability in security, transportation, medical, housing, communications, command and control, and others based on its dual role in military preparedness and state civil support; and

Whereas, Military Force Structure assigned to the National Guard must be considered by Federal Military planners for the dual use they can encounter; National Guard Organizations require personnel, equipment, organization, training, leadership and funding to maintain federal military standards and to be prepared to respond to a domestic emergency or disaster; and

Whereas, Regional catastrophic planning is dependent on National Guard assets, capabilities and responsiveness; consequently, it is also critical that federal military planners assess the impact of their force structure changes on regional capability needs as well as those that are state specific; and

Whereas, The C-130 H3 "Hercules" aircraft assigned to the 130th Airlift Wing of the West Virginia National Guard at Yeager Airport in Charleston, West Virginia will eventually become obsolete without system modernization to the communication, navigation, and surveillance (CNS) components; National Air Traffic Control (ATC) agencies and the International Civil Aviation Organization (ICAO) are modernizing airspace faster than the US Air Force is updating C-130 avionics capabilities; and

Whereas, Aircraft component acquisition becomes increasingly difficult as fewer C-130 H aircraft remain in the Air Force inventory and the unique components of the C-130, including its self contained navigational system (SCNS), face short term supply chain shortages that could be remedied with aircraft avionics modernization; and

Whereas, The contract to perform maintenance on aircraft flight computers is renewed annually and this perpetual reliance on short term contracts increases sustainment cost and challenges mission effectiveness and operational planning; and

Whereas, Reliance on short term contracts and antiquated avionics will increase Air Force expense in the long run as it translates to more expensive mission-essential contracts and increased fuel expenditures due to inefficient routing; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby urges the United States Congress to provide funding for the West Virginia National Guard to sustain and enhance its capabilities in its role in a regional catastrophe and to modernize the antiquated avionics of its fleet of C130s and other aircraft to meet global airspace requirements for 2020; and, be it

Further resolved, That the Clerk of the House of Delegates is hereby directed to forward a copy of this resolution to the President and Secretary of the United States Senate, the Speaker and Clerk of the House of Representatives and to the members of West Virginia congressional delegation.

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

By Delegate Foster:

H. J. R. 30 – “Proposing an amendment to the Constitution of the State of West Virginia, amending article X thereof, by adding thereto a new section, designated section one-d, relating to exempting from ad valorem taxation personal property in the form of manufacturing inventory and manufacturing equipment; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Finance then the Judiciary.

And,

By Delegates Howell, Mr. Speaker (Mr. Armstead), Espinosa, Stansbury, Frich, Butler, Cadle, Blair, Cooper, Hamrick and Waxman:

H. J. R. 31 – “Proposing an amendment to the Constitution of the State of West Virginia, amending section one-b, article ten thereof, relating to ad valorem property tax rates for citizens of the age of sixty-five or older; locking the value of a homestead property, for the purpose of calculating property taxes, at the assessed value when the owner-occupier turned sixty-five or purchased the property, whichever occurred later”; to the Committee on Finance then the Judiciary.

Motions

Delegate Sponaugle submitted a written motion, under the provisions of House Rule 95a, that consideration of H. B. 4005 be deferred until such time as a fiscal note could be prepared to reflect the increase or decrease in revenue of the State or its political subdivision as is required by House Rule 95a.

The Speaker responded that the bill does not increase a tax and does not specifically and expressly change revenue sources coming to the state or political subdivisions as specified by House Rule 95a, and therefore, ruled that the motion was out of order.

Bills Introduced

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

By Delegates Phillips, Reynolds, Marcum, Hartman, Walters, Sobonya, McCuskey, Eldridge, P. White, Weld and Bates:

H. B. 4190 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-30-1, relating to prohibiting state agencies and departments from acting outside their statutory scopes of authority”; to the Committee on the Judiciary.

By Delegates Howell, Arvon, Moffatt, Phillips, Eldridge, Faircloth, Cadle, Walters, Ellington, Cooper and R. Smith:

H. B. 4191 — “A Bill to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §8-5A-1, relating to creating the Taxation With Representation Act whereby nonresidents of a municipality who work in that municipality and who pay user fees pursuant to a municipal ordinance may vote in municipal elections”; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Howell, Frich, Moffatt, Faircloth, Westfall, Phillips, Cadle, Walters, Zatezalo, Waxman and Kelly:

H. B. 4192 — “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17A-2-24, relating to regional Division of Motor Vehicle offices and self-service kiosks; requiring the division to maintain at least one regional office location within twenty-five miles’ driving distance of the county seat of any county of a certain population; requiring the division to maintain at least one self-service kiosk within any county below a certain population; requiring the division to conduct an evaluation and report to the Joint Standing Committee on Government Organization regarding the propriety of self-service kiosks to replace regional offices in counties below a certain population; and prohibiting the division from operating more than twenty-five regional offices”; to the Committee on Roads and Transportation then Finance.

By Delegates Howell, Frich, Arvon, Moffatt, Faircloth, Westfall, Phillips, Miller, Cadle, Walters and Zatezalo:

H. B. 4193 — “A Bill to amend and reenact §17C-15-34 of the Code of West Virginia, 1931, as amended, relating to motor vehicle equipment; prohibiting the modification of mufflers resulting in excessive noise levels; and providing an exception”; to the Committee on Roads and Transportation then the Judiciary.

By Delegates Howell, Storch, Frich, Arvon, Eldridge, Moffatt, Upson, Westfall, McCuskey, Miller and Cadle:

H. B. 4194 — “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-12, relating to requiring each public high school to offer a course in computer science”; to the Committee on Education then Finance.

By Delegates Ireland, Longstreth, Cadle, Kelly, Zatezalo, D. Evans and Ambler:

H. B. 4195 — “A Bill to amend and reenact §11-1C-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-1C-5c, all relating to appraisal value of certain motor vehicles for purposes of ad valorem property taxes; providing that the minimum appraised value of a motor vehicle is \$700 for purposes of ad valorem property taxes; and providing that the appraised value of an antique motor vehicle is \$5,000 for purposes of ad valorem property taxes”; to the Committee on Roads and Transportation then Finance.

By Delegates Howell, Frich, Arvon, Moffatt, Storch, Eldridge, Faircloth, Westfall, Phillips, Miller and Cadle:

H. B. 4196 — “A Bill to amend and reenact §17-24A-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §17-24A-6a, all relating to abandoned antique vehicles; creating a special procedure for a person in possession of an abandoned antique vehicle to apply for and receive title to the vehicle; creating a procedure for the Division of Motor Vehicles to search for the owner of the vehicle and provide notice of the application for title to vehicle; creating a procedure for the owner to reclaim the vehicle within 30 days of notice of an application for title to the vehicle; establishing fees to accompany an application for title to the vehicle; establishing fees for reclamation of the vehicle by owner; creating a misdemeanor and imposing fines for interfering with an owner’s attempt to reclaim a vehicle; and directing the division to promulgate rules and forms to effectuate new procedure”; to the Committee on Roads and Transportation then the Judiciary.

By Delegates Kelly, Cooper, Faircloth, Atkinson, Weld, Frich, Blair, Waxman, Zatezalo, Howell and Ireland:

H. B. 4197 — “A Bill to amend and reenact §16-3C-2 of the Code of West Virginia, as amended, relating to allowing the required HIV and hepatitis testing for the protection of a law-enforcement officer and others who may have been exposed to an HIV or hepatitis infection as a result of the performance of his or her duties”; to the Committee on Health and Human Resources then Finance.

By Delegates Moye, Perry, Rohrbach, Frich, Cooper, Ambler, Duke, Sponaugle, Lynch and Rodighiero:

H. B. 4198 — “A Bill to amend and reenact §17C-12-7 of the Code of West Virginia, 1931, as amended, relating to increasing the safety of school children who use school buses; adding penalties for overtaking and passing a school bus stopped for the purpose of receiving and discharging children”; to the Committee on Roads and Transportation then the Judiciary.

By Delegates Zatezalo, McGeehan, Moffatt and Howell:

H. B. 4199 — “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-2-4; and to amend said code by adding thereto a new section, designated §7-1-3pp, all relating to accessible county records; requiring county clerks to report certain county official information to the Secretary of State annually; requiring county commissions to maintain a website; and requiring the Secretary of State to annually update a website of county information”; to the Committee on Political Subdivisions then Government Organization.

By Delegates Gearheart, Householder, Ellington, Ambler, Cooper, Azinger, McGeehan, Wagner, Shott, Hamrick and Westfall:

H. B. 4200 — “A Bill to amend and reenact §17-1-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §17-16A-6a, all relating to eliminating courtesy patrol programs operated by the Division of Highways and the Parkways Authority”; to the Committee on Roads and Transportation then Finance.

By Delegates Overington, Hanshaw, Blair, Shott, Statler, Sobonya, Summers, Weld, Kessinger, B. White and Fleischauer:

H. B. 4201 — “A Bill to amend and reenact §61-8-19a and §61-8-19b of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §61-8-19c, all relating to increasing the criminal penalties for participating in an animal fighting venture; providing that owning, possessing, keeping or training an animal with the intent that the animal engage in an animal fighting venture is a crime; providing criminal penalties for participating in wagering at animal fighting ventures; and providing penalties for second or subsequent violations”; to the Committee on the Judiciary.

By Delegates Stansbury, Howell, Householder, Folk, Hill, Statler, Ihle, J. Nelson, Blair, Phillips and Foster:

H. B. 4202 — “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated, §15-2F-1, §15-2F-2, §15-2F-3, §15-2F-4, §15-2F-5, §15-2F-6, §15-2F-7, §15-2F-8, §15-2F-9 and §15-2F-10, all relating to providing legislators with the information necessary for basic oversight of members of the executive branch law-enforcement agencies who seize and forfeit private property under state and federal forfeiture laws; and requiring the Superintendent of the West Virginia State Police to maintain databases concerning that information”; to the Committee on the Judiciary.

By Delegates Westfall, B. White, Gearheart, Stansbury, Butler, Atkinson, Phillips, Weld and McCuskey:

H. B. 4203 — “A Bill to amend and reenact §20-2-28 of the Code of West Virginia, 1931, as amended, relating to providing a hunting license exemption for certain nonresident landowners and

their spouses and children residing with the nonresident landowner”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates Cadle, D. Evans, Cooper, Ambler, Moye, Foster, Butler, Gearheart, Householder, Moffatt and R. Smith:

H. B. 4204 — “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-16-10, relating to inspections of commercial motor vehicles, trailers, and semitrailers operating in interstate commerce need only meet the requirements for annual inspection that are comparable to, or effective as, requirements contained in the Federal Motor Carrier Safety Regulations”; to the Committee on Roads and Transportation then Government Organization.

By Delegates Cowles, Howell, Faircloth, Perry, Lynch, McCuskey, Sobonya, Deem, Overington and Kessinger:

H. B. 4205 — “A Bill to amend and reenact §46A-6-107 of the Code of West Virginia, 1931, as amended, relating to disclaimers and exclusions of warranties in consumer transactions for goods; permitting waivers of warranty for defects and malfunctions in certain used manufactured homes; permitting waivers of express and implied warranties in the sale of certain used manufactured homes; and rendering all noncompliant exclusions, modifications and limitations of warranties void”; to the Committee on the Judiciary.

By Mr. Speaker (Mr. Armstead), and Delegates Miley, Bates, Lane and Shott:

H. B. 4206 — “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §52-2-11, relating to grand juries; authorizing prosecuting attorneys to designate law-enforcement officers and investigators as custodians of records, documents and other evidence subpoenaed by a grand jury; authorizing designated custodians to used subpoenaed records, documents and other evidence for investigative purposes prior to such records, documents or other evidence being presented to a grand jury; requiring presentation of subpoenaed materials held by the custodian be presented to the next session of the grand jury meeting after receipt; and limiting law enforcement use of such subpoenaed materials to legitimate investigation and prosecuted purposes relevant to the investigation underlying the issuance of the subpoena”; to the Committee on the Judiciary.

By Mr. Speaker (Mr. Armstead), and Delegates Miley, Bates, Lane and Shott:

H. B. 4207 — “A Bill to amend and reenact §4-5-2 of the Code of West Virginia, 1931, as amended, relating to the ability of the Commission on Special Investigations to obtain information and documents that are considered confidential”; to the Committee on the Judiciary.

By Mr. Speaker (Mr. Armstead), and Delegates Miley, Bates, Lane and Shott:

H. B. 4208 — “A Bill to amend and reenact §4-5-4 of the Code of West Virginia, 1931, as amended, relating to removing the requirement that the Joint Committee on Government and Finance approve expenses of the Commission on Special Investigations”; to the Committee on the Judiciary.

By Delegates Phillips, J. Nelson, Bates, R. Smith, Perry, Moye, P. White, Butler, Marcum, Hicks and McCuskey:

H. B. 4210 — “A Bill to amend and reenact §11-13A-3 of the Code of West Virginia, 1931, as amended, relating to coal severance tax; and reduction of the severance rate for coal mined by underground methods based on length of belt line or distance travelled in the mine; and providing a three year sunset provision”; to the Committee on Energy then Finance.

By Delegates Sponaugle, Eldridge, Caputo, Fluharty, Lynch, Pushkin, Campbell, Shaffer, Longstreth, Ferro and Hicks:

H. B. 4211 — “A Bill to amend and reenact §22-21-17 of the Code of West Virginia, 1931, as amended; and to amend and reenact §22C-9-7 of said code, all relating to prohibiting drilling units from being established without consent of all owners; prohibiting coal bed methane units from being established without consents from all owners; and prohibiting deep oil or gas well units from being established without consents from all owners”; to the Committee on Energy then the Judiciary.

By Delegate J. Nelson:

H. B. 4212 — “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-5-21, relating to air pollution control; providing that regulation of wood burning appliances is subject to the approval of the Legislature under the authority of the Tenth Amendment to the Constitution of the United States; and providing that rules relating to enforcement of performance standards for residential wood burning heaters or appliances may not become effective unless first approved by the Legislature”; to the Committee on Energy then the Judiciary.

By Delegates Storch, Faircloth, P. Smith and Ferro:

H. B. 4213 — “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §48D-1-101, §48D-1-102, §48D-1-103, §48D-1-104, §48D-1-105, §48D-1-106, §48D-1-107, §48D-2-201, §48D-2-202, §48D-2-203, §48D-2-204, §48D-3-301, §48D-3-302, §48D-3-303, §48D-3-304, §48D-3-305, §48D-3-306, §48D-3-307, §48D-3-308, §48D-3-309, §48D-3-310, §48D-3-311, §48D-4-401, §48D-4-402, §48D-4-403, §48D-4-404, §48D-5-501, §48D-5-502 and §48D-5-503, all relating to adoption of the ‘Uniform Deployed Parents Custody and Visitation Act’; defining terms; providing for enforcement through assessment of attorney fees and costs; establishing procedures to determine matters of child custody and visitation when parents are deployed in military or other national service; requiring notices from deployed parent; providing for out-of-court agreements and establishing minimum requirements therefor; prohibiting consideration of past or future deployments in determining the best interest of the child; authorizing orders for payment of child support during deployment; providing for modification and termination of orders and agreements; and giving guidance for interpretation and construction in conjunction with other laws and orders”; to the Committee on the Judiciary.

**By Mr. Speaker (Mr. Armstead), and Delegate Miley
[By Request of the Executive]:**

H. B. 4214 — “A Bill to amend and reenact §5B-2A-3 and §5B-2A-4 of the Code of West Virginia, 1931, as amended, all relating to continuing the Office of Coalfield Community Development within the Department of Commerce; allowing the Secretary of the Department of Commerce to appoint a chief; and defining a term”; to the Committee on Small Business, Entrepreneurship and Economic Development then Government Organization.

By Delegates Kurcaba, Faircloth, Statler, Espinosa, Wagner, Weld, Rowan, McGeehan, Azinger, Hamrick and Upson:

H. B. 4215 — “A Bill to amend and reenact §18C-7-6 of the Code of West Virginia, 1931, as amended, relating to removing the requirement that a home schooled student must acquire a general equivalency degree (GED) in order to qualify for a PROMISE scholarship; and adding another method by which a person is eligible for a PROMISE scholarship”; to the Committee on Education then Finance.

**By Mr. Speaker (Mr. Armstead), and Delegate Miley
[By Request of the Executive]:**

H. B. 4216 — “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-2D-4c, relating to exempting community-based behavioral health

facilities, programs or services from the certificate of need process; and defining 'community-based'; to the Committee on Health and Human Resources.

By Mr. Speaker (Mr. Armstead), and Delegate Miley

[By Request of the Executive]:

H. B. 4217 — “A Bill to amend and reenact §29-22-18d of the Code of West Virginia, 1931, as amended, relating to reducing the distributions to the West Virginia Infrastructure Fund to \$30 million for fiscal year 2017 and increasing the percentage of funds available for grants therefrom”; to the Committee on Finance.

By Delegate Miley

[By Request of the Executive]:

H. B. 4218 — “A Bill to amend and reenact §24C-1-2 of the Code of West Virginia, 1931, as amended, relating to the One-call system; revising the definition of ‘underground facility’”; to the Committee on Energy then the Judiciary.

By Delegates Howell, Overington, Statler, Foster, Cadle, J. Nelson, D. Evans, R. Smith, Phillips, Arvon and Canterbury:

H. B. 4219 — “A Bill to amend and reenact §17C-16-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §17C-16-10, all relating to vehicle inspection stations; eliminating the provisions of code authorizing state police to inspect vehicle inspection stations; requiring all vehicle inspection stations to post a surety bond with the Commissioner of Motor Vehicles, and establishing conditions under which an inspection station will forfeit its surety bond and inspection permit”; to the Committee on Government Organization then Finance.

By Delegate Miley

[By Request of the Executive]:

H. B. 4220 — “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-15-3d, relating to imposing the consumers sales and service tax and use tax on sales of telecommunications service and ancillary services”; to the Committee on Finance.

By Delegates Stansbury, Householder, Ellington, Rohrbach, Weld, Miller, Hanshaw, B. White, Westfall, Campbell and Sobonya:

H. B. 4221 — “A Bill to amend and reenact §16-46-3 of the Code of West Virginia, 1931, as amended, relating to the administration of an opioid antagonist to a person believed to be suffering from an opioid-related overdose”; to the Select Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

By Delegates Gearheart, Householder, Ellington, Fast and Ambler:

H. B. 4222 — “A Bill to amend and reenact §15-2-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17-16A-10 and §17-16A-18 of said code, all relating to providing for the transfer of ownership, operation and maintenance of certain assets of the West Virginia Parkways Authority to the Division of Highways; reimbursement to the West Virginia State Police for performance of police duties on the West Virginia Turnpike after the transfer; requiring that the parkways authority bring the West Virginia Turnpike into compliance with Division of Highways standards by June 30, 2019; requiring assessments of the turnpike by the Division of Highways to identify certain deficiencies; requiring the division to report its findings upon the assessments to the Joint Committee on Government and Finance and the Governor; requiring the division to certify certain findings upon the assessments to the Joint Committee on Government and Finance and the Governor; requiring certain bonded indebtedness of the Parkways Authority to be satisfied by June 30, 2019; prohibiting new bonds from being issued; directing the Governor to issue a proclamation

upon finding that certain bonded indebtedness obligations are satisfied and certain other conditions are met and directing the transfer of certain assets and employees of the Parkways Authority be transferred to the Division of Highways; providing for employees of the Parkways Authority whose positions are eliminated as result of the transfer; requiring certain moneys be used for operation and maintenance of, and for the provision of police services by the West Virginia State Police on the West Virginia Turnpike; cessation of tolls and removal of toll collection facilities; providing an exception; establishing the 'Turnpike Transition Fund'; funding sources and administration of the fund; providing that all obligations and responsibilities of the parkways authority for the West Virginia Turnpike cease and remaining assets be transferred to Division of Highways on or before June 30, 2020; and authorizing rule-making"; to the Committee on Roads and Transportation then Finance.

Daily Calendar

Third Reading

Com. Sub. for H. B. 2101, Eliminating obsolete government entities; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 4**), 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: Arvon, Hornbuckle, Manchin and Moore.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2101) 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. 4002, Relating to rule making under the state Administrative Procedures Act; on second reading, coming up in regular order, was read a second time.

On motion of Delegates Fleischauer and Hanshaw, the bill was amended on page two, section 19, line twenty-five, following the period, by inserting a new subsection (e), to read as follows:

“(e) The Secretary of State shall provide notice that the rule will sunset to each agency the year prior to the agency’s rule sunset date, and the notice shall direct that the agency provide: whether the rule is needed, whether federal funding will be impacted by its expiration, any adverse effect that will result for expiration of the rule to the agency, and whether health or safety of the residents of the state or any regulated persons will be impacted by the rule. The Secretary of State shall publish agency responses in the state register. The agency shall include this response with rule documents required for filing for reauthorization of each rule with the legislative rulemaking and review committee pursuant to section eleven of this article.”

And,

On page three, section twenty, line forty-seven, following the period, by inserting a new subsection (e), to read as follows:

“(e) The Secretary of State shall provide notice that the rule will sunset to the board the year prior to the board’s rule sunset date, and the notice shall direct that the board provide: whether the rule is needed, whether federal funding will be impacted by its expiration, any adverse effect that will result by expiration of the rule to the board, and whether the health or safety of the residents of the state or any persons regulated will be impacted by the rule. The Secretary of State shall publish the board’s responses in the state register. The board shall include this response with rule documents required for filing for reauthorization of each rule with the commission pursuant to section ten of this article.”

Delegate Fleischauer moved to amend the bill on page two, section nineteen, line twenty-five, following the period, by inserting a new subsection (e), to read as follows:

“(e) Failure of the Legislature to pass legislation that either reauthorizes or disapproves a rule by the date of its sunset, the rule is deemed reauthorized for another five year period without further legislative action, unless a different sunset or termination provision exists in the enabling statute under which the rule is promulgated, then the rule is deemed reauthorized for that time period. The agency shall then refile the rule within thirty days of its sunset date with the Secretary of State to reflect the new sunset date.”

And,

On page three, section twenty, line forty-seven, following the period, by inserting a new subsection (e), to read as follows:

“(e) Failure of the Legislature to pass legislation that either reauthorizes or disapproves a rule by the date of its sunset, the rule is deemed reauthorized for another five year period without further legislative action, unless a different sunset or termination provision exists in the enabling statute under which the rule is promulgated, then the rule is deemed reauthorized for that time period. The agency shall then refile the rule within thirty days of its sunset date with the Secretary of State to reflect the new sunset date.”

The question before the House being the adoption of the amendment, the same was put and did not prevail.

There being no further amendments, the bill was ordered to engrossment and third reading

Com. Sub. for H. B. 4007, Relating generally to appointment of attorneys to assist the Attorney General; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Shott the bill was amended on page two, section three, line twelve, by striking out the word “he” and on page eight, section three-a, line one hundred forty-nine, after the word “occurring”, by inserting the word “during”.

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 4031, Requiring agencies to respond to public comments received during the rule-making process; on second reading, coming up in regular order, was read a second time.

On motion of Delegates Howell, Sobonya and Frich the bill as amended on page three, section six, line fifty, by striking out subsection (c) in its entirety and inserting in lieu thereof a new subsection (c), to read as follows:

“(c) The legislative rule-making review committee may review the proposed rule to determine if the agency adequately responded to the comments received during the public comment period. Should the committee determine that the agency did not adequately respond to the comments

received during the public comment period, the committee may recommend that the Legislature not authorize the proposed rule.”

The bill was then ordered to engrossment and third reading.

First Reading

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

H. B. 2147, Requiring the circuit court, when appointing counsel for alleged protected persons, to make appointments from a listing of all interested and qualified attorneys in the circuit,

H. B. 2584, Allowing a judge to excuse a potential juror from jury duty until a later date based on seasonal employment,

Com. Sub. for H. B. 2588, Relating to the filing of financial statements with the Secretary of State,

H. B. 2796, Providing paid leave for certain state officers and employees during a declared state of emergency,

Com. Sub. for H. B. 2800, Adding law-enforcement officers' contact information and names of family members to the list of exemptions from public records requests,

And,

Com. Sub. for H. B. 4038, Relating to insurance requirements for the refilling of topical eye medication.

Leaves of Absence

At the request of Delegate Cowles, and by unanimous consent, leaves of absence for the day were granted Delegates Arvon, Hornbuckle, Manchin and Moore.

Remarks by Members

Delegate J. Nelson asked and obtained unanimous consent that the remarks of Delegate Perdue regarding S. B. 6 and drug testing be printed in the Appendix to the Journal.

Delegate Pushkin asked and obtained unanimous consent that the remarks of Delegate Fleischauer regarding her amendment to Com. Sub. for H. B. 4002 be printed in the Appendix to the Journal.

Miscellaneous Business

Delegate Frich filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 4146.

Delegate Ihle filed forms with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 4175 and H. B. 4177.

Delegate Hanshaw filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 4018.

Delegate McCuskey filed forms with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 4018 and H. B. 4146.

At 12:13 p.m., the House of Delegates adjourned until 9:00 a.m., Friday, January 22, 2016.

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

HOUSE ABSTRACT

2016 Regular Session

CONTAINING

Active House Bills as of January 21, 2016

*Denotes Committee Substitutes

ACTIVE HOUSE BILLS

- *2101. By Del. Morgan, Caputo, Faircloth, Folk, Howell and Smith, R. - **Eliminating obsolete government entities** - Introduced 1/13/2016 - To Government Organization - Passed House 1/21/2016
- 2111. By Del. Howell, Rowan, Moffatt, Hamrick, Householder, Nelson, J., Statler, Walters, Arvon, Kessinger and Evans, A. - **Providing a special method for valuation of certain wireless technology property for property taxes** - Introduced 1/13/2016 - To Judiciary then Finance - To House Finance 1/21/2016
- *2130. By Del. Westfall, Espinosa, Hamrick, McCuskey, Stansbury, White, B. and Ihle - **Including law-enforcement officers among those professionals the assault or battery of which leads to enhanced criminal penalties** - Introduced 1/13/2016 - To Judiciary - On 1st reading, House Calendar 1/22/2016
- 2147. By Del. Folk, Hamilton, Frich, Shott, Householder, Ireland, Weld, Gearheart, Hanshaw and Azinger - **Requiring the circuit court, when appointing counsel for alleged protected persons, to make appointments from a listing of all interested and qualified attorneys in the circuit** - Introduced 1/13/2016 - To Judiciary - On 2nd reading, House Calendar 1/22/2016
- 2556. By Del. Cowles, Lane, Sobonya, Householder, Kessinger, Fast and Storch - **Providing medical and religious exemptions from mandatory immunizations for school children** - Introduced 1/13/2016 - To Health and Human Resources then Judiciary
- 2584. By Del. Rohrbach, Sobonya, Shott, Miller, Hicks, Reynolds and Rowe - **Allowing a judge to excuse a potential juror from jury duty until a later date based on seasonal employment** - Introduced 1/13/2016 - To Judiciary - On 2nd reading, House Calendar 1/22/2016
- *2588. By Del. Nelson, E., Lane, Kurcaba, O'Neal, Westfall, McCuskey, Byrd, Gearheart, Storch and Espinosa - **Relating to the filing of financial statements with the Secretary of State** - Introduced 1/13/2016 - To Judiciary - On 2nd reading, House Calendar 1/22/2016

2796. By Mr. Speaker (Mr. Armstead) - **Providing paid leave for certain state officers and employees during a declared state of emergency** - Introduced 1/13/2016 - To Judiciary - On 2nd reading, House Calendar 1/22/2016
- *2800. By Del. Miller, Ferro, Sobonya, Border, Rohrbach, Folk and Eldridge - **Adding law-enforcement officers' contact information and names of family members to the list of exemptions from public records requests** - Introduced 1/13/2016 - To Judiciary - On 2nd reading, House Calendar 1/22/2016
- *4002. By Del. Howell, Anderson, Mr. Speaker (Mr. Armstead), Faircloth, Frich, Hanshaw, McCuskey, Rohrbach, Summers, Shott and Walters - **Relating to rule making under the state Administrative Procedures Act** (original similar to SB3) - Introduced 1/13/2016 - To Judiciary - Amended - On 3rd reading, House Calendar 1/22/2016
4005. By Del. Householder, Cowles, Duke, Foster, Gearheart, Miller, Overington, Shott, Walters, Waxman and Westfall - **Repealing prevailing hourly rate of wages requirements** (original similar to SB2) - Introduced 1/13/2016 - To Government Organization - On 1st reading, House Calendar 1/22/2016
- *4007. By Del. Rohrbach, Cowles, Weld, Espinosa, Cooper, Butler, Waxman, Moffatt, Arvon, Hill and Anderson - **Relating generally to appointment of attorneys to assist the Attorney General** (original similar to SB8) - Introduced 1/13/2016 - To Judiciary - Amended - On 3rd reading, House Calendar 1/22/2016
- *4031. By Del. Frich, Sobonya, Howell, Moffatt, Hanshaw, McCuskey, Shott, Overington, Mr. Speaker (Mr. Armstead), Rowe and Fleischauer - **Requiring agencies to respond to public comments received during the rule-making process** - Introduced 1/15/2016 - To Government Organization - Amended - On 3rd reading, House Calendar 1/22/2016
4033. By Del. Ellington, Summers, Householder, Rohrbach, Stansbury, Waxman, Perdue and Rodighiero (Originating in House Health and Human Resources) - **Adding criminal penalties for the unauthorized practice of pharmacists care** - Introduced 1/15/2016 - Passed House 1/20/2016 - To Senate 1/21/2016 - To Health and Human Resources then Judiciary - To Health and Human Resources 1/21/2016
- *4038. By Del. Ellington, Summers, Bates, Faircloth, Householder, Rohrbach and Stansbury - **Relating to insurance requirements for the refilling of topical eye medication** - Introduced 1/18/2016 - To Health and Human Resources - On 2nd reading, House Calendar 1/22/2016
4046. By Del. Sobonya, Frich and Moffatt - **Department of Administration, rule relating to the purchasing division** (original similar to SB149) - Introduced 1/18/2016 - To Government Organization then Judiciary - To House Judiciary 1/21/2016
4048. By Del. Sobonya, Frich and Moffatt - **Consolidated Public Retirement Board, legislative rule relating to service credit for accrued and unused sick leave** (original similar to SB167) - Introduced 1/18/2016 - To Pensions and Retirement then Judiciary - To House Judiciary 1/21/2016

4080. By Del. Sobonya, Frich and Moffatt - **Department of Veterans' Assistance, rule relating to VA headstones or markers** (original similar to SB245) - Introduced 1/18/2016 - To Veterans' Affairs and Homeland Security then Judiciary - To House Judiciary 1/21/2016
4090. By Del. Sobonya, Frich and Moffatt - **Consolidated Public Retirement Board, rule relating to the Deputy Sheriff Retirement System** (original similar to SB169) - Introduced 1/18/2016 - To Pensions and Retirement then Judiciary - To House Judiciary 1/21/2016
4091. By Del. Sobonya, Frich and Moffatt - **Consolidated Public Retirement Board, rule relating to benefit determination and appeal** (original similar to SB163) - Introduced 1/18/2016 - To Pensions and Retirement then Judiciary - To House Judiciary 1/21/2016
4095. By Del. Sobonya, Frich and Moffatt - **Consolidated Public Retirement Board, rule relating to the West Virginia State Police** (original similar to SB168) - Introduced 1/18/2016 - To Pensions and Retirement then Judiciary - To House Judiciary 1/21/2016
4106. By Del. Sobonya, Frich and Moffatt - **State Board of Registration for Professional Engineers, rule relating to the examination, licensure and practice of professional engineers** (original similar to SB209) - Introduced 1/18/2016 - To Government Organization then Judiciary - To House Judiciary 1/21/2016
4190. By Del. Phillips, R., Reynolds, Marcum, Hartman, Walters, Sobonya, McCuskey, Eldridge, White, P., Weld and Bates - **Prohibiting state agencies and departments from acting outside their statutory scopes of authority** - Introduced 1/21/2016 - To Judiciary
4191. By Del. Howell, Arvon, Moffatt, Phillips, R., Eldridge, Faircloth, Cadle, Walters, Ellington, Cooper and Smith, R. - **Taxation With Representation Act** - Introduced 1/21/2016 - To Political Subdivisions then Judiciary
4192. By Del. Howell, Frich, Moffatt, Faircloth, Westfall, Phillips, R., Cadle, Walters, Zatezalo, Waxman and Kelly - **Relating to regional Division of Motor Vehicle offices and self-service kiosks** - Introduced 1/21/2016 - To Roads and Transportation then Finance
4193. By Del. Howell, Frich, Arvon, Moffatt, Faircloth, Westfall, Phillips, R., Miller, Cadle, Walters and Zatezalo - **Prohibiting the modification of mufflers resulting in excessive noise levels** - Introduced 1/21/2016 - To Roads and Transportation then Judiciary
4194. By Del. Howell, Storch, Frich, Arvon, Eldridge, Moffatt, Upson, Westfall, McCuskey, Miller and Cadle - **Requiring each public high school to offer a course in computer science** - Introduced 1/21/2016 - To Education then Finance
4195. By Del. Ireland, Longstreth, Cadle, Kelly, Zatezalo, Evans, D. and Ambler - **Relating to appraisal value of certain motor vehicles for purposes of ad valorem property taxes** - Introduced 1/21/2016 - To Roads and Transportation then Finance
4196. By Del. Howell, Frich, Arvon, Moffatt, Storch, Eldridge, Faircloth, Westfall, Phillips, R., Miller and Cadle - **Relating to abandoned antique vehicles** - Introduced 1/21/2016 - To Roads and Transportation then Judiciary

4197. By Del. Kelly, Cooper, Faircloth, Atkinson, Weld, Frich, Blair, Waxman, Zatezalo, Howell and Ireland - **Allowing required HIV and hepatitis testing for the protection of law-enforcement officers who may have been exposed** - Introduced 1/21/2016 - To Health and Human Resources then Finance
4198. By Del. Moye, Perry, Rohrbach, Frich, Cooper, Ambler, Duke, Sponaugle, Lynch and Rodighiero - **Increasing the safety of school children who use school buses** - Introduced 1/21/2016 - To Roads and Transportation then Judiciary
4199. By Del. Zatezalo, McGeehan, Moffatt and Howell - **Relating to accessible county records** (original similar to SB317) - Introduced 1/21/2016 - To Political Subdivisions then Government Organization
4200. By Del. Gearheart, Householder, Ellington, Ambler, Cooper, Azinger, McGeehan, Wagner, Shott, Hamrick and Westfall - **Eliminating courtesy patrol programs** - Introduced 1/21/2016 - To Roads and Transportation then Finance
4201. By Del. Overington, Hanshaw, Blair, Shott, Statler, Sobonya, Summers, Weld, Kessinger, White, B. and Fleischauer - **Increasing the criminal penalties for participating in an animal fighting venture** - Introduced 1/21/2016 - To Judiciary
4202. By Del. Stansbury, Howell, Householder, Folk, Hill, Statler, Ihle, Nelson, J., Blair, Phillips, R. and Foster - **Establishing oversight and a database for seizures and forfeitures by law enforcement agencies** - Introduced 1/21/2016 - To Judiciary
4203. By Del. Westfall, White, B., Gearheart, Stansbury, Butler, Atkinson, Phillips, R., Weld and McCuskey - **Providing a hunting license exemption for certain nonresident landowners** - Introduced 1/21/2016 - To Agriculture and Natural Resources then Judiciary
4204. By Del. Cadle, Evans, D., Cooper, Ambler, Moye, Foster, Butler, Gearheart, Householder, Moffatt and Smith, R. - **Relating to inspections of commercial motor vehicles, trailers, and semitrailers** - Introduced 1/21/2016 - To Roads and Transportation then Government Organization
4205. By Del. Cowles, Howell, Faircloth, Perry, Lynch, McCuskey, Sobonya, Deem, Overington and Kessinger - **Relating to disclaimers and exclusions of warranties in consumer transactions for goods** (original similar to SB106) - Introduced 1/21/2016 - To Judiciary
4206. By Mr. Speaker (Mr. Armstead), Del. Miley, Bates, Lane and Shott - **Relating to grand juries** - Introduced 1/21/2016 - To Judiciary
4207. By Mr. Speaker (Mr. Armstead), Del. Miley, Bates, Lane and Shott - **Relating to the ability of the Commission on Special Investigations to obtain information** - Introduced 1/21/2016 - To Judiciary
4208. By Mr. Speaker (Mr. Armstead), Del. Miley, Bates, Lane and Shott - **Removing the requirement that the Joint Committee on Government and Finance approve expenses of the Commission on Special Investigations** - Introduced 1/21/2016 - To Judiciary

4210. By Del. Phillips, R., Nelson, J., Bates, Smith, R., Perry, Moye, White, P., Butler, Marcum, Hicks and McCuskey - **Relating to coal severance tax** - Introduced 1/21/2016 - To Energy then Finance
4211. By Del. Sponaugle, Eldridge, Caputo, Fluharty, Lynch, Pushkin, Campbell, Shaffer, Longstreth, Ferro and Hicks - **Prohibiting drilling units from being established without consent of all owners** - Introduced 1/21/2016 - To Energy then Judiciary
4212. By Del. Nelson, J. - **Regulating wood burning appliances is subject to the approval of the Legislature** - Introduced 1/21/2016 - To Energy then Judiciary
4213. By Del. Storch, Faircloth, Smith, P. and Ferro - **Uniform Deployed Parents Custody and Visitation Act** - Introduced 1/21/2016 - To Judiciary
4214. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Continuing the Office of Coalfield Community Development within the Department of Commerce** - Introduced 1/21/2016 - To Small Business, Entrepreneurship and Economic Development then Government Organization
4215. By Del. Kurcaba, Faircloth, Statler, Espinosa, Wagner, Weld, Rowan, McGeehan, Azinger, Hamrick and Upson - **Removing the requirement that a home schooled student must acquire a general equivalency degree (GED) in order to qualify for a PROMISE scholarship** (original similar to SB316) - Introduced 1/21/2016 - To Education then Finance
4216. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Exempting community-based behavioral health facilities, programs or services from the certificate of need process** - Introduced 1/21/2016 - To Health and Human Resources
4217. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Reducing the distributions to the West Virginia Infrastructure Fund** - Introduced 1/21/2016 - To Finance
4218. By Del. Miley [By Request of the Executive] - **Expanding the definition of “underground facility” in the One-Call System Act** - Introduced 1/21/2016 - To Energy then Judiciary
4219. By Del. Howell, Overington, Statler, Foster, Cadle, Nelson, J., Evans, D., Smith, R., Phillips, R., Arvon and Canterbury - **Relating to vehicle inspection stations** - Introduced 1/21/2016 - To Government Organization then Finance
4220. By Del. Miley [By Request of the Executive] - **Imposing the consumers sales and service tax and use tax on sales of telecommunications service and ancillary services** - Introduced 1/21/2016 - To Finance
4221. By Del. Stansbury, Householder, Ellington, Rohrbach, Weld, Miller, Hanshaw, White, B., Westfall, Campbell and Sobonya - **Relating to the administration of an opioid antagonist** - Introduced 1/21/2016 - To Select Committee on Prevention and Treatment of Substance Abuse then Judiciary
4222. By Del. Gearheart, Householder, Ellington, Fast and Ambler - **Providing for the transfer of ownership, operation and maintenance of certain assets of the West Virginia**

Parkways Authority to the Division of Highways - Introduced 1/21/2016 - To Roads and Transportation then Finance

BILLS INTRODUCED AND REFERRED

4190. By Del. Phillips, R., Reynolds, Marcum, Hartman, Walters, Sobonya, McCuskey, Eldridge, White, P., Weld and Bates - **Prohibiting state agencies and departments from acting outside their statutory scopes of authority** - Introduced 1/21/2016 - To Judiciary
4191. By Del. Howell, Arvon, Moffatt, Phillips, R., Eldridge, Faircloth, Cadle, Walters, Ellington, Cooper and Smith, R. - **Taxation With Representation Act** - Introduced 1/21/2016 - To Political Subdivisions then Judiciary
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4217. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Reducing the distributions to the West Virginia Infrastructure Fund** - Introduced 1/21/2016 - To Finance
4218. By Del. Miley [By Request of the Executive] - **Expanding the definition of “underground facility” in the One-Call System Act** - Introduced 1/21/2016 - To Energy then Judiciary
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4220. By Del. Miley [By Request of the Executive] - **Imposing the consumers sales and service tax and use tax on sales of telecommunications service and ancillary services** - Introduced 1/21/2016 - To Finance
4221. By Del. Stansbury, Householder, Ellington, Rohrbach, Weld, Miller, Hanshaw, White, B., Westfall, Campbell and Sobonya - **Relating to the administration of an opioid antagonist** - Introduced 1/21/2016 - To Select Committee on Prevention and Treatment of Substance Abuse then Judiciary
4222. By Del. Gearheart, Householder, Ellington, Fast and Ambler - **Providing for the transfer of ownership, operation and maintenance of certain assets of the West Virginia Parkways Authority to the Division of Highways** - Introduced 1/21/2016 - To Roads and Transportation then Finance

ALL HOUSE JOINT RESOLUTIONS OFFERED

2. By Del. Romine, Walters and Rowan - **Super-Majority Required for Passage of Tax Bill Amendment** - Introduced 1/13/2016 - To Judiciary then Finance
3. By Del. Lane - **Homestead Exemption Increase Amendment** - Introduced 1/13/2016 - To Judiciary then Finance
4. By Del. Caputo, Manchin and Longstreth - **The “Homestead Exemption Increase Amendment”** - Introduced 1/13/2016 - To Judiciary then Finance
5. By Del. Rodighiero, Hicks, Perdue, Marcum, Reynolds, Eldridge and Moyer - **The “Homestead Exemption Increase Amendment”** - Introduced 1/13/2016 - To Judiciary then Finance

8. By Del. Overington, Walters, Deem, Gearheart, Householder, Sobonya, Moffatt, Cadle, Foster, Frich and Blair - **The “Initiative, Referendum, and Recall Amendment”** - Introduced 1/13/2016 - To Judiciary
9. By Del. Overington, Walters, Householder, Moffatt, Butler, Frich, Gearheart, Blair, Deem, Phillips, R. and Foster - **The Super-Majority Required for Passage of Tax Bill Amendment** - Introduced 1/13/2016 - To Judiciary then Finance
10. By Del. Overington, Walters, Householder, Kelly, Foster, Gearheart, Upson, Deem, Phillips, R. and Shott - **Prohibiting the Governmental Taking of Private Property for Private Use Amendment** - Introduced 1/13/2016 - To Judiciary
12. By Del. Sponaugle, Longstreth, Hartman, Marcum, Hicks, Byrd, Hamilton, Perdue, Guthrie and Phillips, R. - **The Right to Hunt and Fish in West Virginia Amendment** - Introduced 1/13/2016 - To Judiciary
13. By Del. Overington, Householder, Moffatt, Espinosa, Upson, Frich, Phillips, R., Perdue, Hanshaw, Border and Miller - **The Homestead Exemption Increase Amendment** - Introduced 1/13/2016 - To Judiciary then Finance
14. By Del. Hamrick, Sobonya, Miller, Butler, Rohrbach and Nelson, J. - **The School Board Election Amendment** - Introduced 1/13/2016 - To Judiciary
16. By Del. Kurcaba, Hill, Faircloth, Wagner and Ihle - **The Term Limitations Amendment.** - Introduced 1/13/2016 - To Judiciary
18. By Del. Reynolds, Pushkin, Perry, Hornbuckle, Campbell, Byrd, Rohrbach and Bates - **The Removal of Governor’s veto power for education spending in budget and appropriations bills.** - Introduced 1/13/2016 - To Finance then Judiciary
20. By Del. Reynolds, Moffatt, Rodighiero, Hicks, Lynch, Trecost and Bates - **Term Limitation Amendment** - Introduced 1/13/2016 - To Judiciary
21. By Del. Rodighiero - **The Citizens’ Redistricting Commission Amendment** - Introduced 1/13/2016 - To Judiciary
22. By Del. Hamilton, O’Neal, Hanshaw, Kessinger, Blair, Weld, Foster, Hill, Ireland, Campbell and Marcum - **The Right to Hunt, Fish and Harvest Wildlife Amendment** - Introduced 1/13/2016 - To Judiciary
23. By Del. Sponaugle, Perdue, Hornbuckle, Marcum, Pushkin, Lynch, Hartman, Phillips, R. and Campbell - **The Volunteer Emergency Service Personnel Property Tax Exemption Amendment** - Introduced 1/13/2016 - To Judiciary then Finance
24. By Del. Sponaugle, Perdue, Fluharty, Hornbuckle, Trecost, Marcum, Pushkin, Byrd and Lynch - **The Veteran’s Property Tax Exemption Amendment** - Introduced 1/13/2016 - To Judiciary then Finance
25. By Del. Cowles - **The Disabled Veteran Exemption From Ad Valorem Property Taxation Amendment** - Introduced 1/13/2016 - To Judiciary then Finance

26. By Del. Lane and Shott - **The Constitutional Officers Term Limit Amendment** - Introduced 1/13/2016 - To Judiciary
27. By Del. Stansbury, Householder, Summers, Ellington, Perdue, Phillips, R., Nelson, J., Ambler, White, B., Rohrbach and Westfall - **Right to hunt, fish and harvest wildlife** - Introduced 1/18/2016 - To Agriculture and Natural Resources then Judiciary
28. By Del. Deem - **Relating to the creation of a Citizens Redistricting Commission to redistrict Senate, House of Delegates and Congressional Districts** - Introduced 1/20/2016 - To Judiciary - To House Judiciary 1/20/2016
29. By Del. Campbell, Cooper, Ferro, Kurcaba, Perry, Morgan, Pethtel, Kessinger, Statler, Wagner and Romine - **Reducing the length of terms for members of the West Virginia Board of Education** - Introduced 1/20/2016 - To Education then Judiciary - To House Education 1/20/2016
30. By Del. Foster - **Exemption from ad valorem taxation of manufacturing inventory and equipment** - Introduced 1/21/2016 - To Finance then Judiciary
31. By Del. Howell, Mr. Speaker (Mr. Armstead), Espinosa, Stansbury, Frich, Butler, Cadle, Blair, Cooper, Hamrick and Waxman - **Property tax limitation and homestead exemption amendment of 1982** - Introduced 1/21/2016 - To Finance then Judiciary

ALL HOUSE CONCURRENT RESOLUTIONS OFFERED

1. By Mr. Speaker (Mr. Armstead) - **Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising a Joint Assembly therefor** - Introduced 1/13/2016 - Reference dispensed - Adopted by House 1/13/2016 - To Senate 1/13/2016 - Committee reference dispensed - Adopted by Senate 1/14/2016
2. By Del. Rowan and Cowles - **U.S. Army PV2 William Frederick Kump Memorial Bridge** - Introduced 1/14/2016 - To Roads and Transportation then Rules
3. By Del. Rowan and Cowles - **North River Mills Historic Trace** - Introduced 1/14/2016 - To Roads and Transportation then Rules
4. By Del. Rowan - **CSA LTG Thomas J. "Stonewall" Jackson Bridge** - Introduced 1/14/2016 - To Roads and Transportation then Rules
5. By Del. Ambler, Canterbury and Cowles - **U.S. Army PV2 Eskridge A. Waggoner Memorial Bridge** - Introduced 1/15/2016 - To Roads and Transportation then Rules
6. By Del. Phillips, R., Marcum, Eldridge, Moffatt and White, P. - **U.S. Army CPL F. Lee Noel Memorial Bridge** - Introduced 1/20/2016 - To Roads and Transportation then Rules - To House Roads and Transportation 1/20/2016
7. By Del. Miller, Morgan, Moffatt, Hornbuckle, Reynolds, Sobonya and Rohrbach - **U.S. Army PFC Cecil Ray Ball Memorial Bridge** - Introduced 1/20/2016 - To Roads and Transportation then Rules - To House Roads and Transportation 1/20/2016

8. By Del. Westfall, McCuskey, White, B., Atkinson, Stansbury, Blair, Foster, Ihle, Butler and Storch - **Harry Ripley Memorial Bridge** - Introduced 1/20/2016 - To Roads and Transportation then Rules - To House Roads and Transportation 1/20/2016
9. By Del. Kelly, Kessinger, Azinger, Statler, Evans, D., Zatezalo, Weld, McGeehan, Ireland, Border and Nelson, J. - **Navy Chief Petty Officer Nicholas Heath Null Memorial Bridge** - Introduced 1/20/2016 - To Roads and Transportation then Rules - To House Roads and Transportation 1/20/2016
10. By Del. White, P., Phillips, R., Marcum and Eldridge - **U.S. Marine Corps GySgt Lionel Collins Memorial Road** - Introduced 1/21/2016 - To Roads and Transportation then Rules
11. By Del. Campbell, Moyer, Rowan, Espinosa, Wagner, Hornbuckle, White, P., Marcum, Phillips, R., Stansbury and Hamilton - **World Autism Awareness Day** - Introduced 1/21/2016 - To Rules
12. By Del. Campbell, Hartman, Sponaugle, Espinosa, Wagner, White, P., Stansbury, Perry and Hamilton - **Cheat Mountain Salamander as the State symbol of conservation** - Introduced 1/21/2016 - To Agriculture and Natural Resources then Rules
13. By Del. Cooper and Ambler - **U.S. Army SPC 4 Everette R. Johnson Memorial Bridge** - Introduced 1/21/2016 - To Roads and Transportation then Rules
14. By Del. Howell, Mr. Speaker (Mr. Armstead), Ambler, Anderson, Arvon, Atkinson, Azinger, Border, Butler, Cadle, Cooper, Cowles, Duke, Ellington, Espinosa, Evans, D., Frich, Hamrick, Hanshaw, Hill, Householder, Ihle, Ireland, Kelly, Kessinger, Kurcaba, McGeehan, Miller, Moffatt, O'Neal, Overington, Rowan, Shott, Smith, R., Sobonya, Stansbury, Statler, Storch, Walters, Waxman and Zatezalo - **Second Friday in July as West Virginia Collector Car Appreciation Day** - Introduced 1/21/2016 - To Roads and Transportation then Rules
15. By Mr. Speaker (Mr. Armstead) - **U.S. Marine Corps PFC Clayton Andrew Craft Memorial Bridge** - Introduced 1/21/2016 - To Roads and Transportation then Rules
16. By Del. Morgan, Perdue, Hornbuckle, Sobonya, Rohrbach, Miller, Reynolds and Hicks - **U.S. Army PFC John Ira Pinkerman Memorial Bridge** - Introduced 1/21/2016 - To Roads and Transportation then Rules
17. By Del. Phillips, R., Marcum, Rodighiero and White, P. - **SGT Larry Joseph Whitt Bridge** - Introduced 1/21/2016 - To Roads and Transportation then Rules
18. By Del. Phillips, R., Marcum, Rodighiero and White, P. - **U.S. Air Force Staff Sergeant William Henry 'Bill' Whitman Memorial Highway** - Introduced 1/21/2016 - To Roads and Transportation then Rules
19. By Del. Waxman, Trecost, Miley and Hamrick - **H. Laban White Memorial Bridge** - Introduced 1/21/2016 - To Roads and Transportation then Rules

20. By Del. Cooper, Evans, D., Nelson, J., Fleischauer, Longstreth, Rowan and Weld - **Funding for the West Virginia National Guard** - Introduced 1/21/2016 - To Veterans' Affairs and Homeland Security then Rules

ALL HOUSE RESOLUTIONS OFFERED

1. By Mr. Speaker (Mr. Armstead) - **Authorizing the appointment of employees for this, the Second Regular Session of the 82nd Legislature, 2016** - Introduced 1/13/2016 - Reference dispensed - Adopted by House 1/13/2016
2. By Mr. Speaker (Mr. Armstead) - **Authorizing printing and distribution of Acts of the Legislature and Journals of the House of Delegates** - Introduced 1/13/2016 - Reference dispensed - Adopted by House 1/13/2016
3. By Mr. Speaker (Mr. Armstead) - **Creating a Select Committee on Prevention and Treatment of Substance Abuse** - Introduced 1/13/2016 - Reference dispensed - Adopted by House 1/13/2016
4. By Del. O'Neal, Cooper, Moye, Mr. Speaker (Mr. Armstead), Ambler, Anderson, Arvon, Atkinson, Azinger, Bates, Blackwell, Blair, Boggs, Border, Butler, Byrd, Cadle, Campbell, Canterbury, Caputo, Cowles, Deem, Duke, Eldridge, Ellington, Espinosa, Evans, A., Evans, D., Faircloth, Fast, Ferro, Fleischauer, Fluharty, Folk, Foster, Frich, Gearheart, Guthrie, Hamilton, Hamrick, Hanshaw, Hartman, Hicks, Hill, Hornbuckle, Householder, Howell, Ihle, Ireland, Kelly, Kessinger, Kurcaba, Lane, Longstreth, Lynch, Manchin, Marcum, McCuskey, McGeehan, Miley, Miller, Moffatt, Moore, Morgan, Nelson, E., Nelson, J., Overington, Perdue, Perry, Pethtel, Phillips, R., Pushkin, Reynolds, Rodighiero, Rohrbach, Romine, Rowan, Rowe, Shaffer, Shott, Skinner, Smith, P., Smith, R., Sobonya, Sponaugle, Stansbury, Statler, Storch, Summers, Trecost, Upson, Wagner, Walters, Waxman, Weld, Westfall, White, B., White, P. and Zatezalo - **Memorializing the life of the Honorable Arnold W. Ryan** - Introduced 1/18/2016 - Reference dispensed - Adopted by House 1/18/2016

HOUSE BILLS PASSED HOUSE AND COMMUNICATED TO SENATE

- *2101. By Del. Morgan, Caputo, Faircloth, Folk, Howell and Smith, R. - **Eliminating obsolete government entities** - Introduced 1/13/2016 - To Government Organization - Passed House 1/21/2016
4033. By Del. Ellington, Summers, Householder, Rohrbach, Stansbury, Waxman, Perdue and Rodighiero (Originating in House Health and Human Resources) - **Adding criminal penalties for the unauthorized practice of pharmacists care** - Introduced 1/15/2016 - Passed House 1/20/2016 - To Senate 1/21/2016 - To Health and Human Resources then Judiciary - To Health and Human Resources 1/21/2016

ALL SENATE BILLS PASSED BY SENATE AND COMMUNICATED TO HOUSE

1. By Sen. Cole (Mr. President), Blair, Boso, Ferns, Gaunch, Trump, Carmichael, Sypolt and Takubo - **Establishing WV Workplace Freedom Act** (original similar to HB4006) - Introduced 1/13/2016 - To Judiciary - Amended - Passed Senate 1/21/2016
- *263. By Sen. Blair and Snyder - **Allowing travel and other expense reimbursement for members of Municipal Home Rule Board** - Introduced 1/13/2016 - To Government Organization - Com. sub. reported 1/15/2016 - Passed Senate 1/20/2016 - To House 1/21/2016 - To Political Subdivisions then Finance

HOUSE CONCURRENT RESOLUTIONS ADOPTED BY BOTH HOUSES

1. By Mr. Speaker (Mr. Armstead) - **Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising a Joint Assembly therefor** - Adopted 1/13/2016

HOUSE CALENDAR

Friday, January 22, 2016

10th Day

9:00 A. M.

THIRD READING

- Com. Sub. for H. B. 4002 - Relating to rule making under the state Administrative Procedures Act (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4007 - Relating generally to appointment of attorneys to assist the Attorney General (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4031 - Requiring agencies to respond to public comments received during the rule-making process (HOWELL) (REGULAR)

SECOND READING

- H. B. 2147 - Requiring the circuit court , when appointing counsel for alleged protected persons, to make appointments from a listing of all interested and qualified attorneys in the circuit (SHOTT) (REGULAR) (JUDICIARY COMMITTEE AMENDMENT PENDING)
- H. B. 2584 - Allowing a judge to excuse a potential juror from jury duty until a later date based on seasonal employment (SHOTT) (REGULAR) (JUDICIARY COMMITTEE AMENDMENT PENDING)
- Com. Sub. for H. B. 2588 - Relating to the filing of financial statements with the Secretary of State (SHOTT) (REGULAR)
- H. B. 2796 - Providing paid leave for certain state officers and employees during a declared state of emergency (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2800 - Adding law-enforcement officers' contact information and names of family members to the list of exemptions from public records requests (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4038 - Relating to insurance requirements for the refilling of topical eye medication (ELLINGTON) (REGULAR)

FIRST READING

- Com. Sub. for H. B. 2130 - Including law-enforcement officers among those professionals the assault or battery of which leads to enhanced criminal penalties (SHOTT) (REGULAR)
- H. B. 4005 - Repealing prevailing hourly rate of wages requirements (HOWELL) (REGULAR)

**WEST VIRGINIA
HOUSE OF DELEGATES**

FRIDAY, JANUARY 22, 2016

HOUSE CONVENES AT 9:00 A. M.

NO MEETINGS