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March 2, 2017
TWENTY-THIRD DAY

Thursday, March 2, 2017

TWENTY-THIRD DAY

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

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

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

The Clerk proceeded to read the Journal of Wednesday, March 1, 2017, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

Delegate Nelson, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

H. B. 2740, Making a supplementary appropriation to the Department of Administration,

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

Com. Sub. for H. B. 2740 – “A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2017 in the amount of \$15,300,000 from the Department of Revenue, Office of the Secretary – Revenue Shortfall Reserve Fund, fund 7005, fiscal year 2017, organization 0701, and making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Administration, Public Defender Services, fund 0226, fiscal year 2017, organization 0221, by supplementing and amending the appropriation for the fiscal year ending June 30, 2017,”

With the recommendation that the committee substitute do pass.

At the respective requests of Delegate Cowles, and by unanimous consent, the bill (Com. Sub. for H. B. 2740) was taken up for immediate consideration, read a first time and ordered to second reading.

Delegate Cowles moved that the constitutional rule requiring the bill to be fully and distinctly read on three different days be dispensed with.

On this question, the yeas and nays were taken (**Roll No. 36**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: laquinta.

Absent and Not Voting: Hartman and Statler.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

The bill was read a second time and ordered to engrossment and third reading.

Having been engrossed, the bill was read a third time.

Delegates Marcum, Isner and Fast requested to be excused from voting on the passage of Com. Sub. for H. B. 2740 under the provisions of House Rule 49.

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

The bill was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 37**), and there were—yeas 95, nays 5, absent and not voting none, with the nays being as follows:

Nays: Folk, Isner, Marcum, McGeehan and Paynter.

So, a majority of the members elected having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2740) passed.

Delegate Cowles moved that the bill take effect July 1, 2017.

On this question, the yeas and nays were taken (**Roll No. 38**), and there were—yeas 97, nays 3, absent and not voting none, with the nays being as follows:

Nays: Isner, Marcum and McGeehan.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2740) takes effect July 1, 2017.

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

Delegate Cooper, 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. 2100, Recognizing those in active military service as residents for the purpose of obtaining concealed carry permits while stationed at a West Virginia military installation,

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. 2100) was referred to the Committee on the Judiciary.

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

Your Committee on the Judiciary has had under consideration:

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

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

Com. Sub. for H. B. 2678 – “A Bill to amend and reenact §56-6-31 of the Code of West Virginia, 1931, as amended, relating to the rate of interest allowed for prejudgment and post-judgment interest; providing that every judgment or decree for the payment of money entered by any court of this state shall bear simple interest; providing that the court may award prejudgment interest on all or some of the amount of the special or liquidated damages; defining special damages; proving that if an obligation is based upon a written agreement, then the obligation bears prejudgment interest at the rate and terms set forth in the written agreement until the date the judgment or decree is entered; providing that the rate of prejudgment interest is two percentage points above the Fifth Federal Reserve District secondary discount rate in effect on January 2, of the year in which the right to bring the action has accrued; providing that the court will determine that prejudgment interest rate and that the determined rate shall remain constant from that date until the date of the judgment or decree; providing that the rate of prejudgment interest may not exceed nine percent per annum or be less than four percent per annum; requiring that the administrative office of the Supreme Court of Appeals shall annually determine the prejudgment interest rate and take appropriate measures to notify the courts and members of the West Virginia State Bar of the rate of interest in effect; creating an exception to how prejudgment interest is calculated for cases in which the right to bring the action accrued prior to 2009; providing that the rate of post-judgment interest is two percentage points above the Fifth Federal Reserve District secondary discount rate in effect on January 2, of the year in which the judgment or decree is entered; providing that the rate of post-judgment interest may not exceed nine percent per annum or be less than four percent per annum; requiring that the administrative office of the Supreme Court of Appeals shall annually determine the post-judgment interest rate and take appropriate measures to notify the courts and members of the West Virginia State Bar of the rate of interest in effect; and stating that the amendments to this section become effective January 1, 2018,”

With the recommendation that the committee substitute do pass.

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

Your Committee on the Judiciary has had under consideration:

H. B. 2367, Establishing a criminal offense of organized retail crime,

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

Com. Sub. for H. B. 2367 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-3F-1, §61-3F-2 and §61-3F-3, all relating to establishing a criminal offense of organized retail crime; defining terms; making it unlawful for a person to knowingly commit an organized retail crime; making it unlawful for a person to knowingly organize, supervise, finance, conspire, receive retail goods from, or otherwise manage or assist another person in committing an organized retail crime; establishing criminal penalties; providing for the aggregation of counts and sum of property value; providing for prosecution in any county in which a retail crime occurred; allowing for inference by trier of fact that a particular scheme or course of conduct was undertaken for profit; and providing for seizure and forfeiture of cash, assets or other property derived in part or total from any proceeds from participating in an organized retail crime,”

H. B. 2579, Increasing the penalties for transporting controlled substances,

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

Com. Sub. for H. B. 2579 – “A Bill to amend and reenact §60A-4-409 of the Code of West Virginia, 1931, as amended, relating to increasing the penalties for transporting controlled substances into the state; and providing for a differing penalty as to marihuana,”

And,

H. B. 2674, Relating to access to and receipt of certain information regarding a protected person,

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

Com. Sub. for H. B. 2674 – “A Bill to amend and reenact §27-3-1 of the Code of West Virginia, 1931, as amended, and to amend the said Code, by adding thereto two new sections, designated §44A-3-17 and §44A-3-18, all relating to the disclosure of certain confidential information relating to persons in guardianship; access to and receipt of certain information regarding a protected person by certain relatives of the protected person; authorizing relatives of a protected person to petition the circuit court for access and information about a protected person; defining ‘relative’; providing a relative may petition the court for an order granting access to a protected person; setting forth time standards in which to conduct a hearing after a petition is filed; providing for an emergency hearing under particular circumstances; providing for service of a petition upon a guardian and setting time standards for service thereof; providing for the entry of an order by the court following notice and hearing conducted thereon; providing standards for a court to observe and implement in issuing a ruling on a petition; providing the court may award attorney’s fees and costs be paid to a prevailing party; setting forth particular duties for a guardian to provide relatives notice about a protected person’s condition and circumstances; authorizing court to retain jurisdiction; regarding dissemination of information about a protected person to relatives; and providing a guardian method whereby one may be relieved of responsibility for providing information regarding a protected person to a relative,”

With the recommendation that the committee substitutes each do pass.

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

Your Committee on Government Organization has had under consideration:

H. B. 2691, Allowing a person who is qualified by training to be a barber and a cosmetologist to elect to practice solely as a barber,

And,

H. B. 2725, Restricting the authority of the Board of Barbers and Cosmetologists to regulate the use of commonly available, retail beauty products,

And reports the same back with the recommendation that they each do pass.

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

Your Committee on Government Organization has had under consideration:

Com. Sub. for S. B. 116, Governor's Committee on Crime, Delinquency and Correction rule relating to law-enforcement training and certification standards,

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

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 116) was referred to the Committee on the Judiciary.

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

Your Committee on Education has had under consideration:

H. B. 2637, Relating to employment of retired teachers and prospective employable professional personnel in areas of critical need and shortage,

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. 2637) was referred to the Committee on Finance.

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

Your Committee on Education has had under consideration:

H. B. 2561, Relating to public school support,

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. 2561) was referred to the Committee on Finance.

Messages from the Senate

A message from the Senate, by

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

Com. Sub. for S. B. 5 - "A Bill to amend and reenact §17E-1-9 and §17E-1-13 of the Code of West Virginia, 1931, as amended, all relating to disqualification from holding commercial driver's license for certain convictions of driving a motor vehicle under the influence of alcohol or a controlled substance; clarifying that person committing disqualifying offense prior to possessing commercial driver's license is eligible for commercial driver's license once period of revocation and safety and treatment program have been completed; expanding range of offenses eligible for reinstatement after ten years and completion of safety and treatment program; providing that a person who committed certain offenses more than ten years before the initial issuance of a commercial driver's license by any state shall be deemed to have served the period of disqualification from holding a commercial driver's license if certain conditions are met; and setting forth conditions to be met"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 9 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-2B-1, §29-2B-2, §29-2B-3, §29-2B-4, §29-2B-5, §29-2B-6, §29-2B-7 and §29-2B-8, all relating to regulation of unmanned aircraft systems; requiring compliance with federal laws and regulations relating to such systems; defining terms; creating criminal offenses for certain conduct using an unmanned aircraft system and setting penalties therefor; regulating law-enforcement use of unmanned aircraft systems; limiting uses by law enforcement of unmanned aircraft systems; requiring search warrants to be obtained before unmanned aircraft systems may be used in criminal investigations and creating exemptions thereto; requiring documentation of law-enforcement flights of unmanned aircraft systems and maintenance of records; exempting images obtained pursuant to law-enforcement action from application of the Freedom of Information Act; precluding admissibility in civil, criminal and administrative proceedings of images or the evidence obtained in violation of the provisions of this article; requiring the West Virginia Aeronautics Commission in consultation with the Secretary of the West Virginia Department of Military Affairs and Public Safety, the West Virginia State Police and the Law-Enforcement Professional Standards Subcommittee of the Governor's Committee on Crime, Delinquency and Correction to propose legislative rules and authorizing the promulgation of emergency rules; and specifically directing and authorizing the proposal and promulgation of certain rules"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 180 - "A Bill to amend and reenact §24-2-1 of the Code of West Virginia, 1931, as amended, relating to Internet protocol-enabled service and voice-over Internet protocol-enabled service; prohibiting Public Service Commission jurisdiction of Internet protocol-enabled service and voice-over Internet protocol-enabled service; and limiting Public Service Commission jurisdiction of certain telephone company transactions"; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

Com. Sub. for S. B. 225 - "A Bill to amend and reenact §48-27-402 of the Code of West Virginia, 1931, as amended, relating to permitting magistrates to modify, through a domestic violence protective order, a temporary custody order of the family court in circumstances where violence against a minor child or children is alleged"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 261 - "A Bill to amend and reenact §38-5A-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §38-5B-2 of said code, all relating to suggestions of salary and wages of judgment debtors engaged in private and public employment; increasing the amount of salary or wages of persons engaged in private and public employment that are protected from a suggestee execution from thirty times the federal minimum hourly wage then in effect to fifty

times the federal minimum hourly wage then in effect; requiring judgment creditor to provide additional personal information about the judgment debtor including, to the extent available, the present address and date of birth of the judgment debtor; and making technical changes”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 337 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §25-1-11f, relating to authorizing the hiring of correctional officers without regard to his or her placement on the correctional officer register; and granting employment preference to otherwise qualified persons on a preference register”; which was referred to the Committee on Government Organization then the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 345 - “A Bill to repeal §20-2-19a of the Code of West Virginia, 1931, as amended; to amend and reenact §20-2-5, §20-2-42g and §20-2-42h of said code; and to amend said code by adding thereto a new section designated §20-2-5i, all relating to hunting; repealing limitations on trappers on Sundays; eliminating local option election regarding hunting on Sunday on private land; permitting hunting on Sunday on private land; clarifying hunting on Sunday on public lands is unlawful; and superseding ballot measures relating to Sunday hunting that have passed or failed prior to the effective date of the amendments”; which was referred to the Committee on Agriculture and Natural Resources then the Judiciary.

A message from the Senate, by

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

S. B. 346 - “A Bill to amend and reenact §24A-1-3 of the Code of West Virginia, 1931, as amended, relating generally to the jurisdiction of the Public Service Commission over motor carriers; and exempting vehicles engaged in nonemergency transportation of Medicaid members from permit requirements”; which was referred to the Committee on Government Organization then the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 347 - “A Bill to repeal §30-3E-8 of the Code of West Virginia, 1931, as amended; to amend and reenact §30-3-5 of said code; to amend and reenact §30-3E-1, §30-3E-2, §30-3E-3, §30-3E-4, §30-3E-6, §30-3E-7, §30-3E-9, §30-3E-10, §30-3E-11, §30-3E-12, §30-3E-15, §30-3E-16 and §30-3E-17 of said code; and to amend said code by adding thereto a new section, designated §30-3E-12a, all relating to modernization of the Physician Assistant Practice Act; modifying the Board of Medicine to add an additional physician assistant to the board; substituting ‘collaborating physician’ for ‘supervising physician’; defining terms; modifying the prescriptive authority of physician assistants; eliminating the requirement that physician assistants be required to take a recertification exam after passing the initial exam; allowing for reimbursement rates from insurance plans and public payers at the same rate physicians and advance practice registered nurses in specified circumstances; adding requirements to the practice agreement; granting physician

assistants signatory authority on certain forms; and making conforming amendments”; which was referred to the Committee on Health and Human Resources then the Judiciary.

Resolutions Introduced

Delegates Walters, Marcum, Robinson, Zatezalo, Hanshaw, Shott, E. Nelson and O’Neal offered the following resolution, which was read by its title and referred to the Committee on Education then Rules:

H. C. R. 31 – “Requesting the Joint Committee on Government and Finance study the possibility of reducing the number of county boards of education in the state along with other educational reorganization.”

Whereas, Economies of Scale could be realized by reducing the present fifty-five county boards of education to a smaller number of districts as appropriate to do all education related activities; and

Whereas, Any such change should be implemented over a reasonable period; and

Whereas, Current board of education members should have their terms phased out and new boards for the districts should have the appropriate number of members with a number to be determined of members having two year terms, members having four year terms, and members having six year terms; and

Whereas, The study should investigate the best and most cost efficient way to fund public schools that will be consistent across all districts including possible funding directly from the state; and

Whereas, Regional education services agencies may be eliminated and fire service training should be moved to West Virginia University; and

Whereas, The State Board of Education shall assist in this study; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the possibility of reducing the number of county boards of education in the state along with other educational reorganization; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2018, on its findings, conclusions and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Delegates Pushkin, Fleischauer, Brewer and Bates offered the following resolution, which was read by its title and referred to the Committee on Finance then Rules:

H. C. R. 32 – “Requesting the Joint Committee on Government and Finance study the economic and fiscal impacts of the reduction of the Corporation Net Income Tax.”

Whereas, In 2006, the West Virginia Legislature implemented reduction of the Corporation Net Income Tax from nine percent to eight and three-fourths percent; and

Whereas, In 2008, the West Virginia Legislature implemented a subsequent reduction of the Corporation Net Income Tax from eight and three-fourths percent to six and one-half percent over five years contingent upon the adequate funding and general stability of the Rainy Day Fund; and

Whereas, Under the 2008 law, the Rainy Day Fund must total, at minimum, ten percent of the general revenue fund of the preceding year; and

Whereas, In 2013, The Rainy Day Fund had exceeded ten percent of the general revenue fund and the Corporation Net Income Tax was reduced to six and one-half percent; and

Whereas, As of December, 2016, the Rainy Day Fund has decreased by thirty-four percent since June, 2014, to fund shortfalls in the state budget and is in jeopardy of being depleted; and

Whereas, West Virginia has received downgraded credit ratings from Moody's, Standard and Poor's, and Fitch as of February, 2017, due to the state's fiscal instability and inability to preserve the Rainy Day Fund; and

Whereas, Proponents of this measure enacted the reduction on the pretense that it would facilitate economic growth, attract businesses, and create jobs in West Virginia, and no overt economic gain has occurred; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the economic growth, job creation, tax revenue losses, and depletion of the Rainy Day Fund that has occurred as a result of the reduction of the Corporation Net Income Tax, and give due consideration to the reinstatement of the prior Corporation Net Income Tax rate to help restore the Rainy Day Fund; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2018, on its findings, conclusions and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare reports and draft necessary legislation, be paid from legislative appropriations to the Joint Committee on Government and Finance.

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

H. C. R. 33 – “Requesting the Division of Highways to name a stretch of road beginning on County Road 15, Cold Stream Road, at Edwards Run (39.32213, -78.42876) to Frog Hollow Road (39.33781, -78.4329) in Hampshire County, ‘Gunsmiths Trace’.”

Whereas, There is little evidence today that communities with churches, mills, local artisans and families were scattered throughout Hampshire County; nor is it thought that this county was a center of industrial activity in the early days of its history. Yet, Hampshire County was the home of as many as forty gunsmiths with several of them residents in the area along Edwards Run to Cold Stream Run. This location had access to Edwards Run and Cold Stream, sources of power and water and bordered the Cacapon River. Until the late 1830's, this area was along the main road that ran from

Winchester to Romney and Cumberland, Maryland and points West, the direction Americans were moving; and

Whereas, The gunsmiths who lived in this area in the 1830's include Zebulon Sheet, who served in the War of 1812, was appointed a justice of the peace in the county in 1828, and was a skilled gunsmith whose guns are highly prized today; James Rinehart was the most productive gunsmith in this area from approximately 1835 until he moved to Ohio in 1850; B. F. Shane was a blacksmith and gunsmith on Edwards Run in 1856; Christopher Slonaker, III, was born and raised in the Cold Stream area and purchased a gun shop from B. F. Shane, where he plied his trade; and, Henry Topper, who lived along the Cacapon River was noted in the 1820 Industrial Census of Virginia, to be engaged as a gunsmith with one helper and a production of 12 rifles a year. He also repaired firearms, clocks and other mechanical devices; and

Whereas, The Edwards Run –Cold Stream area no longer shows any evidence of the busy community that was the home to churches, mills, local artisans and families and the center of industrial activity that included the gunsmiths whose artistry was so important to residents and pioneers and settlers who were moving ever westward; and

Whereas, Naming that stretch of road in stretch of road “Gunsmiths Trace” is an appropriate recognition and reminder of what this community was like and of the small but important industry that has left so many prized artifacts in the hands of serious gun collectors across America of their contributions and accomplishments; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a stretch of road beginning on County Road 15, Cold Stream Road, at Edwards Run (39.32213, -78.42876) to Frog Hollow Road (39.33781, -78.4329) in Hampshire County, “Gunsmiths Trace”; and, be it

Further Resolved, That the Division of Highways is requested to have made and be placed signs identifying the stretch of road as the “Gunsmiths Trace”; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation.

Delegates Thompson 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. 34 – “Requesting the Commissioner of the Division of Highways to name bridge number 50-152-5.70 (50A112), at longitude 37.99842 and latitude -82.40667, locally known as the Missouri Branch Beam Span, carrying West Virginia Route 152 over the West Fork of Twelvepole Creek, the ‘Curtis “Pap” and Millie “Mammie” Asbury Bridge’.”

Whereas, Curtis Asbury was born on September 24, 1917, in Wayne, West Virginia, and his devoted wife Millie Ferguson was born on April 24, 1924, and this couple was married in 1939; and

Whereas, Curtis and Millie Asbury established, owned and operated Asbury's Grocery located at the entrance to Cabwaylingo Park Road for fifty-two years. The grocery store became a vital source for community members. For five generations, the store not only provided necessary food and other goods but also became a meeting place for community members to gather in the mornings and evenings to discuss everything from politics to family life. It was the bus stop where school children of all ages would go and be met with a smile, a hug, and a piece of fruit or candy; and

Whereas, Almost every person in the community of Dunlow, West Virginia, has been touched by Curtis and Millie's kindness and generosity. The love that they both had for our community was displayed by their hardworking, gentle, giving spirits. They were devoted to making our small community a better place to live by always extending a helping hand, providing jobs, caring for the elderly and encouraging and guiding the youth. They helped develop and organize our small community by creating local churches, directing Sunday school classes, and working to fulfill the needs of the entire community. They treated everyone as their own family and were lovingly referred to as everyone's "Mammie" and "Pap". Curtis and Millie Asbury have touched every family in this small community and they should be honored by having this bridge named to commemorate them; and

Whereas, This dedication would serve as an on-going reminder of Curtis and Millie's commitment to making our community a better place to live and to making our citizens better people; therefore, be it

Resolved by the Legislature of West Virginia:

That the Commissioner of the Division of Highways is hereby requested to name bridge number 50-152-5.70 (50A112), at longitude 37.99842 and latitude -82.40667, locally known as the Missouri Branch Beam Span, carrying West Virginia Route 152 over the West Fork of Twelvepole Creek, the "Curtis 'Pap' and Millie 'Mammie' Asbury Bridge"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to create and erect signs at both ends of the bridge proclaiming the bridge the "Curtis 'Pap' and Millie 'Mammie' Asbury Bridge"; and, be it

Further Resolved, That the Clerk of the House of Delegates, forward a certified copy of this resolution to the Commissioner of the Division of Highways.

Delegates Rowe, Caputo, Robinson, White, Brewer, Byrd, Hornbuckle, Fleischauer, Pyles and Lynch offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 35 – "Requesting the Division of Highways to name bridge number 20-77-83.84 (20A615), (38.19560, -81.47926), locally known as WV.TPK/WV 79, carrying interstate 77/64 over Route 79/3 and Cabin Creek in Kanawha County, the 'Arnold Miller Memorial Bridge'."

Whereas, Arnold Miller was born April 25, 1923, in the mining community of Cherokee in Cabin Creek, Kanawha County, West Virginia to Lula Burgess Hoy and George Miller; and

Whereas, Arnold Miller left school after completing the ninth grade and began his career in the labor sector in the timber industry, before moving to the mining industry at the age of sixteen, loading coal carts in the same mine in which his grandfather worked. He became involved with the local United Mine Workers union during this time as well; and

Whereas, Arnold Miller enlisted in the U. S. Army in 1940, where he served valiantly as a Private First Class for his country as a machine gunner and took part in the Normandy invasion of Europe, where he was severely wounded. Arnold Miller was awarded the Bronze Star, the Silver Star, and the Purple Heart during his service to his country and the State of West Virginia; and

Whereas, Arnold Miller returned from World War II to marry Virginia Brown in 1948, having three children, instilling in them values such as honesty and hard work, which he showed them by leading through example throughout his life. Arnold Miller was passionate about caring for others less

fortunate than himself and was an avid outdoorsman. He worked in the mines for twenty-four years, until succumbing to black-lung disease; and

Whereas, After attending rallies at which Doctors I. E. Buff, Donald Rasmussen and Hawey Wells made miners aware of coal miners pneumoconiosis, Arnold Miller helped organize other miners to create the West Virginia Black Lung Association in 1968, of which he was also president; and

Whereas, Arnold Miller led the charge for the first "black-lung bill" in the United States, giving miners safer conditions in which to work, by being one of the lead advocates for the passage of House Bill 1040 in the 1969 session of the West Virginia Legislature; he and thousands of other West Virginia miners launched a twenty-three day wildcat strike, and he also was a leader in a march on the State Capitol demanding enactment of this legislation and largely as a result of such efforts, the legislation was enacted; and

Whereas, Arnold Miller continued to carry the fight to the federal level for the creation of the Federal Black Lung Benefits Act of 1973; and

Whereas, His presidency of the West Virginia Black Lung Association paved the way for Arnold Miller to seek the presidency of the United Mine Workers of America union in 1972, becoming the first native West Virginian to lead the organization; and

Whereas, The UMWA instituted several reforms during Arnold Miller's presidency, protecting miner's rights, increasing democratic practices within local unions, and expanding the practice of collective bargaining; and

Whereas, Arnold Miller resigned the presidency of the UMWA in 1979 due to failing health, and he passed away on July 12, 1985; and

Whereas, Many of the reforms Arnold Miller brought to the United Mine Workers of America are still in practice today, highlighting Arnold Miller's profound impact on the union and the mining industry; and

Whereas, Arnold Miller's contribution to the State of West Virginia, the United Mine Workers of America, and to miners across the country should be commemorated in an enduring memorial to preserve his legacy; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 20-77-83.84 (20A615), (38.19560, -81.47926), locally known as WV.TPK/WV 79 carrying Interstate 77/64 over Route 79/3 and Cabin Creek in Kanawha County, the "Arnold Miller 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 "Arnold Miller Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Commissioner of the Division of Highways.

Delegates C. Miller, Hornbuckle, Eldridge, Lovejoy, Brewer, Butler, Rohrbach, R. Romine, C. Romine and Sobonya offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 36 – “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 John Ira Pinkerman married Geneva Frances Alley in 1941 and they had one child, John Alan Pinkerman, born May 19, 1943; and

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

Whereas, PFC John Ira 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 resolution to the Secretary of the Department of Transportation.

Delegates C. Miller, Maynard, Eldridge, Lovejoy, Brewer, Butler, Rohrbach, C. Romine and Sobonya offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 37 – “Requesting the Division of Highways to name bridge number 40-60-0.03 (40A142) (38.41962, -82.05132), locally known as Culloden Railroad Overpass, carrying US 60 over CSX Railroad in Putnam County, the ‘U.S. Army SPC William L. Amos Memorial Bridge’.”

Whereas, U.S. Army Specialist William L. Amos was born on October 7, 1940, in Cabell County; and

Whereas, U.S. Army Specialist William L. Amos attended Cabell County Schools and graduated from Milton High School in 1958; and

Whereas, U.S. Army Specialist William L. Amos served his country as a Specialist 4, HHC, 1st BN, 28th Infantry, 1st Infantry Division; and

Whereas, U.S. Army Specialist William L. Amos was killed in action on July 27, 1967, in Binh Duong Province, South Vietnam; and

Whereas, U.S. Army Specialist William L. Amos was the recipient of the Purple Heart, the Combat Infantryman Badge, the Vietnam Service Medal, the Vietnam Campaign Medal and the National Defense Service Medal; and

Whereas, The Milton City Council, The American Legion Post 139, the Veterans of Foreign Wars, Milton Post 9796, the Milton Rotary Club, have submitted individual resolutions to name the bridge after U.S. Army Specialist William L. Amos; and

Whereas, No fewer than 158 individuals have also signed a petition to name the bridge after U.S. Army Specialist William L. Amos; and

Whereas, It is fitting and proper that U.S. Army Specialist William L. Amos be honored by having this bridge named for a soldier who gave the ultimate sacrifice; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Division of Highways to name bridge number 40-60-0.03 (40A142) (38.41962, -82.05132), locally known as Culloden Railroad Overpass, carrying US 60 over CSX Railroad in Putnam County, the "U.S. Army SPC William L. Amos Memorial Bridge"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the bridge as the "U.S. Army SPC William L. Amos Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of Transportation and the Commissioner of Highways.

Delegates Marcum, Dean, Hamrick, Gearheart, Hicks, Phillips and Williams offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 38 – "Requesting the Division of Highways to name bridge number 30-65/83-0.05 (30A283) (37.7938, -82.343), locally known as Tug Valley High School Bridge, carrying County Route 65/83 over Pigeon Creek in Mingo County, the 'Tug Valley Students Memorial Bridge'."

Whereas, The West Virginia Division of Highways built this bridge in 2016; and

Whereas, The bridge furthers the economic development of Mingo County; and

Whereas, The bridge has enabled the Mingo County Board of Education to develop and improve the Tug Valley High School and its athletic facilities; and

Whereas, These upgrades improve the education and quality of life for all Tug Valley students; and

Whereas, Numerous students of Tug Valley High School perished at an early age while attending the school; and

Whereas, Those students deserve a lasting memorial celebrating their lives; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 30-65/83-0.05 (30A283) (37.7938, -82.343), locally known as Tug Valley High School Bridge, carrying County Route 65/83 over Pigeon Creek in Mingo County, the "Tug Valley Students Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Tug Valley Students 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.

Delegates Iaquinta, Diserio, Cowles, Hornbuckle, Cooper, Eldridge and Ambler offered the following resolution, which was read by its title and referred to the Committee on Banking and Insurance then Rules:

H. C. R. 39 – "Requesting the Joint Committee on Government and Finance authorize a study on whether to establish a bank operated by the state."

Whereas, The Legislature is committed to serving the public by encouraging and promoting agriculture, commerce and industry. The state does not currently engage in the business of banking or own, control, or operate a bank; and

Whereas, The state of North Dakota currently engages in the business of banking through ownership, control and operation of a bank known as the Bank of North Dakota. The Bank of North Dakota was established pursuant to North Dakota Century Code 6-09-01 for the purpose of encouraging and promoting agriculture, commerce and industry. The Bank of North Dakota is not a member of the Federal Deposit Insurance Corporation but pursuant to North Dakota Century Code 6-09-10, all deposits in the Bank of North Dakota are guaranteed by the state. The deposit base of the Bank of North Dakota is unique in that its primary depositor is the State of North Dakota and all state funds and funds of state institutions are deposited with the Bank of North Dakota, as required by law. It accepts other deposits from any source, including private citizens, businesses, and the United States government and is overseen by the North Dakota Industrial Commission and advised by a seven-member Advisory Board appointed by the Governor that reviews the bank's operations and makes recommendations to the Industrial Commission relating to the bank's management, services, policies and procedures. The Bank of North Dakota administers several lending programs that promote agriculture, commerce and industry as well as providing government-guaranteed loans for lenders and community, rural and regional development loan funds; and

Whereas, Legislators in other states, including Arizona, Massachusetts, California, Vermont and the Commonwealth of Virginia have studied the creation of a state-owned bank comparable to the Bank of North Dakota; and

Whereas, The State of West Virginia is expected to have a budget shortfall in 2017 and the State of North Dakota continues to have revenue that exceeds expenses; and

Whereas, The state would benefit from loaning funds to develop agriculture, commerce, and industry. By opening accounts in a bank owned, controlled and operated by the State, West Virginians would be able to invest in the growth of agriculture, commerce and industry in the state. West Virginians with accounts in a bank owned, controlled and operated by the state would benefit from a return on their investment in the form of loan interest and other revenues earned by the bank's investments in agriculture, commerce and industry in the state; and

Whereas, The purpose of a bank owned, controlled and operated by the state would be to invest in agriculture, commerce and industry within the state and a need exists to determine if the state would benefit from the creation and operation of such a financial institution; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study whether to establish a bank operated by the state in order to encourage and promote agriculture, commerce and industry, to determine the appropriate staffing needs and program costs to establish a bank operated by the state, and to prepare a report on the benefits and costs of such a bank; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2018, on its findings, conclusions and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct this study and to prepare and draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Delegates Upson, Moore, Espinosa, Householder, Barrett, Hill, Cowles, Kessinger, Phillips, Wagner, Westfall and Wilson offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 40 – “Requesting the Division of Highways name bridge number 19-340-14.66 (19A037) (39.32014, -77.74155), locally known as HARPERS FERRY BRIDGE, carrying US 340 over the Shenandoah River, Park Access Road and CSX Railroad in Jefferson County, the ‘John Hancock Hall Memorial Bridge’.”

Whereas, John Hancock Hall was the inventor of the M1819 Hall breech-loading rifle and was a mass production innovator; and

Whereas, In 1819, John Hancock Hall, a New England gun maker, signed a contract with the United States War Department to produce 1,000 breech loading rifles, a weapon he had designed and patented in 1811; and

Whereas, Under the terms of the contract, Hall came to Harpers Ferry where he constructed an industrial complex along the Shenandoah River. This site soon became known as Hall’s Rifle Works, and the small island on which it stood was called Lower Hall Island; and

Whereas, Hall spent several years tooling new workshops and perfecting precision machinery for producing rifles with interchangeable parts – a boldly ambitious goal for an industry which was traditionally based on the manual labor of skilled craftsmen; and

Whereas, Hall’s innovations in construction, tools, controls, stops and gauges were historic breakthroughs in milling iron and machine tools; and

Whereas, The men who had learned Hall’s methods of interchangeable parts, while working at his factories in Harpers Ferry, went on to apply those methods to production of shoes, watches, clocks, bicycles, clothing, rubber goods, and later, automobiles. Hall’s methods transformed the United States from an economy of workshop craftsmen to a nation of industrialized mass production, the American System; and

Whereas, Hall's achievement formed the basis of mass production that ushered in our modern age; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 19-340-14.66 (19A037) (39.32014, -77.74155), locally known as HARPERS FERRY BRIDGE, carrying US 340 over the Shenandoah River, Park Access Road and CSX Railroad in Jefferson County, the "John Hancock Hall 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, in bold and prominent letters, proclaiming the bridge as the "John Hancock Hall Memorial Bridge"; and be it

Further Revolved, That the Clerk of the House of Delegates forward certified copies of this resolution to the Secretary of the Department of Transportation.

Delegates Upson, Cowles, Espinosa, Howell, Kessinger, Moore, O'Neal, Overington, Wagner, Westfall and Wilson offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 41 – "Requesting the Division of Highways to name the bridge on West Virginia Route 9 over the Shenandoah River in Jefferson County, near Millville, latitude 39.2728592, longitude - 77.7843137, the 'Major Martin Robison Delany Memorial Bridge'."

Whereas, Martin Robison Delany was born in Charles Town, Virginia (now West Virginia), in 1812. He was the son of Samuel Delany (an enslaved carpenter) and Pati Delany (a free woman of color). In 1822, it was discovered that his mother was teaching him to read and write, breaking a Virginia law that prohibited Blacks from learning to read and write. The family escaped to Chambersburg, PA, to avoid punishment; and

Whereas, When Delany turned 19, he moved to Pittsburgh where he became an apprentice for various abolitionist doctors throughout the city. In 1843, Delany founded and began to write for the *Mystery*, a Black-controlled newspaper. In 1847, Delany met Frederick Douglass and together with William Lloyd Garrison created the *North Star*, one of the most influential newspapers advocating emancipation; and

Whereas, In 1863, after President Lincoln instituted the draft for the Civil War, Delany traveled all over the country to recruit Black men to enlist in the army. In 1865, Delany convinced President Lincoln to create a corps of Black men in the army that would be led by Black officers. As a result of this meeting, President Lincoln sent a letter to Secretary of War Edwin Stanton stating, "Do not fail to meet this most extraordinary and intelligent Black man." Delany was commissioned as a major a few weeks later, becoming the first Black line field officer and the highest rank that a Black man would achieve during the Civil War; and

Whereas, In 1936, W.E.B. Dubois, wrote: "His was a magnificent life, and yet, how many of us have heard of him"; and

Whereas, More than one noted historian has said Martin Delany lived several lifetimes rolled into one. His fertile mind and principled conscience to which he felt beholden led him across three continents and countless experiences and challenges; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the bridge on West Virginia Route 9 over the Shenandoah River in Jefferson County, near Millville, bridge number, latitude 39.2728592, longitude -77.7843137, the "Major Martin Robison Delany 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 "Major Martin Robison Delany 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.

Delegates Phillips, Eldridge, R. Miller, Rodighiero and Maynard offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 42 – "Requesting that Bridge Number 23-10/7-0.01(23A048) (37.72942,-81.79447), locally known as the Gillman Bottom Bridge carrying CR 10/7 over Huff Creek in Logan County, West Virginia, be named the 'John B. Short Memorial Bridge'."

Whereas, John B. Short was born in 1923, the son of LeRoy and Linda Jackson Short of Davin, West Virginia. He died in 2008. He was a graduate of Man High School in 1942 and enlisted in the U. S. Army Air Corps in 1943, where he served until 1946. He went to electrician school in Michigan and, upon his return, he married Ruby K. Nunley Short. They had seven children. John retired as Chief Electrician with Pittston Coal Company in 1986. He was an avid outdoorsman, hunter and fisherman; and

Whereas, It is fitting that an enduring memorial be established to commemorate this individual who meant so much to his family and community; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name Bridge Number 23-10/7-0.01(23A048) (37.72942, -81.79447), locally known as the Gillman Bottom Bridge carrying CR 10/7 over Huff Creek in Logan County, West Virginia, be named the "John B. Short Memorial Bridge"; and, be it

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

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Commissioner of the Division of Highways.

Delegates Phillips, Eldridge, R. Miller, Rodighiero and Maynard offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 43 – "Requesting the Division of Highways to name the bridge on County Route 80 over Huff Creek in Logan County, bridge number 23-80-5.66 (23A089), latitude 37.73012, longitude -81.87272, locally known as the Huff Junction Beam Span, the 'U. S. Army CPL F. Lee Noel Memorial Bridge'."

Whereas, U. S. Army CPL F. Lee Noel was born on April 14, 1928, in Wilsendale in Wayne County to E. R. Noel, Sr. and Vacey Ann Marcum Noel and died on September 3, 2014; and

Whereas, U. S. Army CPL F. Lee Noel graduated in 1948 from Lenore High School where he lettered in basketball; and

Whereas, U. S. Army CPL F. Lee Noel was inducted into the U. S. Army on December 5, 1950, served in the 3rd Armored Division, the Korean Conflict and was honorably discharged on November 14, 1956; and

Whereas, U. S. Army CPL F. Lee Noel was employed by Island Creek Coal Company as a heavy equipment operator for 41 years and owned the Pic Pac grocery stores in Man and Justice; and

Whereas, U. S. Army CPL F. Lee Noel served as an Elder, Trustee, Sunday School Superintendent and in the Choir in the Man Church of God during his nearly 50 years of membership; and

Whereas, U. S. Army CPL F. Lee Noel was the bass singer in the Evangeleers Quartet, was a member of the Lions Club at Man for over 25 years and loved golfing with his family; and

Whereas, U. S. Army CPL F. Lee Noel is survived by his wife of nearly 60 years, Billie Redmond Noel, two children, Nancy (Ron) Lemon and Norman (Danita) Noel, four grandchildren and four great-grandchildren; and

Whereas, It is only fitting that we name this bridge to honor U. S. Army CPL F. Lee Noel; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Division of Highways to name the bridge on County Route 80 over Huff Creek in Logan County, bridge number 23-80-5.66 (23A089), latitude 37.73012, longitude -81.87272, locally known as the Huff Junction Beam Span, the "U. S. Army CPL F. Lee Noel Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U. S. Army CPL F. Lee Noel Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation.

Delegates Phillips, Eldridge, R. Miller, Rodighiero and Maynard offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 44 – "Requesting the Division of Highways to name the bridge on Route 119/5, Mile 4.05, Bridge Number 23-119/5-4.05 (23A-259) (37.75856, -82.04788), locally known as Right Fork Pine Creek Box Beam carrying CR 119/5 over Right Fork of Pine Creek in Logan County, the 'Balentine Brothers Bridge'."

Whereas, Paul H. Balentine was born on March 22, 1943, in Omar, Logan County, West Virginia; Phillip D. Balentine was born on January 19, 1945, in Omar, Logan County, West Virginia, the sons of Paul Balentine and Georgia Perry Balentine. They were educated in Logan County schools; and

Whereas, Paul H. Balentine served honorably in the United States Navy, ending his active service in 1965 while serving on the USS Wood CTY IST1178, while his brother, Phillip D. Balentine served honorably in the United States Marine Corps in Vietnam and ended his active service in 1968; and

Whereas, Naming that bridge on Route 119/5, Mile 4.05, bridge number 23-119/5-4.05 (23A-259) (37.75856, -82.04788), locally known as Right Fork Pine Creek Box Beam in Logan County, the

“Balentine Brothers Bridge” is an appropriate recognition of their contributions to their country, state, community and Logan County; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the bridge on Route 119/5, Mile 4.05, Bridge Number 23-119/5-4.05 (23A-259) (37.75856, -82.04788), locally known as Right Fork Pine Creek Box Beam carrying CR 119/5 over Right Fork of Pine Creek in Logan County, the “Balentine Brothers Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is requested to have made and be placed signs identifying the bridge as the “Balentine Brothers 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.

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

H. C. R. 45 – “Requesting the Division of Highways to name a portion of County Route 5/11, White Creek Road, in Lincoln County, near Harts, beginning at a point, latitude 37.922, longitude -82.089, at the intersection of Smokehouse Fork Hart Creek Road, and ending at a point, latitude 37.912, longitude -82.106, at the intersection of White Oak Road, the ‘Lando Adkins, Sr. Memorial Road’.”

Whereas, Lando Adkins, Sr. was born in Harts in 1950 and passed away on July 2, 2012. He was a life-long resident of the White Oak area and was a deacon and lifetime member of the White Oak Church; and

Whereas, It is fitting and proper that Mr. Adkins have a road named after him; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Division of Highways to name a portion of County Route 5/11, White Creek Road, in Lincoln County, near Harts, beginning at a point, latitude 37.922, longitude -82.089, at the intersection of Smokehouse Fork Hart Creek Road, and ending at a point, latitude 37.912, longitude -82.106, at the intersection of White Oak Road, the “Lando Adkins, Sr. Memorial Road”; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the road as the “Lando Adkins, Sr. Memorial Road”; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of Transportation, the Commissioner of Highways.

Delegates Gearheart, Householder, C. Romine, Phillips, White, Ellington, Paynter, Martin, Shott and E. Evans offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 46 – “Requesting that the Division of Highways name the bridge numbered 19-0.01 24A293, (at 37.41606, -81.43625), originally known as the ‘Northfork Bridge’, located in Northfork, McDowell County, carrying County Route 24-52 over Elkhorn Creek, the ‘Blue Demon Bridge’.”

Whereas, The Northfork High School's sobriquet, going back to 1966, was the "Blue Demons"; and

Whereas, Sports fans from across this state still talk about the Blue Demon's boys' basketball teams that won Class AA state championships in 1971 and 1984, as well as a national record eight straight from 1974 through 1981; and

Whereas, When this state inaugurated the first girls' basketball tournament in 1976, the "Demonettes" won then as well in 1977 and 1979; and

Whereas, The Blue Demons' 1973 football team had a perfect season record of 12 and 0; and

Whereas, Over the nineteen years in which Northfork High was in existence, the boys' basketball team compiled an amazing record of 112 wins to only 12 losses on their home floor; and

Whereas, Although Northfork High School has been closed for over thirty years, the memories are just as vivid today as when they were being made decades ago for all who attended this legendary school, forever holding a place in the hearts of former students and teachers; and

Whereas, This school, as well, will always be remembered by all who saw the Blue Demons play, or heard of their exploits, as the source of the nickname for the town that is still known today as "the basketball capital of the United States"; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the bridge numbered 19-0.01 24A293, (at 37.41606, -81.43625), originally known as the "Northfork Bridge", located in Northfork, McDowell County, carrying County Route 24-52 over Elkhorn Creek, the "Blue Demon Bridge"; and, be it

Further Resolved, That the Commissioner of Highways is hereby requested to erect signs at both sides of the bridge numbered 24A293 which is located in Northfork in McDowell County proclaiming its name to be the "Blue Demon 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.

Delegates Eldridge, Maynard, R. Miller, Rodighiero, Phillips, Marcum, Hornbuckle, C. Romine and C. Miller offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 47 – "Requesting the Division of Highways to name the road from the beginning of Sand Creek Road on County Route 10/15 at the bend of the Guyandotte River and State Route 10 running one-half mile on Sand Creek Road in Lincoln County, the 'U. S. Army CPL Wilson B. Lambert, Jr. Memorial Road'."

Whereas, Wilson B. Lambert, Jr. was born on June 14, 1930, in Harts, Lincoln County, West Virginia. Corporal Wilson B. Lambert, Jr. was an infantryman in the Heavy Mortar Co, 38th Infantry Regiment, 2nd Division, and was injured on February 13, 1951, in Wonju, Korea. He received a Purple Heart, Combat Infantry Badge and Korean Service Medal with 2 Bronze Stars. Wilson B. Lambert, Jr. returned to West Virginia where he worked in coal mining and construction. He died on May 5, 2011; and

Whereas, Naming the road from the beginning of Sand Creek Road on County Route 10/15 at the bend of the Guyandotte River and State Route 10 running one-half mile on Sand Creek Road in Lincoln County, the "U. S. Army CPL Wilson B. Lambert, Jr. Memorial Road" is an appropriate recognition of his service to his country, state and Lincoln County; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the road from the beginning of Sand Creek Road on County Route 10/15 at the bend of the Guyandotte River and State Route 10 running one-half mile on Sand Creek Road in Lincoln County, the "U. S. Army CPL Wilson B. Lambert, Jr. Memorial Road"; and, be it

Further Resolved, That the Division of Highways is requested to have made and be placed signs identifying the road as the "U. S. Army CPL Wilson B. Lambert, Jr. Memorial Road"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation.

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

H. C. R. 48 – "Requesting the Division of Highways to name bridge number 23-119-15.56 NBSB (23A095-23A371) (37.97487, -82.01675), locally known as Chapmanville Route 10 Overpass, carrying US 119 over WV 10 in Logan County, the 'U.S. Army SPC David H. Stamper Memorial Bridge'."

Whereas, David H. Stamper was born on March 28, 1951, in Wilkinson, West Virginia to Helen R. Stamper and Haskell K. Stamper; and

Whereas, Army Specialist Stamper was a lifelong resident of Logan County and was a 1969 graduate of Logan High School; and

Whereas, Army Specialist Stamper received his draft call on the same day he was married to Delana R. Stamper in February, 1971; and

Whereas, Army Specialist Stamper entered the service seven days after he was married and was sent to Vietnam in August, 1971; and

Whereas, Army Specialist David H. Stamper was crew chief of an Army helicopter in Vietnam and he was killed in action on April 14, 1972, when he was apparently shot by a sniper; and

Whereas, Army Specialist David H. Stamper was awarded the Silver Star for gallantry in action, the Bronze Star Medal, the Air Medal (Sixth through Eighth Award), the Purple Heart, the Good Conduct Medal, the Air Medal with Second through Fifth Award, the National Defense Service Medal, the Vietnam Service Medal, the Vietnam Campaign Medal, the Aircraft Crewman Badge, and the Marksman Badge with Automatic Rifle Bar; and

Whereas, It is fitting and proper that U.S. Army Specialist David H. Stamper be honored by having this bridge named for a soldier who gave the ultimate sacrifice in service to his country, his state and his family; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 23-119-15.56 NBSB (23A095-23A371) (37.97487, -82.01675), locally known as Chapmanville Route 10 Overpass, carrying US 119 over WV 10 in Logan County, the "U.S. Army SPC David H. Stamper Memorial Bridge"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the bridge as the "U.S. Army SPC David H. Stamper Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of Transportation, the Commissioner of Highways.

Delegates Phillips, Marcum, Rodighiero, R. Miller, Eldridge and Maynard offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 49 – "Requesting the Division of Highways to name Bridge Number 23-10/10-0.01 (23A302) (37.72886, -81.84404), locally known as Mallory Beam Span, carrying County Route 10/10 over Huff Creek in Logan County, the 'U.S. Army PFC Donald Ray Cochran Memorial Bridge'."

Whereas, Donald Ray Cochran was born December 27, 1926, at Mallory, West Virginia, the son of Millard Cochran and Garnett Walls Cochran. He graduated from Man High School, Class of 1944, and worked for Powellton Coal Company at Rock House on the engineering crew until he was drafted into the United States Army in 1950. He was killed in action in North Korea on May 25, 1951. His remains were shipped home for burial in December 1951, to Forrest Lawn Cemetery at Pecks Mill, West Virginia; and

Whereas, Naming the Mallory Beam Span Bridge the "U.S. Army PFC Donald Ray Cochran Memorial Bridge" is an appropriate recognition of his contributions and his supreme sacrifice to his country, state, community and Logan County; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name Bridge Number 23-10/10-0.01 (23A302) (37.72886, -81.84404), locally known as Mallory Beam Span, carrying County Route 10/10 over Huff Creek in Logan County, the "U.S. Army PFC Donald Ray Cochran Memorial Bridge"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is requested to have made and be placed signs identifying the bridge as the "U.S. Army PFC Donald Ray Cochran Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Commissioner of the Division of Highways.

Delegates Phillips, Eldridge, R. Miller, Rodighiero and Maynard offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 50 – "Requesting the Division of Highways to name an approximate nine-mile section of Route 14 beginning at the Lowe Family Cemetery and ending at the intersection of Route 10 and Route 15 in Logan County the 'Lowe Mountain Memorial Highway'."

Whereas, The Lowe Family Cemetery located at the top of Lowe Mountain, elevation 2,177 feet, is the final resting place of the following brave veterans: Jerry Lowe, U. S. Army, Vietnam; Roy Lowe,

U. S. Army, (KIA) World War I; Nolan Porter, U. S. Army, World War I; Cecil Porter, U. S. Army, World War II; George Porter, U. S. Army, World War II; Wetzel Lowe, U. S. Army, World War I; James Roberts, Sr., U. S. Army; James Roberts, Jr. , U. S. Army, Vietnam; Elbert Kilgore, U. S. Army, Korea; Ira Ramsey, U. S. Army, World War I; Virgil Mullins, Sr., U. S. Army, World War II; Herbert Ferrell, U. S. Army, World War II; Hubert Lowe, U. S. Army; J. B. Lowe; and Darrell Lowe; U. S. Air Force; and

Whereas, Fifty-two residents of Route 14 in Logan signed and had delivered a petition to the West Virginia Legislature requesting that portion of the road be so named; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name an approximate nine-mile section of Route 14 beginning at the Lowe Family Cemetery and ending at the intersection of Route 10 and Route 15 in Logan County the "Lowe Mountain Memorial Highway"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the designated highway containing bold and prominent letters proclaiming that approximate nine-mile section of Route 14 beginning at the Lowe Family Cemetery and ending at the intersection of Route 10 and Route 15 in Logan County the "Lowe Mountain 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.

Delegates Phillips, Eldridge, R. Miller, Rodighiero and Maynard offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 51 – "Requesting the Division of Highways to name bridge number 23-44-16.99 (23A154) (37.84488, -82.0092), locally known as Cherry Tree Bridge, carrying WV 44 over Island Creek in Logan county, the 'U.S. Army LTC George William "Toby" Runyon Memorial Bridge'."

Whereas, George William "Toby" Runyon was born in Monaville, Logan County, West Virginia, on December 17, 1941; and

Whereas, He was the oldest son of George F. and Elizabeth Runyon; and

Whereas, His siblings were James S. Runyon, Ivan L. Runyon and Donald R. Runyon; and

Whereas, George William "Toby" Runyon attended local elementary schools and graduated from Logan High School in 1960 where he was an honor student, and lettered in football and baseball; and

Whereas, After high school graduation, George William "Toby" Runyon attended Marshall University and the University of Maryland where he earned a Master's Degree in International Studies; and

Whereas, George William "Toby" Runyon served honorably in the United States Army for twenty-five years, reaching the rank of Lieutenant Colonel and serving two combat tours in Vietnam and two tours in Heidelberg Germany; and

Whereas, Lieutenant Colonel George William "Toby" Runyon was awarded a Bronze Star for his meritorious service, and completed his last assignment on the staff at the National War College at Fort McNair; Washington, D.C., and

Whereas, Following his retirement in 1988, George William “Toby” Runyon worked for Titan and L3 Corporation at Aberdeen Proving Ground in Aberdeen, Maryland, using his special knowledge in robotics for the battlefield, where he developed and tested robots to locate Improvised Explosive Devices and other dangers for soldiers, thereby helping to save the lives of untold numbers of soldiers; and

Whereas, Lieutenant Colonel Runyon is survived by his wife, Martha J. “Jan” Runyon; and

Whereas, Lieutenant Colonel Runyon was an active member of North Lake Presbyterian Church in Lady Lake, Florida; therefore, in recognition of his service to his country, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 23-44-16.99 (23A154) (37.84488, -82.0092), locally known as Cherry Tree Bridge, carrying WV 44 over Island Creek in Logan county, the “U.S. Army LTC George William ‘Toby’ Runyon Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is requested to have made and be placed signs identifying the bridge as the “U.S. Army LTC George William ‘Toby’ 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.

Delegates Phillips, Hollen, Arvon, Atkinson, Barrett, Blair, Butler, Byrd, Dean, Eldridge, Folk, G. Foster, N. Foster, Higginbotham, Hill, Kelly, Kessinger, Marcum, Maynard, McGeehan, Miley, R. Miller, Paynter, Robinson, Westfall, Wilson and Zatezalo offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. R. 11 – “Supporting and encouraging the enactment of the federal Hearing Protection Act of 2017.”

Whereas, The Hearing Protection Act of 2017 would remove sound suppressors from regulation under the National Firearms Act and treat them as ordinary firearms under the Gun Control Act of 1968; and

Whereas, Commercial manufacturers, dealers, and importers would continue to be licensed and retail sales of sound suppressors would continue to be subject to background check and transfer form requirements; and

Whereas, Sound suppressors are currently subject to an application process and a \$200 tax stamp; and

Whereas, Sound suppressors do not make firearms completely soundless but possibly make them safer and quieter to operate; therefore, be it

Resolved by the House of Delegates:

That the House of Delegates hereby supports and encourages the enactment of the federal Hearing Protection Act of 2017 which would amend the federal criminal code to preempt state or local laws that tax or regulate firearm silencers; and, be it

Further Resolved, That the Clerk of the House of Delegates is hereby requested to send a copy of this resolution to each member of the West Virginia delegation in the Congress of the United States.

Bills Introduced

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

By Delegates Frich, Ward, Butler, Longstreth, Westfall, Gearheart, Storch, Walters, Householder, Arvon and C. Miller:

H. B. 2773 - "A Bill to repeal §25-7-6 of the Code of West Virginia, 1931, as amended; and to amend and reenact §25-7-5 of said code, all related to purchase of inmate-made goods by state agencies"; to the Committee on Government Organization then Finance.

By Delegates Hamrick, Ward, Folk, Frich, Summers, Statler, Howell, Zatezalo, Queen, Iaquinta and Miley:

H. B. 2774 - "A Bill to amend and reenact §11-6H-2 of the Code of West Virginia, 1931, as amended; relating to defining 'special aircraft property' to include certain parts, materials or items used in the construction or repair of aircraft, aircraft engines or components of aircraft"; to the Committee on Finance.

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

H. B. 2775 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-24, relating to imposing, administering, and collecting a license tax on successful bidders for road construction contracts; imposing license tax; requiring notification and method for payment of license tax; dedicating taxes collected; requiring bonding; creating a special revenue account; and specifying effective date"; to the Committee on the Judiciary then Finance.

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

H. B. 2776 - "A Bill to amend and reenact §21-3-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §21-3C-11 of the said code; to amend and reenact §21-3D-8 of said code; to amend and reenact §21-5-5c of said code; to amend and reenact §21-9-9 of said code; to amend and reenact §21-10-4 of said code; to amend and reenact §21-11-17 of said code; to amend and reenact §21-14-9 of said code; to amend and reenact §21-15-7 of said code; to amend and reenact §21-16-10 of said code; to amend and reenact §47-1-8, §47-1-20, §47-1-21 and §47-1-22 of said code; and to amend and reenact §47-1A-10 and §47-1A-14 of said code, all relating to the creation of special revenue funding sources for the Division of Labor to meet its statutory obligations; establishing 'Steam Boiler Fund'; establishing 'HVAC Fund'; establishing 'Plumbing Work Fund'; establishing 'Psychophysiological Examiners Fund'; establishing 'Bedding and Upholstery Fund'; removing requirement that fees from issuing licenses to administer psychophysiological detection of deception, lie detector or similar examinations be deposited in the General Revenue Fund; authorizing the commissioner to charge fees for the registration of service persons and service agencies, and the registration of businesses that use weighing and measuring devices for commercial purposes and directing such fees to the Weights and Measures Fund; authorizing the commissioner to promulgate emergency legislative rules to administer and enforce fees on service persons and service agencies and businesses using weighing and measuring devices; directing civil penalty fees to the Weights and Measures Fund; removing requirement that the commissioner approve applications for sterilization permits held in states other than West Virginia only after personal inspection of such sterilizer or disinfectant; increasing fees for the issuance of certificates of operation of elevators; establishing late fees; establishing reissuance fee for revoked or expired permits; increasing registration fees for manufacturers of bedding, upholsters and renovators; increasing permitting fees for sterilizers; authorizing the commissioner to promulgate legislative rules; and making general edits and clarifications"; to the Committee on Industry and Labor then Finance.

By Delegate Deem:

H. B. 2777 - "A Bill to amend and reenact §36-8-13 of the Code of West Virginia, 1931, as amended, relating to requiring all unclaimed oil and gas royalties due a leaseholder of the mineral estate shall be transferred and paid to the legal surface owner or owners"; to the Committee on Energy then the Judiciary.

By Delegate Walters:

H. B. 2778 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §64-5-2, relating to reauthorizing, with amendment, as one rule, the legislative rules contained in title sixty-four, series eleven and series seventy-four of the Code of State Rules relating to licensure of behavioral health centers (64 CSR 11) and behavioral health consumer rights (64 CSR 74)"; to the Committee on Health and Human Resources then the Judiciary.

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

H. B. 2779 - "A Bill supplementing, amending, decreasing, and increasing items of the existing appropriations from the State Road Fund to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2017, organization 0803, for the fiscal year ending June 30, 2017"; to the Committee on Finance.

By Delegates R. Miller, Rohrbach, Lovejoy, Ferro, Canestraro, Maynard, Marcum, Eldridge and Robinson:

H. B. 2780 - "A Bill to amend and reenact §5H-1-2 of the Code of West Virginia, 1931, as amended, relating to clarifying existing language for those first responders who die as a direct result of their duties as a firefighter, EMS or law-enforcement provider"; to the Committee on the Judiciary then Finance.

House Calendar**Third Reading**

S. B. 231, Relating to State Board of Education and Medicaid-eligible children; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 39**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 231) passed.

Delegate Cowles moved that the bill take effect July 1, 2017.

On this question, the yeas and nays were taken (**Roll No. 40**), and there were—yeas 100, nays none, absent and not voting none.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 231) takes effect July 1, 2017.

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

Com. Sub. for H. B. 2329, Prohibiting the production, manufacture or possession of fentanyl; 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. 41**), and there were—yeas 95, nays 3, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Folk, McGeehan and Rowe.

Absent and Not Voting: Criss and Walters.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2329) passed.

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

Com. Sub. for H. B. 2620, West Virginia Drug Overdose Monitoring Act; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 42**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Walters and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2620) passed.

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

Com. Sub. for H. B. 2646, Terminating the Women's Commission and discontinue its functions; on third reading, coming up in regular order, was read a third time.

Delegate Brewer was addressing the House when Delegate Butler arose to a point of order, stating that the Member was not speaking to the bill pending before the House.

The Speaker reminded the Gentleman to confine his remarks to the matter before the House.

Delegate Ferro requested to be excused from voting on the passage of Com. Sub. for H. B. 2646 under the provisions of House Rule 49.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 43**), and there were, including 4 paired—yeas 58, nays 41, absent and not voting 1, with the paired, nays and absent and not voting being as follows:

Pursuant to House Rule 43, the following pairing was filed and announced by the Clerk:

Paired:

Yea: Lane Nay: Byrd

Nays: Baldwin, Barrett, Bates, Boggs, Brewer, Canestraro, Capito, Caputo, Diserio, Eldridge, A. Evans, E. Evans, Ferro, Fleischauer, Fluharty, Hamilton, Hartman, Hicks, Hornbuckle, Iaquinta, Isner, Longstreth, Love, Lovejoy, Lynch, Marcum, Miley, R. Miller, Moye, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, R. Romine, Rowe, Sponaugle, Thompson, Wagner, Williams.

Absent and Not Voting: Walters.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2646) passed.

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

Com. Sub. for H. B. 2648, Increasing penalties for manufacturing or transportation of a controlled substance in the presence of a minor; on third reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Cowles, and by unanimous consent, further consideration of the bill was postponed one day.

Second Reading

Com. Sub. for H. B. 2364, Prohibiting electioneering within or near early voting locations during early voting periods; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2502, Relating to reciprocity of occupational licenses with other states; on second reading, coming up in regular order, was read a second time.

On motion of Delegates Rohrbach and Howell, the bill was amended on page one, section twenty-one, line five, after the words "in which discipline was ordered", by adding the words "or the subject of any pending disciplinary actions".

And,

On page one, section twenty-one, line six after the words "apply for licensure", by adding a colon and the words "*Provided*, That the board may still require all other elements necessary for licensure be met: *Provided, however*, That nothing in this section applies to any profession for which West Virginia has entered into an interstate compact."

The bill was ordered to engrossment and third reading.

Com. Sub. for H. B. 2619, Risk Management and Own Risk and Solvency Assessment Act; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2630, Authorizing the West Virginia Board of Medicine and the West Virginia Board of Osteopathic Medicine to share staff; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2651, Relating generally to standardized testing requirements for nonpublic schools; on second reading, coming up in regular order, was read a second time.

Delegates Marcum and Folk moved to amend the bill on page one, lines two and three of the enacting section, by striking out the enacting section, and inserting in lieu thereof, the following:

“That §18-28-3 of the Code of West Virginia, 1931, as amended, be repealed.”

And,

By striking the remainder of the bill.

Speaker Pro Tempore Overington in the Chair

Mr. Speaker, Mr. Armstead, arose from his seat and requested to be excused from voting on the amendments and passage of Com. Sub. for H. B. 2651 under the provisions of House Rule 49.

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

Mr. Speaker, Mr. Armstead, in the Chair

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

The yeas and nays having been ordered, they were taken (**Roll No. 44**), and there were—yeas 38, nays 58, absent and not voting 4, with the yeas and absent and not voting being as follows:

Yeas: Baldwin, Barrett, Bates, Butler, Canestraro, Caputo, Dean, Diserio, Ellington, Fleischauer, Fluharty, Folk, Frich, Hicks, Hill, Hollen, Hornbuckle, Kelly, Lane, Longstreth, Lynch, Marcum, Martin, McGeehan, R. Miller, Paynter, Phillips, Pushkin, Queen, Robinson, Rodighiero, Sponaugle, Storch, Summers, Thompson, Ward, White and Williams.

Absent and Not Voting: Byrd, Eldridge, A. Evans and Walters.

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

Delegates Marcum and Folk moved to amend the bill on page three, section three, line forty-eight, by striking out the word “ninety” and inserting in lieu thereof, the word “fifty”.

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

The bill was ordered to engrossment and third reading.

H. B. 2684, Imposing penalties for repeat violations of the prohibition against driving under the influence on a suspended license; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

First Reading

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

Com. Sub. for H. B. 2459, Relating to regulation of health care and the certificate of need process,

Com. Sub. for H. B. 2509, Relating to the practice of telemedicine,

H. B. 2590, Updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act,

H. B. 2594, Updating the meaning of federal adjusted gross income and certain other terms used in the West Virginia Personal Income Tax Act,

And,

H. B. 2653, Extending the Multi State Real-Time Tracking System.

Miscellaneous Business

Delegate Hartman announced that he was absent on today when the vote was taken on Roll No. 36, and that had he been present, he would have voted "Yea" thereon.

Delegate Wilson announced that he was absent on today when the vote was taken on Roll No. 42, and that had he been present, he would have voted "Yea" thereon.

Delegate Love asked and obtained unanimous consent that the remarks of Delegate Rohrbach regarding Com. Sub. for H. B. 2329 today be printed in the Appendix to the Journal.

Delegate Howell asked and obtained unanimous consent that the debate regarding H. B. 2646 today be printed in the Appendix to the Journal.

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

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

Delegate Frich filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2674.

Delegate Hamilton filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2729.

Delegate Nelson filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2756.

Delegate A. Evans filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2764.

Delegate A. Evans filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2769.

Delegates Boggs, Lewis, Lovejoy, Maynard, Paynter, Pyles, C. Romine, R. Romine, Rowan, Sypolt and White filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. R. 8.

At 2:56 p.m., the House of Delegates adjourned until 11:00 a.m., Friday, March 3, 2017.

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

HOUSE CALENDAR

Friday, March 3, 2017

24th Day

11:00 A. M.

THIRD READING

- Com. Sub. for H. B. 2364 - Prohibiting electioneering within or near early voting locations during early voting periods (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2502 - Relating to reciprocity of occupational licenses with other states (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2619 - Risk Management and Own Risk and Solvency Assessment Act (SHOTT) (REGULAR)
- H. B. 2630 - Authorizing the West Virginia Board of Medicine and the West Virginia Board of Osteopathic Medicine to share staff (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2648 - Increasing penalties for manufacturing or transportation of a controlled substance in the presence of a minor (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2651 - Relating generally to standardized testing requirements for nonpublic schools (ESPINOSA) (REGULAR)
- H. B. 2684 - Imposing penalties for repeat violations of the prohibition against driving under the influence on a suspended license (SHOTT) (REGULAR)

SECOND READING

- Com. Sub. for H. B. 2459 - Relating to regulation of health care and the certificate of need process (SHOTT) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2509 - Relating to the practice of telemedicine (SHOTT) (EFFECTIVE FROM PASSAGE)
- H. B. 2590 - Updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act (E. NELSON) (EFFECTIVE FROM PASSAGE)
- H. B. 2594 - Updating the meaning of federal adjusted gross income and certain other terms used in the West Virginia Personal Income Tax Act (E. NELSON) (EFFECTIVE FROM PASSAGE)
- H. B. 2653 - Extending the Multi State Real-Time Tracking System (SUMMERS) (REGULAR)

FIRST READING

- Com. Sub. for H. B. 2367 - Establishing a criminal offense of organized retail crime (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2579 - Increasing the penalties for transporting controlled substances (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2674 - Relating to access to and receipt of certain information regarding a protected person (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2678 - Changing the amounts of prejudgment and post-judgment interest to reflect today's economic conditions (SHOTT) (JANUARY 1, 2018)
- H. B. 2691 - Allowing a person who is qualified by training to be a barber and a cosmetologist to elect to practice solely as a barber (HOWELL) (REGULAR)
- H. B. 2725 - Restricting the authority of the Board of Barbers and Cosmetologists to regulate the use of commonly available, retail beauty products (HOWELL) (REGULAR)

**WEST VIRGINIA
HOUSE OF DELEGATES**

FRIDAY, MARCH 3, 2017

HOUSE CONVENES AT 11:00 A.M.

**COMMITTEE ON JUDICIARY
8:30 A.M. – ROOM 418M**

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

**COMMITTEE ON FINANCE
9:00 A.M. – ROOM 464M**

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