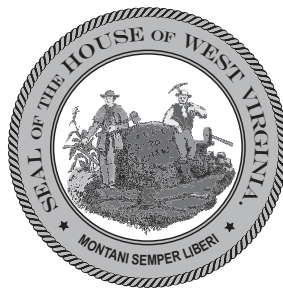


West Virginia Legislature

JOURNAL
of the
HOUSE of DELEGATES

Eighty-Third Legislature
First Regular Session

Held at Charleston
Published by the Clerk of the House



March 24, 2017
FORTY-FIFTH DAY

Friday, March 24, 2017

FORTY-FIFTH DAY

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

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

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

The Clerk proceeded to read the Journal of Thursday, March 23, 2017, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Delegate Cowles announced that the Committee on Rules had transferred Com. Sub. for H. B. 2004, Com. Sub. for H. B. 2763, Com. Sub. for H. B. 2799, Com. Sub. for H. B. 2850 and Com. Sub. for H. B. 3096 on First Reading, House Calendar, to the Special Calendar.

Committee Reports

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

Your Committee on the Judiciary has had under consideration:

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

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

Com. Sub. for H. B. 2704 – “A Bill to amend and reenact §18A-3-6 and §18A-3-10 of the Code of West Virginia, 1931, as amended, all relating generally to the licensure or certification of teachers, providing that a teacher convicted under chapter sixty-one, article eight-d, section five shall have his or her certificate or license automatically revoked and permitting the West Virginia Department of Education to require a licensee submit to fingerprints that may be analyzed by the State Police for a state criminal history record check through the central abuse registry and then forwarded to the federal bureau of investigation for a national criminal history record check when the licensee has lived outside of the State of West Virginia for a period of one year or more since his or her licensure, or the West Virginia Department of Education or the school administrator has a reasonable belief that the licensee has not notified the school administrator of any felony conviction, conviction of any offense under chapter sixty-one, article eight-b of this Code, or offenses of similar nature to those in chapter sixty-one, article eight-b of this Code that have been established under any other state or the United States,”

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. 2109, Relating to the West Virginia Land Reuse Agency Authorization Act.

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

Com. Sub. for H. B. 2109 – “A Bill to amend and reenact §31-18E-9 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Land Reuse Agency Authorization Act; including a municipal land bank as an agency that may acquire property; providing that a municipal land bank may have the right of first refusal to buy certain tax delinquent property, within municipal limits, for taxes owed and any related fees before the tax delinquent property is placed for public auction at tax sales,”

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. 2520, Prohibiting the use of a tanning device by a person under the age of eighteen,

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

Com. Sub. for H. B. 2520 – “A Bill to amend and reenact §16-45-3 of the Code of West Virginia, 1931, as amended, relating to prohibiting the use of a tanning device by a person under the age of eighteen,”

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. 2654, Expanding county commissions’ ability to dispose of county or district property,

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

Com. Sub. for H. B. 2654 – “A Bill to amend and reenact §7-3-3 of the Code of West Virginia, 1931, as amended, relating to expanding county commissions’ ability to dispose of county or district property; adding the ability of county commissions to grant such property to 501(c)(3) tax exempt organizations operated exclusively for charitable, educational or scientific purposes; noting that such sales are not required to be made considering the property’s present commercial or market value; setting a minimum value for such sales; revising the requirement that property conveyed to volunteer fire department or volunteer ambulance service reverts back to county commission following termination of use to account for the 501(c)(3) tax exempt organizations operated exclusively for charitable, educational or scientific purposes; and, to provide that such reversionary right may be disclaimed by the county commission,”

And,

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

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

Com. Sub. for H. B. 2781 – “A Bill to amend and reenact §3-1-34 of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-2-11 of said code, all relating to voting procedures; setting forth the effective date for voter identification requirements passed in the 2016 Legislative session; removing the requirement that the Division of Motor Vehicles forward information of persons who decline voter registration to the Secretary of State; amending the effective date for voter registration requirements passed in the 2016 Legislative session; and, providing that the Division of Motor Vehicles shall report to the Joint Committee on Government and Finance by January 1, 2018 with a full and complete list of all infrastructure they require to achieve certain purposes,”

With the recommendation that the committee substitutes each do pass.

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

Your Committee on Finance has had under consideration:

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

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

Com. Sub. for H. B. 2720 – “A Bill to amend and reenact §18-9D-3 and §18-9D-9 of the Code of West Virginia, 1931, as amended, all relating to the funding of the School Building Authority operational costs; continuing a special revenue account,”

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

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

Com. Sub. for 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 §21-14-9 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 generally to the Division of Labor; establishing “Steam Boiler Fund”; establishing “HVAC Fund”; establishing “Plumbing Work Fund”; establishing “Psychophysiological Examiners Fund”; establishing “Bedding and Upholstery Fund”; requiring the commissioner to charge certain fees for steam boilers; authorizing the commissioner to promulgate legislative and emergency 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 maximum fees for the issuance of certificates of operation of elevators; establishing certain late fees; establishing certain reissuance fees for revoked or expired permits; increasing certain fees for sterilizers, manufacturers, shippers or sellers of bedding or upholstery, upholsters and renovators; and authorizing the commissioner to promulgate legislative rules,”

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

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

Com. Sub. for H. B. 2961 – “A Bill to amend and reenact §47-20-23 and §47-20-31 of the Code of West Virginia, 1931, as amended; and to amend and reenact §47-21-21 and §47-21-30 of said code, all relating to appeals of certain administrative actions taken by the Tax Commissioner affecting certain charitable bingo or charitable raffle licensees,”

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

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

Com. Sub. for H. B. 3048 – “A Bill to amend and reenact §15-5A-5 of the Code of West Virginia, 1931, as amended, relating to collection of Tier II fees for chemical inventories,”

And,

H. B. 3102, Relating to selling Hopemont Hospital,

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

Com. Sub. for H. B. 3102 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-26, relating to the selling of a certain state owned health care facility and appurtenances by the Secretary of the Department of Health and Human Resources; ensuring the transfer of existing patients and the construction of a replacement facility; exempting certain laws; creating a fund; implementing a benefits package for employees; and providing statutory construction,”

With the recommendation that the committee substitutes each do pass.

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

Your Committee on Finance has had under consideration:

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

And reports the same back, with a title amendment, with the recommendation that it do pass, as amended.

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

Your Committee on Finance has had under consideration:

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

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

And,

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

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

Messages from the Executive

Mr. Speaker, Mr. Armstead, presented a communication from His Excellency, the Governor, advising that on March 23, 2017, he approved **Com. Sub. for H. B. 2167, Com. Sub. for H. B. 2301, H. B. 2431, Com. Sub. for H. B. 2542, H. B. 2590 and H. B. 2594.**

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. 339 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-52-1, §16-52-2, §16-52-3, §16-52-4, §16-52-5 and §16-52-6, all relating to creating a legislative coalition on chronic pain management; setting forth findings and purpose; providing for administrative functions of the coalition to be performed by legislative staff; setting forth membership of the coalition; providing for appointments to be made by the President of the Senate and the Speaker of the House of Delegates; setting forth powers and duties of the coalition; setting forth required reporting; setting forth reporting data elements; providing for compensation of members; and providing a sunset date"; which was referred to the Committee on Health and Human Resources.

A message from the Senate, by

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

Com. Sub. for S. B. 362 - "A Bill to amend and reenact §23-2C-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-22A-10d and §29-22A-10e of said code, all relating to authorizing the redirection of certain amounts to the General Revenue Fund; authorizing the redirection of amounts collected from certain surcharges and assessments on workers' compensation insurance policies for periods prior to July 1, 2018; changing the amount of premium surcharge to be paid by the self-insured employer community into the Workers' Compensation Debt Reduction Fund; and authorizing the redirection of amounts collected from certain deposits of revenues from net terminal income for periods prior to July 1, 2018."

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the bill (Com. Sub. for S. B. 362) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading

A message from the Senate, by

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

Com. Sub. for S. B. 382 - "A Bill to amend and reenact §17-24A-4 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17A-4-10 of said code, all relating to certificates of title and registration for motor vehicles; allowing licensed automobile auctions to obtain title to abandoned or junked motor vehicles; making technical corrections; allowing insurance companies to obtain salvage certificates, cosmetic total loss salvage certificates or nonrepairable motor vehicle certificates to motor vehicles for which a total loss claim was paid; allowing licensed automobile

auction to obtain salvage certificates or nonrepairable motor vehicle certificates to certain vehicles; specifying application requirements that require the Division of Motor Vehicles to issue certificates; and requiring applicant to indemnify and hold harmless the division from liability due to error or misrepresentation of applicant.”; which was referred to the Committee on Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 414 - “A Bill to repeal §17-16B-1, §17-16B-2, §17-16B-3, §17-16B-4, §17-16B-5, §17-16B-6, §17-16B-7, §17-16B-7a, §17-16B-7b, §17-16B-8, §17-16B-9, §17-16B-10, §17-16B-11, §17-16B-12, §17-16B-13, §17-16B-14, §17-16B-15, §17-16B-16, §17-16B-17, §17-16B-18, §17-16B-19, §17-16B-20, §17-16B-21 and §17-16B-22 of the Code of West Virginia, 1931, as amended; to repeal §29-2A-1, §29-2A-2, §29-2A-3, §29-2A-3a, §29-2A-4, §29-2A-5, §29-2A-6, §29-2A-7, §29-2A-8, §29-2A-9, §29-2A-10, §29-2A-11, §29-2A-11a, §29-2A-11b, §29-2A-11c, §29-2A-11d, §29-2A-11e, §29-2A-11f, §29-2A-12, §29-2A-13, §29-2A-14, §29-2A-17, §29-2A-18, §29-2A-19, §29-2A-20, §29-2A-21, §29-2A-22, §29-2A-23, §29-2A-24, §29-2A-25, §29-2A-26, §29-2A-27 and §29-2A-28 of said code; to repeal §29-18-1, §29-18-2, §29-18-3, §29-18-4, §29-18-4a, §29-18-5, §29-18-6, §29-18-7, §29-18-8, §29-18-9, §29-18-10, §29-18-11, §29-18-12, §29-18-13, §29-18-14, §29-18-15, §29-18-16, §29-18-17, §29-18-18, §29-18-19, §29-18-20, §29-18-21, §29-18-22, §29-18-23, §29-18-24 and §29-18-25 of said code; to amend and reenact §5F-2-1 of said code; and to amend said code by adding thereto a new article, designated §17-16F-1, §17-16F-2, §17-16F-3, §17-16F-4, §17-16F-5, §17-16F-6, §17-16F-7, §17-16F-8, §17-16F-9, §17-16F-10, §17-16F-11, §17-16F-12, §17-16F-13, §17-16F-14, §17-16F-15, §17-16F-16, §17-16F-17, §17-16F-18, §17-16F-19, §17-16F-20, §17-16F-21, §17-16F-22, §17-16F-23, §17-16F-24, §17-16F-25, §17-16F-26, §17-16F-27, §17-16F-28, §17-16F-29, §17-16F-30, §17-16F-31, §17-16F-32, §17-16F-33, §17-16F-34, §17-16F-35 and §17-16F-36, all relating to creating the Division of Multimodal Transportation; combining the powers and duties and eliminating certain references to the Public Port Authority, the West Virginia State Rail Authority and the state Aeronautics Commission; providing for legislative findings and creation of the division; transferring employees, equipment, assets, liabilities, contracts, agreements, functions and duties to the division; providing for all property currently held by the Public Port Authority, the West Virginia State Rail Authority and the state Aeronautics Commission to be transferred to the division; authorizing the Secretary of the Department of Transportation to appoint the director; providing for qualifications for the director; establishing general powers and duties of the director; defining terms; establishing the powers and duties of the division generally; requiring division to promote, supervise and support safe, adequate and efficient transportation, preserve rail, water and airway facilities and promote economic development and tourism; authorizing division to work cooperatively with similar entities within and without the state; providing for siting, development and operation of facilities; authorizing employment of trained and qualified staff and consultants and compensating therefor; providing the right to enter into contracts and agreements; authorizing acquisition of various types and interests in property to be held in the name of the state; authorizing use of eminent domain; authorizing acquisition and disposal of property by various means; authorizing interagency cooperation; authorizing division to act on behalf of the state in planning, financing, development, construction and operation of port, railroad and aeronautic projects or facilities; reporting annually to Legislature on status of projects, operations, finances and related information; authorizing study and assessment of state transportation needs; authorizing use of various financing options including issuing revenue bonds and receipt of grants and loans; authorizing division to make grants and loans to governmental agencies and persons for multimodal transportation projects; permitting collection of reasonable fees and charges connected to making and servicing loans, notes, bonds and other obligations; granting rule-making authority to the division; continuing all rules, policies and orders of the combined entities until revised and reissued by the division; requiring strategic plan and reports to the Governor and the Legislature; requiring collection

and analysis of shipping through state ports; providing for confidentiality of collected information and providing criminal penalty for violation; providing that division employees may not have direct or indirect financial interest in contracts, sale of property of the division and providing criminal penalty for violation; providing that activities of division are for public purpose; authorizing the division to use certain property or facilities of a public utility, common carrier, public road or railroad for certain public projects; requiring the division to relocate any such property or facilities; providing for rules regarding relocation or removal of railroad or public utility located on division property; requiring the division to pay for said relocation or removal; encouraging participation of private enterprise in construction and operation of facilities; authorizing lease back to division; authorizing development of foreign trade zones, free trade zones, ports of entry and customs zones; providing for specific duties related to port projects; authorizing the division to act on behalf of the state in developing, operating, improving and maintaining ports; authorizing the division to coordinate and cooperate with other port entities; creating the West Virginia Multimodal Operations Fund and transference of funds and liabilities of the West Virginia Public Port Authority Operations Fund; eliminating local port authority districts; providing for specific duties related to rail projects; authorizing the exercise of powers necessary to qualify for federal subsidies; authorizing various means to carry out rail projects that are consistent with state plan with other entities; providing authority for the division to establish, fund, construct, reconstruct, acquire, repair, replace, operate, maintain and make available to other entities railroad projects; providing that research and development of railroads may be conducted; providing that contracts may be entered into to acquire various rolling stock, equipment or trackage and providing the requirements therefor; providing for the authority to enter into agreements that are beneficial to railroad projects notwithstanding other code provisions, including the authority to reject bids; authorizing division to purchase various types of insurance; authorizing the collection of fees for use of rail projects; providing for the administration and coordination of a state plan, including the distribution of federal subsidies; providing for investigation, research, promotion and development with public participation; authorizing the provision of fiscal assurances and adoption of accounting procedures necessary to continue subsidies; authorizing compliance with applicable federal regulations; authorizing all actions necessary to maximize federal assistance for rail subsidies; providing powers necessary to coordinate with the Maryland Transit Administration for continued operation in the state, including negotiation and contracting authority; providing that any commuter rail operation agreement will meet certain service standards; providing that any track access fees to be paid pursuant to the agreement shall be paid from the West Virginia Commuter Rail Access Fund; authorizing sale or transfer of interest in rail property with federal approval when required; authorizing assistance to entities seeking federal railroad service certification, including the provision of any necessary assurances or guarantees; authorizing division to retain attorney or others to title ownership of rail properties within the state; requiring rail properties offered for sale within the state to be offered first to the state; providing that division may acquire railroad rights in other states and may cooperate with other states in so purchasing any rail properties; providing for the division to give consideration to county or municipality interest in acquiring abandoned property interest and providing for the division to acquire any such abandoned property for subsequent conveyance to a county or municipality; authorizing the division to apply for and utilize federal funds or loans in carrying out its purposes of this article; authorizing the purchase of any railroad rolling stock, equipment and machinery necessary for the operation and maintenance of state rail properties and authorizing contracts with the Division of Highways for maintenance or purchase of vehicles; authorizing maintenance, rebuilding or relocation of state rail properties and authorizing expenditures for the modernization, rebuilding and relocation of any rail properties owned by the state or private carrier; providing for contracting with domestic or foreign entities to provide, maintain or improve rail transportation service on state rail properties; providing for transfer of rail properties to other entities within the state when permitted by the Governor; authorizing the division to resolve conflicts when multiple entities want to utilize the same rail property; providing for proceeds from the sale of state rail property to be deposited in Railroad Maintenance Fund; terminating Railroad Maintenance Authority Fund and creating a Railroad Maintenance Fund for proceeds and expenditures related to

division's purpose; authorizing expenditure from any fund for study of proposed rail projects and use of funds from Railroad Maintenance Fund for study and engineering costs; authorizing the issuance of railroad maintenance revenue bonds and notes for costs of rail projects, including issuance of renewal notes and bond refund, with aggregate amount of all issues of bonds and notes outstanding at one time not exceeding amount capable of being serviced by revenues received; providing that issues of bonds or notes are negotiable instruments and are obligations of the division and are payable out of the revenues which are pledged for such payment; providing for maturity date, terms of execution, sale, redemption and delivery; authorizing the establishment of various conditions necessary to secure sufficient funds to protect bonds or notes; providing that person executing bonds or notes is not personally liable therefor; providing for trust agreement to secure bonds issued by division and creating conditions therefor, not including mortgage of any rail project; allocating expenses of bond issuance or trust agreement to rail projects; providing for civil action for bondholders seeking to enforce rights granted; providing that bonds are payable from division revenues and are not a debt of state or political subdivision; restricting division from incurring debt on behalf of state or political subdivision; authorizing use of proceeds from bonds to carry out division's powers and prohibiting commingling with other funds; providing for the investment of excess funds by West Virginia State Board of Investments; authorizing division to collect rents or revenues for use of rail projects; providing for cooperation with other governmental agencies to effect acquisition of rail project or bond issuance; authorizing division to maintain rail projects in good repair; providing that railroad maintenance bonds are lawful investments for various entities; continuing West Virginia Commuter Rail Access Fund which is administered by division director; requiring division to establish a state rail plan that complies with federal requirements for funding; providing for specific duties related to aeronautics projects; authorizing division to advance development of aeronautics in cooperation with municipalities; authorizing rules necessary for public safety related to airports and aeronautics; providing for the expenditure of funds for various needs of Civil Air Patrol; authorizing division to fund grants for public airport authorities; authorizing division to receive federal funding to support airports or air navigation facilities; providing for procedures and conditions for use of federal funds; requiring a federal license to operate an aircraft; allowing for the use of state and municipal facilities and services; disposing of fees collected under this code section; and a severability clause"; which was referred to the Committee on Roads and Transportation then Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 461 - "A Bill to amend and reenact §5A-3-1 and §5A-3-3 of the Code of West Virginia, 1931, as amended, all relating to exempting the West Virginia State Police from state purchasing requirements; requiring the Legislative Auditor to audit purchasing made by the West Virginia State Police and report the findings to the Joint Committee on Government and Finance; and requiring the West Virginia State Police report to the Joint Committee on Government and Finance on the effects of exempting said agency from state purchasing requirements"; which was referred to the Committee on Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 467 - "A Bill to amend and reenact §29-22B-903 and §29-22B-1408 of the Code of West Virginia, 1931, as amended, all relating generally to limited video lottery; increasing the maximum wager permitted per limited video lottery game; removing restrictions on bill denominations accepted by limited video lottery terminals; and fixing the state's share of gross terminal income at fifty percent"; which was referred to the Committee on Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 472 - "A Bill to amend and reenact §20-2-22a, §20-2-23, §20-2-24 and §20-2-26 of the Code of West Virginia, 1931, as amended, all relating to outfitters and guides; setting forth license fees; creating special bear outfitter guide license for certain areas; clarifying when license may be issued; and making technical corrections"; which was referred to the Committee on Agriculture and Natural Resources then the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 479 - "A Bill to amend and reenact §60-3-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §60-3A-17, §60-3A-18 and §60-3A-25 of said code, all relating to the regulation of liquor sales; providing for the days on which state stores and agencies may be open; eliminating the prohibition on the sale of liquor by retail licensees on any Sundays; providing for when retail licensees may not sell liquor on Sundays and other days; and providing that the wholesale markup on all liquor, other than wine, shall be a maximum of twenty-eight percent"; 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. 499 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §14-1A-1, §14-1A-2 and §14-1A-3, all relating to creating the Debt Resolution Services Division within the Auditor's office; providing for powers and duties of the division; defining terms; providing for administration of division; authorizing the offset of a payment due to a vendor, contractor or taxpayer from the state to satisfy an outstanding obligation owed by them to the state; authorizing the administration of the United States Treasury Offset Program; providing for responsibilities of the State Tax Commissioner and spending units of the state; providing for the adoption of procedures, forms, and agreements; and directing the deposit of moneys offset"; 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. 523 - "A Bill to amend and reenact §4-2A-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §11B-2-12 of said code; to amend and reenact §12-3-12a and §12-3-13b of said code; to amend and reenact §15-2-5 of said code; to amend and reenact §18-3-1 of said code; to amend and reenact §20-1-5 of said code; to amend and reenact §20-7-1 of said code; to amend and reenact §22C-1-4 of said code; to amend and reenact §24-1-3 of said code; to amend and reenact §24A-6-6 of said code; to amend and reenact §24B-5-2 of said code; to amend and reenact §25-1-19 of said code; to amend and reenact §31-19-4 of said code; to amend and reenact §33-2-2 of said code; to amend and reenact §50-1-8 and §50-1-9 of said code; to amend and reenact §51-7-3 and §51-7-5 of said code; to amend and reenact §51-8-2 of said code; and to amend and reenact §62-12-5 of said code, all relating to converting to a biweekly pay cycle from a monthly or semimonthly cycle for state employees; modifying pay cycle of members of the legislature; submitting expenditure schedules to the Secretary of the Department of Revenue; modifying pay

cycle of employees of the Higher Education Policy Commission, Council for Community and Technical College Education and institutions which they govern; modifying pay cycle of the West Virginia State Police; modifying pay cycle of the State Superintendent of Schools; modifying pay cycle of the Division of Natural Resources; modifying pay cycle of the Water Development Authority; modifying pay cycle of the Public Service Commission; modifying pay cycle of the Division of Corrections; modifying pay cycle of West Virginia Community Infrastructure Authority; modifying pay cycle of the Insurance Commissioner; modifying pay cycle of magistrate courts; modifying pay cycle of official court reporters; modifying pay cycle of state law librarian and assistants; and modifying pay cycle of probation officers and clerical assistants”; 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. 533 - “A Bill to amend and reenact §8-13-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §60-3-9d of said code; and to amend and reenact §60-4-3b of said code, all relating to the collection of taxes on wine and intoxicating liquors; providing that no wine or liquor excise tax shall be collected on purchases of wine or intoxicating liquors in the original sealed package for the purpose of resale if the final purchase of such wine or intoxicating liquor is subject to the excise tax; and defining terms”; which was referred to the Committee on Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 572 - “A Bill to amend §3-1-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §3-4A-11a of said code; to amend and reenact §3-5-13 and §3-5-13a of said code; to amend and reenact §3-10-1 and §3-10-8 of said code; and to amend said code by adding thereto a new section, designated §3-10-8a, all relating to providing for the nonpartisan election of county surveyors; providing that county surveyors are to be elected on a nonpartisan basis beginning with the general election of 2020; clarifying ballot placement for nonpartisan election for county surveyor; clarifying ballot heading for nonpartisan election for county surveyor; and specifying manner of appointment of a successor when an elected county surveyor vacates office”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 585 - “A Bill to repeal §24-3-1b of the Code of West Virginia, 1931, as amended, relating to locomotive crew size”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 595 - “A Bill to amend and reenact §11-4-2 of the Code of West Virginia, 1931, as amended, relating to authorizing county assessors to make separate entries in their landbooks when real property is partly used for exempt, and partly for nonexempt, purposes”; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 684 - "A Bill to amend and reenact §15-2-10 and §15-2-24 of the Code of West Virginia, 1931, as amended, all relating generally to the West Virginia State Police; and correcting agency referrals and code citations relating to the West Virginia State Police"; which was referred to the Committee on the Judiciary.

Resolutions Introduced

Delegates Phillips, Eldridge 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. 100 – "Requesting the Division of Highways to name a portion of West Virginia Route 10, near McConnell in Logan County, beginning at a point, latitude 37.823846, longitude -81.958422, and ending at a point, latitude 37.833712, longitude -81.966816, the 'U.S. Air Force CMSgt Charlie Randolph Hopkins and U.S. Air Force MSgt James Paul Hopkins Road'."

Whereas, Chief Master Sergeant Charlie Randolph Hopkins was born January 25, 1954, in Stollings, before moving to McConnell later in the year; and

Whereas, Chief Master Sergeant Charlie Randolph Hopkins attended McConnell Grade School, Logan East Junior High School, and graduated from Logan High School on June 3, 1971. He joined the Boy Scouts in the 7th grade, was a member of Troop 99, which met at the Presbyterian Church in Logan and his Scoutmaster was Wilburn D. White, and achieved the rank of Eagle Scout during first year of high school. For doing that Chief Master Sergeant Charlie Randolph Hopkins' parents sent him to the 1969 Boy Scout National Jamboree held at Farragut State Park, Coeur d'Alene, Idaho; and

Whereas, One week after completing high school, at age seventeen, Chief Master Sergeant Charlie Randolph Hopkins (and twelve other Logan High school graduates) was on his way to Air Force Basic Training. He was the youngest person his recruiter (then Technical Sergeant Gale L. Redden) ever put in the Air Force. Basic Training lasted six weeks and on the morning of July 26, 1971 he was put on a bus heading for Keesler Air Force Base in Biloxi, Mississippi where he started the basic electronics course, completing it at the Christmas break. The second portion of the school was called "Sets" and was to allow trainees to get hands-on experience with some of the equipment they'd work on in the field. Chief Master Sergeant Charlie Randolph Hopkins graduated the Ground Radio Maintenance Technician course on April 4, 1972, and reported to Bedford Air Force Station, Virginia on April 26. Bedford was a 98-man aircraft control and warning (technically referred to as AC&W) radar site that was located on the Blue Ridge Parkway. Once the radio maintenance work center closed in 1975, Chief Master Sergeant Charlie Randolph Hopkins was tasked with NonCommissioned Officer of the Day (NCOD) duties. Most pertained to site security. He was stationed there for 39 months, working with the man who had recruited him, now Master Sergeant Redden; and

Whereas, Chief Master Sergeant Charlie Randolph Hopkins' next assignment took him to another AC&W radar site in northern Minnesota. This site was located 75 miles north of Duluth, just a couple of miles from a small town, Finland. Where he spent 49 weeks before departing for his first overseas assignment. Originally scheduled to go to the 1982d Communications Squadron, Kunsan Air Base, Korea, Chief Master Sergeant Charlie Randolph Hopkins was diverted to Kwang Ju Air Base after arrival. He had been there about four months when his Operating Location (OL) Chief told him he

had received the Air Force Commendation Medal for work in Minnesota. He was informed that it was being held because the Air Force Communications Service (AFCS) Commander, Major General Rupert Burris, was scheduled to visit and he wanted the decoration to be pinned on by the Major General. Later Chief Master Sergeant Charlie Randolph Hopkins found out the decoration was approved and signed by General Daniel "Chappie" James, the first African-American to make General (four-star) in the Air Force. The medal was pinned on February 22, 1977; and

Whereas, Chief Master Sergeant Charlie Randolph Hopkins left Korea on September 3, 1977, and arrived at Fort Riley, Kansas on September 26. He had made Staff Sergeant in Korea and was now in charge of the radio maintenance work center at the Air Force unit at Fort Riley. The unit provided close air support for the First Infantry Division, "The Big Red One", as it was known. His unit only had 25 personnel: 8 officers and 17 enlisted. He was there for 38 months and then went back to Korea, where he was stationed to Osan Air Base and the 2146th Communications Group; and

Whereas, Chief Master Sergeant Charlie Randolph Hopkins was in Korea this time for 18 months and it was during this tour he met the love of his life, Chong Ok Ahn, and got married. Chief Master Sergeant Charlie Randolph Hopkins was the first American to be married at the Korea House in Seoul and the wedding was published in a Korean magazine, "Wife's Life". He departed Korea on May 13, 1982, heading for a small 14-man high-frequency receiver site in the middle of nowhere, Schriber State Airfield, Nebraska. While there he was sent to a 10-week course on the new equipment, and was recognized as an Honor Graduate. They were only in Nebraska for 12 1/2 months; and

Whereas, Chief Master Sergeant Charlie Randolph Hopkins departed on July 14, 1983, going back to Osan, where they stayed only 12 months. His next assignment took them to Shaw Air Force Base, South Carolina where his brother, Master Sergeant James Paul Hopkins, was also stationed. It was the only time in their careers they were stationed together. At Shaw, Chief Master Sergeant Charlie Randolph Hopkins attended the Air Force Non-Commissioned Officer's Academy, where he made Master Sergeant (first time eligible), earned an Associate's in Applied Science (AAS) in Radio Systems Technology degree, an Associate of Arts (AA) degree in Liberal Arts, and a Bachelor of Arts (BA) degree in Human Resources Development, graduating Summa Cum Laude; and

Whereas, Chief Master Sergeant Charlie Randolph Hopkins was at Shaw for 38 1/2 months and departed for the 1982d Communications Squadron, Kunsan Air Base, Korea, learning on St. Patrick's Day 1988 that he had been selected for promotion to Chief Master Sergeant (first time eligible). He was also selected as a primary attendee for the Air Force Senior Non-Commissioned Officer's Academy (AFSNCOA), but had to wait almost a year to pin on his next rank, on February 28, 1989, with the rank being effective March 1. The pin-on was done by his unit commander, Major John Goodman and wing commander, Colonel Joseph Hurd; and

Whereas, He received an assignment to Osan and a class date for the AFSNCOA. Chief Master Sergeant Charlie Randolph Hopkins would go to the school, then report back for a new assignment. Chief Master Sergeant Charlie Randolph Hopkins' best friend in the Air Force, Senior Master Sergeant Randy L. Winn, and he attended together. Winn was already at Osan and they made the trip together. Their class was from May to July 1989. Chief Master Sergeant Charlie Randolph Hopkins then took some leave to visit his parents, this ended up being his longest assignment in his Air Force career: 61 months. One of their Wing Commanders (1994-95) during this assignment was Brigadier General Robert H. "Doc" Foglesong from Williamson. During this assignment, he was involved with a lot of volunteer work and in 1993 was recognized as the Seventh Air Force Volunteer of the Year for 1992. Seventh Air Force covers all Air Force personnel in Korea; and

Whereas, In August 1994, Chief Master Sergeant Charlie Randolph Hopkins moved to Kelly Air Force Base, Texas. He was in the 93rd Intelligence Squadron, his first and only assignment with the

Air Intelligence Agency. Chief Master Sergeant Charlie Randolph Hopkins made his final Air Force promotion, Chief Master Sergeant (Chief), while with this unit. Because there was no Chief position for him in the 93rd, he moved to the 67th Support Squadron on Security Hill and was in this unit a total of 8 1/2 months. During that time, he did a one-month temporary duty assignment back to Korea to work with two electrical engineers in the completion of an electromagnetic compatibility survey and a three-month deployment to Saudi Arabia and the 4416th Intelligence Squadron (Provisional); and

Whereas, Chief Master Sergeant Charlie Randolph Hopkins was the Chief of Maintenance and responsible for all the ground and aircraft communications maintenance for the unit. The aircraft being the RC-135 (Rivet Joint) which was an intelligence gathering plane and flew the "box" between northern Saudi Arabia and southern Iraq. As the Chief of Maintenance, he was allowed to fly on one of the missions and observe the operations first-hand. While in Saudi Arabia he was selected for reassignment to Camp Zama, Japan where he became the Communications Station Chief, somewhat like an enlisted commander. It was a small unit with only 50 personnel but had the responsibility for all the long-haul communications in the Kanto Plains (Tokyo area). It was proving to be a great assignment. However, he ended up putting in for a humanitarian reassignment because of his father-in-law. So, after only 9 1/2 months they were moving again, back to Korea; and

Whereas, This time Chief Master Sergeant Charlie Randolph Hopkins was going to a tactical communications unit that provided close air support for the Second Infantry Division, stationed 26 miles north of Seoul and within artillery range of North Korea. During this assignment, Chief Master Sergeant Charlie Randolph Hopkins had the opportunity to be the acting Seventh Air Force Command Chief Master Sergeant, the highest-ranking Air Force enlisted position in Korea. It was only for two weeks in January 1999. The Seventh Air Force Commander at that time was Lieutenant General Joseph Hurd (the same Colonel Hurd that pinned his Senior Master Sergeant stripes on 10 years earlier). At the end of the first week there was a banquet to attend at Kunsan. As the general and Chief Master Sergeant Charlie Randolph Hopkins were walking Chief Master Sergeant Charlie Randolph Hopkins told him, "Sir, we're going home." He said, "Chief, what do you mean?" He replied, "Well, sir, I was stationed at Kunsan when you were the Wing Commander and you actually pinned on his Senior Master Sergeant stripes." He then said, "Chief, I guess we're going home," and

Whereas, In July 1999, Chief Master Sergeant Charlie Randolph Hopkins received a call from the Command Chief asking if he was ready to come back, i.e., fill-in again. He asked where he was going this time, and was informed they were departing on a permanent change of station, and that Chief Master Sergeant Charlie Randolph Hopkins would be the interim Command Chief until his replacement arrived. Chief Master Sergeant Charlie Randolph Hopkins asked how long and he estimated 6-10 weeks and General Hurd had just left his office and Chief Master Sergeant Charlie Randolph Hopkins' name was the only one discussed. Chief Master Sergeant Charlie Randolph Hopkins surmised that he hadn't messed up in January if the general wanted him back. So, the last week of July Chief Master Sergeant Charlie Randolph Hopkins became the interim Command Chief. The general even had his name placed on the Seventh Air Force Directory; and

Whereas, Being Command Chief was a great opportunity and afforded Chief Master Sergeant Charlie Randolph Hopkins numerous opportunities to work with younger airmen and NCOs. He departed Korea the first week of April 2000 for his final assignment in his Air Force career at the Air Force Space Command at Peterson Air Force Base, Colorado. Oddly, the Air Force Space Command had evolved from the old Aerospace Defense Command, the command Chief Master Sergeant started his Air Force career at Bedford Air Force Station. He only had 14 1/2 months left until mandatory retirement and knew that would go by quickly — and it did. Chief Master Sergeant Charlie Randolph Hopkins intentionally scheduled his ceremony for June 11, 2001, exactly 30 years from when he had reported to Basic Training. His retirement from active duty was effective July 1, 2001; and

Whereas, Thereafter, Chief Master Sergeant Charlie Randolph Hopkins was fortunate to be offered a position with Verizon Federal Network Services as a government contractor and Network Controller supporting the Defense Information Systems Agency at Scott Air Force Base, Illinois. Chief Master Sergeant Charlie Randolph Hopkins didn't have a background in network controlling but he did have a security clearance and he understood military "lingo" and was moved to a shift lead position after being in the network operations center (NOC) for 34 months. During that same time, he completed a dual Master of Arts degree in Computer Resources and Information Management (CRIM) and Human Resources Development (HRD), maintaining a 3.86 grade point average (GPA) for the CRIM portion and a 4.00 GPA for the HRD portion, culminating in an overall GPA of 3.89 for the dual degree; and

Whereas, Chief Master Sergeant Charlie Randolph Hopkins interviewed for a government service position in Quality Assurance after eight years in the NOC and was selected out of 15 applicants. After the hiring offer he went to each of the members of the interview panel and asked how he did — all three said he did great, with one person telling him nobody even came close. Chief Master Sergeant Charlie Randolph Hopkins moved to the Quality Assurance Branch the first week of November 2009 and is still serving in that branch as lead team chief and evaluator; and

Whereas, Chief Master Sergeant Charlie Randolph Hopkins' decorations include: Defense Meritorious Service Medal, Meritorious Service Medal with five oak leaf clusters, Air Force Commendation Medal with four oak leaf clusters, Air Force Achievement Medal, Air Force Outstanding Unit Award with Valor device and seven oak leaf clusters, Air Force Organizational Excellence Award with one oak leaf cluster, Combat Readiness Medal, Air Force Good Conduct Medal with nine oak leaf clusters, National Defense Service Medal with star device, Armed Forces Expeditionary Medal, Korean Defense Service Medal, Humanitarian Service Medal, Military Outstanding Volunteer Service Medal with three oak leaf clusters, Air Force Overseas Ribbon (Short Tour) with eight oak leaf clusters, Air Force Overseas Ribbon (Long Tour), Air Force Longevity Award with six oak leaf clusters, Air Force NCO Professional Military Education Graduate with two oak leaf clusters, Small Arms Expert Marksmanship Ribbon with star device, Air Force Training Ribbon and Kuwait Liberation Medal (Emirate of Kuwait); and

Whereas, Chief Master Sergeant Charlie Randolph Hopkins' awards include: In 1982 the Honor Graduate Scope Signal III High Frequency Global Communications System Course, in 1986 the Senior NCO of the Quarter, 2020th Information Systems Squadron, Shaw AFB, South Carolina, in 1986 the First Runner-Up Senior NCO of the Quarter, Shaw AFB, South Carolina, in 1989 the Senior NCO of the Quarter, 1982nd Communications Squadron, Kunsan AB, Korea, in 1989 the Senior NCO of the Year (for 1988) and unit nominee for the Twelve Outstanding Airmen of the Year (all Air Force), 1982nd Communications Squadron, Kunsan AB, Korea, in 1989 the Senior NCO of the Quarter, Pacific Communications Division, Hickam AFB, Hawaii, in 1991 the Senior NCO of the Quarter, 2146th Communications Group, Osan AB, Korea, in 1991 the Senior NCO of the Year (for 1991) and unit nominee for the Twelve Outstanding Airmen of the Year (all Air Force), 2146th Communications Group, Kunsan AB, Korea, in 1991 the Senior NCO of the Quarter, Pacific Communications Division, Hickam AFB, Hawaii, and in 1993 the Seventh Air Force Volunteer of the Year (for 1992); and

Whereas, Chief Master Sergeant Charlie Randolph Hopkins' other achievements include: Red Cross CPR Instructor (13 years), Volunteer Income Tax Assistant (28 years, and continuing), Red Cross First Aid Instructor (3 years), Red Cross Lifeguard Instructor (3 years), Military Affiliate (now Auxiliary) Radio System (MARS) Operator (31 years, and continuing); and

Whereas, Master Sergeant James Paul Hopkins was delivered by a Stork (A. Robert Stork, M.D.) on April 5, 1955 at home in McConnell. He attended elementary school at McConnell Grade School, junior high school at Logan East, and graduated from Logan High School May 1973; and

Whereas, Although his first name is James, Master Sergeant James Paul Hopkins went by his initials "JP" throughout the school years and later by the nickname "Jay" since graduation. During high school, he worked at Hopkins Brothers Roofing, Kroger grocery store and Logan Motorcycle Sales. After graduation, Master Sergeant James Paul Hopkins was hired by Mining Hydraulics and worked there until departing for the U.S. Air Force, signing up in early October 1973 with an active duty date of November 13, 1973; and

Whereas, Basic training lasted six weeks and Master Sergeant James Paul Hopkins graduated Air Force Basic Military Training at Lackland Air Force Base, Texas, in time to be home for Christmas. As a 6-year enlistee he was promoted to Airman First Class upon completing Basic Military Training. After Christmas vacation, he was off to Lowry Air Force Base Colorado (now closed) for Technical School. His career field was Munitions Systems Technician where he learned storage, maintenance, assembly and transportation of munitions that were used by the U.S. Air Force; and

Whereas, Master Sergeant James Paul Hopkins arrived at his first permanent duty station, Cannon Air Force Base, New Mexico, in April 1974 and was assigned to the 27th Munitions Maintenance Squadron. While there he had the opportunity to pursue a dream...learning to fly. He was able to earn his Private Commercial Pilot license before moving to a second assignment, Kunsan Air Base, Korea and was assigned to the 8th Munitions Maintenance Squadron; and

Whereas, Master Sergeant James Paul Hopkins studied Judo and was able to earn his first-degree Black Belt. Kunsan also had an aero club and continued flying in the Republic of South Korea. The year went by quickly before departing for Kunsan in July 1976. He and his brother; Chief Master Sergeant Charlie Randolph Hopkins, were both home on leave at the same time.

Whereas, Master Sergeant James Paul Hopkins was next assigned to Langley Air Force Base, Virginia, with the 1st Tactical Fighter Wing. He spent a little over three years at Langley. During that time, he married Rebecca Rose Bailey from his home area in West Virginia. While at Langley, they had two children; a daughter Amy Rebecca Hopkins and a son Matthew Paul Hopkins. Master Sergeant James Paul Hopkins received an Instrument Rating Airplane while continuing his flight training. He made Staff Sergeant while there and volunteered for recruiting duty. He was accepted and went to USAF Recruiting School at Lackland Air Force Base; and

Whereas, Master Sergeant James Paul Hopkins was selected to go to a recruiting office in Pennsylvania but was contacted while home on leave and asked if he'd be interested in Fairmont. He accepted. Recruiting duty was a 4-year controlled tour. In 1983, at the end of those four years, he was assigned to the 19th Equipment Maintenance Squadron at Shaw Air Force Base, South Carolina. A year later his brother Chief Master Sergeant Charlie Randolph Hopkins would also report to Shaw. This was the only assignment they had together. He earned an FCC Amateur Radio Extra Class operator license during this assignment and was asked by the Recruiting Flight Supervisor if he'd like to go back to the Fairmont office. Again, he accepted; and

Whereas, In 1986, and after completing the USAF Recruiting School for a second time, Master Sergeant James Paul Hopkins departed Shaw AFB for Fairmont. His first two years back in recruiting were the same, and then he became a medical services recruiter and was given a quota for all health professions: MDs, DOs, Veterinarians, Dentist, Dieticians, Physical Therapists, Pharmacists, Physician Assistants, Hospital and Medical Administrators, Social Workers and all related medical specialties except for registered nurses. With an office in Morgantown, he covered the areas of northern West Virginia, north east Ohio, south west Pennsylvania and western Maryland. After completion of that second Recruiting duty tour he was selected for assignment to Nellis Air Force Base, Nevada; and

Whereas, Master Sergeant James Paul Hopkins was in charge of the munitions section that supported aircraft participating in "Air Warrior live fire" training and exercises primarily supporting the U.S. Army in the Mojave Desert. There were several ranges and exercise locations well within flying distance of Nellis. One of the largest live fire training locations in the United States is Fort Irwin National Training Center. This installation is managed by the Army while used by all services and allied countries for live fire training. Many of their aircraft supported close air support training at Fort Irwin. During his last year at Nellis, Master Sergeant James Paul Hopkins' commander asked if he'd be the interim First Sergeant for the unit. Master Sergeant James Paul Hopkins enjoyed the duty and challenges of being a First Sergeant. His commander was so impressed with his performance he wanted to send Master Sergeant James Paul Hopkins to the First Sergeant's Academy and become his full-time First Sergeant. Due to family health conditions, he had already decided to retire and, thus, respectfully declined; and

Whereas, While on active duty Master Sergeant James Paul Hopkins earned two Associate Degrees from the Community College of the Air Force while on active duty. First was Munitions Systems Technology and Personnel Administration. He retired from the Air Force February 1, 1994 with 20 years, 2 months, and 17 days of active duty service time as an E-7 Master Sergeant; and

Whereas, After retirement Master Sergeant James Paul Hopkins earned a commercial driver's license and drove long-haul trucks for J. B. Hunt for seven months. The reason for the short tenure was because CSX Transportation Corporation (railroad) offered him a position to become a Trainman and Locomotive Engineer. As working on the railroad was also a life-long dream, and as his father had done same work for over 41 years, he was thrilled to have the same opportunity. Master Sergeant James Paul Hopkins has now been with employed CSX Transportation for over 21 ½ years and has completed flight training earning an FAA Certified Flight Instructor for single engine, multi-engine and instrument flight training; and

Whereas, Master Sergeant James Paul Hopkins decorations include: Air Force Commendation Medal with two oak leaf clusters. Air Force Outstanding Unit Award four oak leaf clusters, Air Force Good Conduct Medal with five oak leaf clusters, National Defense Service Medal with one bronze service, Armed Forces Expeditionary Medal, Air Force Overseas Ribbon (Short Tour), Air Force Longevity Award with four oak leaf clusters, Air Force NCO Professional Military Education Graduate with one oak leaf cluster, Small Arms Expert Marksmanship Ribbon with one bronze star and Air Force Training Ribbon; and

Master Sergeant James Paul Hopkins awards and other accomplishments include: in March 1991, Senior NCO Academy correspondence, in June 198 Noncommissioned Officer Academy, Barksdale AFB, Louisiana, in November 1976 Noncommissioned Officer Leadership School, Langley, AFB, Virginia and Military Affiliate Radio System (MARS) Operator Civil Air Patrol; and

Whereas, It is a fitting honor to name this road where these two outstanding brothers grew up before going on to have distinguished and remarkable careers while serving in the United States Air Force; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a portion of West Virginia Route 10, near McConnell in Logan County, beginning at a point, latitude 37.823846, longitude -81.958422, and ending at a point, latitude 37.833712, longitude -81.966816, the "U.S. Air Force CMSgt Charlie Randolph Hopkins and U.S. Air Force MSgt James Paul Hopkins Road"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the road as the “U.S. Air Force CMSgt Charlie Randolph Hopkins and U.S. Air Force MSgt James Paul Hopkins 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 Iaquina, Hamrick and Queen offered the following resolution, which was read by its title and referred to the Committee on Agriculture and Natural Resources then Rules:

H. C. R. 101 – “Declaring and making the blackberry the official state berry of West Virginia.”

Whereas, It is hard to trace the exact origin since blackberries proliferate all over the globe, but it is likely the first were in Asia, North or South America or in Europe. Greeks and Romans used blackberries in medicine, and Native Americans used them for food, medicine and to dye animal skins. Blackberries are also known as bramble, brummel, brambleberry and bly; and

Whereas, The formal name of the blackberry is *Rubus fruticosus*, and there are more than 40 species. Blackberries were always considered wild, so in the early days they were not cultivated. Those who wanted the berries would travel to where a bush was growing and gather them. Development of the blackberry is relatively modern and was done mostly in America. Judge Logan began to breed blackberries in California and introduced loganberries, a relative of blackberries, in 1880. Identifying species is difficult because so many types of blackberry plants have crossbred by themselves. Luther Burbank attempted to develop a thornless berry in 1921, but the flavor lacked. Recently the Triple Crown berry was introduced and is a good-tasting, thornless berry; and

Whereas, The blackberry has been used to treat fever for more than 2,000 years. The berry was not often used in medicinal applications but the root, bark and leaf was. They were boiled in water and given as medicine for whooping cough. Other illnesses thought to be cured by blackberry were bites from venomous creatures, boils and sore throats. In 1771, it was documented that blackberry decoctions would cure ulcers; and

Whereas, Blackberries taste good and have been used to make all kinds of sweets or eaten plain for centuries. In 1696, the London Pharmacopoeia documented information about blackberries being used to make wine and cordials. Blackberry pie or crumble, and jam are a sweet favorite that goes back to the pioneer days; and

Whereas, Blackberries are also part of folklore as they were thought to protect against spells and curses if gathered during a certain phase of the moon. Children with hernias were known to pass through an arched area in the bramble to cure them. Boils were supposed to be cured when the sufferer crawled through the brambles. It is more likely the thorns simply lanced the boils; and

Whereas, Native Americans used blackberry canes and vines to make twine. Blackberry bushes were often planted around European villages to offer protection against enemies and large animals that would do harm. The brambles provide protection to wildlife, including deer and birds. The berries have been known to be used to make an indigo or purple dye; and

Whereas, In addition to having a long and illustrious history, blackberries have a long and colorful tradition in West Virginia as well. It is hard not to talk to someone about blackberries and not have them tell you the many memories they had of picking blackberries on the many hillsides of the state; and

Whereas, Many blackberry pickers began picking blackberries with their mothers and grandmothers on hillsides that had been partially cleared for grazing. They would put wire hangers in empty Karo syrup cans, pick them full of berries and empty them into large washtubs. The washtubs loaded with blackberries would then be carried home where they would be eaten, cobblers made, canned, jams, jellies and even wine made from the luscious blackberry. The jams and jellies would be spread on biscuits baked in wood cook stoves and canned berries would be eaten or baked in pies as a treat during the harsh mountain winters when pleasures were few; and

Whereas, While forests have overtaken many of the hillsides where blackberries once were king, they continue to thrive throughout the state and are worth their weight in gold to those who venture out seeking the succulent fruit. In fact, as late as the 1980s, blackberries grew wild along the banks of the Kanawha River on either side of the State Capitol; and

Whereas, There is no berry so ubiquitous in West Virginia as the blackberry and none that has meant more to its history, culture and traditions; therefore, be it

Resolved by the House of Delegates:

To declare and make the blackberry the official state berry of West Virginia; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to Kent Leonhardt, Commissioner, West Virginia Department of Agriculture, the West Virginia Future Farmers of America, the Editor of Goldenseal, the magazine of West Virginia traditional life, the West Virginia University Extension Service and the West Virginia Farmers Market Association.

Delegates G. Foster, Isner, Marcum, Wagner, Upson, N. Foster, Householder, Phillips, Dean, Zatezalo and Eldridge offered the following resolution, which was read by its title and referred to the Committee on the Judiciary then Rules:

H. C. R. 102 – “Requesting the Joint Committee on Government and Finance study imposing a presumption in West Virginia Family Courts that 50/50 shared parenting be awarded in child custody cases.”

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study imposing a presumption in West Virginia Family Courts that 50/50 shared parenting be awarded in child custody cases; 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 A. Evans, Hamilton, Rowan and R. Romine offered the following resolution, which was read by its title and referred to the Committee on Rules.

H. C. R. 103 – “Requesting the Division of Highways to name Bridge Number 12-3-0.02 (12A003) (39.11719, -79.16785), locally known as Maysville Bridge, carrying County Route 3 over Lunice Creek in Grant County, the ‘U S Army PFC Tracy Victor Rohrbaugh Memorial Bridge’.”

Whereas, Tracy Victor Rohrbaugh was born October 27, 1922, in Martin, Grant County, West Virginia, son of Victor Adam Rohrbaugh and Dovie Clara Rohrbaugh; and

Whereas, Tracy was later joined by three brothers and five sisters; and

Whereas, The Rohrbaugh family had been well established in Grant County for many years; and

Whereas, The Rohrbaugh family lived in Martin for all of Tracy's life; and

Whereas, Tracy Victor Rohrbaugh was inducted into the United States Army in January, 1942, and trained at Camp Maxy and Camp Hood in Texas; and

Whereas, The young soldier was shipped overseas for service in the European Theater on New Year's Day, 1943; and

Whereas, US Army PFC Tracy Victor Rohrbaugh served with the 625th Ordnance Ammunition Company during his time in Europe; and

Whereas, In his last letter home on April 17, 1944, PFC Rohrbaugh stated that “everything is going fine and I could not be any better shape.” Sadly, this would not last for long; and

Whereas, Just ten days after that letter was written, PFC Tracy Victor Rohrbaugh was killed in action while participating in Exercise Tiger, a large scale training exercise in England in preparation for the Normandy invasion; and

Whereas, PFC Tracy Victor Rohrbaugh, whose body was buried at sea, was posthumously awarded the Purple Heart, American Campaign Medal and WW-II Victory Medal; and

Whereas, In recognition of his honorable service in World War II, and for his ultimate sacrifice, PFC Rohrbaugh's name is inscribed on the Tablets of the Missing at the Cambridge American Cemetery in Cambridge, England, and his name was one of the original names inscribed on the West Virginia Veteran's Memorial; and

Whereas, It is fitting that the state continue to honor this fallen hero by a memorial in the area in which he lived; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name Bridge Number 12-3-0.02 (12A003) (39.11719, -79.16785), locally known as Maysville Bridge, carrying County Route 3 over Lunice Creek in Grant County, the “U S Army PFC Tracy Victor Rohrbaugh 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 Bridge Number 12-3-0.02 (12A003) (39.11719, -79.16785), locally known as Maysville Bridge, carrying County Route 3 over Lunice Creek in Grant County, the “U S Army PFC Tracy Victor Rohrbaugh Memorial Bridge”; and, be it

Further Resolved, That the Clerk of the House of Delegates forward certified copies of this resolution to the Director of the Division of Highways.

Unfinished Business

The following resolutions, coming up in regular order, as unfinished business, were reported by the Clerk and adopted:

H. C. R. 90, Study on the feasibility of light fidelity (“Li-Fi”),

H. C. R. 91, Alleen Ledson Memorial Bridge,

And,

H. C. R. 92, U.S. Army SGT Eugene Dawson Memorial Highway.

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

Third Reading

Com. Sub. for S. B. 306, Supplemental appropriation of federal funds from Treasury to Workforce West Virginia; 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. 151**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Lewis.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 306) passed.

Delegate Cowles moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 152**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Fleischauer and Lewis.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 306) takes effect from its passage.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

Com. Sub. for H. B. 2180, Authorizing the issuance of special “In God We Trust” motor vehicle registration plates; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 153**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Fleischauer and Lewis.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2180) 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. 2208, Authorizing counties and municipalities to establish a joint airport hazard comprehensive plan; 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. 154**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Kelly and Lewis.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2208) 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. 2366, Relating to selling Jackie Withrow Hospital; 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. 155**), and there were—yeas 58, nays 41, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Arvon, Baldwin, Barrett, Bates, Boggs, Brewer, Byrd, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Hamilton, Hartman, Hicks, Hornbuckle, Iaquinta, Isner, Longstreth, Love, Lovejoy, Lynch, Marcum, Martin, R. Miller, Moye, O'Neal, Pethtel, Phillips, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaule, Sypolt, Thompson, Ward and Williams.

Absent and Not Voting: Lewis.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2366) 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. 2475, Authorizing the Tax Commissioner to collect tax, interest and penalties due and owing from payments to vendors and contractors from the Auditor and other state, county, district or municipal officers and agents; 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. 156**), and there were—yeas 96, nays 2, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Folk and McGeehan.

Absent and Not Voting: Lewis and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2475) 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. 2494, Providing that statewide school report cards are only to be made available to custodial parents and guardians of students upon request; 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. 157**), and there were—yeas 95, nays 2, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Love and Upson.

Absent and Not Voting: Lewis, Robinson and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2494) 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. 2524, Improving the focus on school-level continuous improvement processes; 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. 158**), and there were—yeas 63, nays 35, absent and not voting 2, with the nays and absent and not voting being as follows:

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

Absent and Not Voting: Lewis and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2524) passed.

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

On this question, the yeas and nays were taken (**Roll No. 159**), and there were—yeas 69, nays 28, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Baldwin, Bates, Boggs, Brewer, Byrd, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Hicks, Hornbuckle, Iaquinta, Isner, Longstreth, Love, Lovejoy, Lynch, Marcum, Moye, Pushkin, Pyles, Robinson, Rowe, Sponaule, Thompson and Williams.

Absent and Not Voting: A. Evans, Lewis and Rodighiero.

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. 2524) 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. 2679, Relating to the possession of firearms in parks and park facilities; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 160**), and there were—yeas 94, nays 4, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Fleischauer, Lane, Pushkin and Rowe.

Absent and Not Voting: Lewis and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2679) passed.

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

Com. Sub. for H. B. 2702, Relating to excused absences for personal illness from school; 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. 161**), and there were—yeas 95, nays 3, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Caputo, Longstreth and Ward.

Absent and Not Voting: Lewis and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2702) passed.

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. 2709, Authorizing the City of South Charleston to levy a special district excise tax; 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. 162**), and there were—yeas 92, nays 5, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: E. Evans, Folk, McGeehan, Thompson and Wilson.

Absent and Not Voting: Harshbarger, Lewis and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2709) 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. 2734, Authorizing a method for the collection and remittance of property taxes related to dealers' heavy equipment inventory; 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. 163**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Lewis and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2734) passed.

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

H. B. 2774, Defining special aircraft property; on third reading, coming up in regular order, was read a third time.

Delegates Walters, Brewer, Hollen, Higginbotham and Folk requested to be excused from voting on the passage of H. B. 2774 under the provisions of House Rule 49.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 164**), and there were—yeas 92, nays 6, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Bates, Fleischauer, Fluharty, Lynch, Pyles and Sponaule.

Absent and Not Voting: Lewis and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2774) 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. 2805, Finding and declaring certain claims against the state and its agencies to be moral obligations of the state; 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. 165**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Lewis and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2805) passed.

Delegate Cowles moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 166**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Lewis and Rodighiero.

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. 2805) takes effect from its passage.

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

Com. Sub. for H. B. 3093, Establishing Broadband Enhancement and Expansion Policies; on third reading, coming up in regular order, was read a third time.

Delegates Espinosa and Lewis requested to be excused from voting on the passage of Com. Sub. for H. B. 3093 under the provisions of House Rule 49.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 167**), and there were—yeas 97, nays 2, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Folk and McGeehan.

Absent and Not Voting: Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3093) passed.

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

Second Reading

Com. Sub. for H. B. 2219, Authorizing miscellaneous boards and agencies to promulgate legislative rules; 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. 2346, Relating to motor vehicle license plates; 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. 2515, West Virginia Monument and Memorial Protection Act of 2017; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Howell, the bill was amended on page two, section eight-c, line twenty-eight, immediately following the word "remove" and the comma, by inserting the word "rename" and a comma.

And,

On line thirty-two immediately following the word "remove" and the comma, by inserting the word "rename" and a comma.

The bill was ordered to engrossment and third reading.

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

Com. Sub. for H. B. 2721, Removing the cost limitation on projects completed by the Division of Highways,

Com. Sub. for H. B. 2722, Eliminating the financial limitations on utilizing the design-build program for highway construction,

Com. Sub. for H. B. 2724, Relating to creating a pilot program under the Herbert Henderson Office of Minority Affairs,

H. B. 2745, Adding the examination of Advanced Care Technician,

H. B. 2788, Allowing military veterans with certain military ratings to qualify for examinations required of a probationary firefighter,

Com. Sub. for H. B. 2838, Allowing military veterans who meet certain qualifications to qualify for examination for license as an emergency medical technician,

Com. Sub. for H. B. 2841, Requiring board members to have attended a board meeting in order to be compensated for the meeting,

Com. Sub. for H. B. 2846, Including high school students participating in a competency based pharmacy technician education and training program as persons qualifying to be a pharmacy technician trainee,

Com. Sub. for H. B. 2935, Relating to state flood protection planning,

Com. Sub. for H. B. 2948, Establishing timelines for taking final action on certain permits,

Com. Sub. for H. B. 2949, Exempting specified Division of Natural Resources' contracts for some replacement, repair or design for repairs to facilities from review and approval requirements,

Com. Sub. for H. B. 2980, Relating to civil lawsuit filing fees for multiple defendant civil action,

H. B. 3018, Adding definition of correctional employee to the list of persons against whom an assault is a felony,

Com. Sub. for H. B. 3020, Relating to criminal penalties for the offenses of hunting, trapping or fishing on the lands of another person,

H. B. 3053, Relating to motor vehicle lighting,

Com. Sub. for H. B. 3064, Allowing vehicles of a size and weight exceeding certain specifications to operate over specified routes,

H. B. 3101, Creating a misdemeanor for violation of catching, taking or killing fish within two hundred feet of agency personnel stocking fish into public waters,

H. B. 3105, Relating to the Licensed Racetrack Modernization Fund,

And,

H. B. 3106, Relating to increasing the number of limited video lottery terminals.

First Reading

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

Com. Sub. for S. B. 113, Authorizing DEP promulgate legislative rules,

Com. Sub. for H. B. 2004, Creating and maintaining a centralized state vehicle inventory system,

H. B. 2548, Relating to the use of outside speakers by persons licensed to manufacture, sell, possess for sale, transport or distribute nonintoxicating beer,

Com. Sub. for H. B. 2763, Relating to the approval by the Council for Community and Technical College Education of acquisitions,

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

Com. Sub. for H. B. 2850, Relating to product liability actions,

H. B. 2869, Providing for paid leave for certain state officers and employees during a declared state of emergency,

Com. Sub. for H. B. 2936, Requiring competitive bidding for all state purchases of commodities, printing and services,

Com. Sub. for H. B. 2939, Relating to the sale of items in the State Police Academy post exchange to the public,

Com. Sub. for H. B. 2966, Creating the West Virginia Sentencing Commission,

Com. Sub. for H. B. 3028, Relating to the Comprehensive Substance Use Reduction Act,

Com. Sub. for H. B. 3096, Relating to operation and regulation of certain water and sewer utilities owned or operated by political subdivisions of the state,

H. B. 3107, Relating generally to horse and dog racing lottery.

And,

H. B. 3108, Relating to authorizing redirection of certain amounts to the General Revenue Fund.

At 1:58 p.m., on motion of Delegate Cowles, the House of Delegates recessed until 5:30 p.m.

* * * * *

Evening Session

* * * * *

The House of Delegates was called to order by The Honorable Tim Armstead, Speaker.

At the request of Delegate Cowles and by unanimous consent, the House of Delegates returned to the Third Order of Business for the purpose of receiving committee reports.

Committee Reports

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

Your Committee on Education has had under consideration:

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

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

Com. Sub. for H. B. 3006 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-2-9a, relating to exempting certain contracts between the Department of Health and Human Resources and West Virginia University, Marshall University or West Virginia School of Osteopathic Medicine from state purchasing requirements,"

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

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

Com. Sub. for H. B. 3095 - "A Bill to amend §18-7A-13a of the Code of West Virginia, 1931, as amended, relating to allowing retired teachers to be subsequently employed by the Higher Education Policy Commission or the council for community and technical college education without any loss of retirement annuity or retirement benefits under certain circumstances,"

And,

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

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

Com. Sub. for H. B. 2771 - "A Bill to amend and reenact §18A-3-2a of the Code of West Virginia, 1931, as amended, relating to teaching certificates for teachers whose spouses are members of the Armed Forces who are on active duty stationed in this state or within fifty air miles of the West Virginia border,"

With the recommendation that the committee substitutes each do pass.

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

Your Committee on Education has had under consideration:

H. B. 2887, Relating to retirement and separation incentives,

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

Com. Sub. for H. B. 2887 - "A Bill to amend and reenact §18B-1-1d of the Code of West Virginia, 1931, as amended, relating to retirement and separation incentives,"

With the recommendation that the committee substitute do pass.

On motion for leave, a bill was introduced (Originating in the Committee on Government Organization and reported with the recommendation that it do pass), which was read by its title, as follows:

By Delegate Howell:

H. B. 3109 - "A Bill to repeal §30-7-1, §30-7-1a, §30-7-2, §30-7-3, §30-7-4, §30-7-5, §30-7-6, §30-7-6a, §30-7-7, §30-7-8, §30-7-8a, §30-7-9, §30-7-10, §30-7-11, §30-7-11a, §30-7-2, §30-7-13, §30-7-14, §30-7-15, §30-7-15a, §30-7-15b, §30-7-15c, §30-7-15d, §30-7-15e, §30-7-16, §30-7-18, §30-7-19, and §30-7-20 of the Code of West Virginia, 1931, as amended; to repeal §30-7A-1, §30-7A-2, §30-7A-3, §30-7A-4, §30-7A-5, §30-7A-6, §30-7A-7, §30-7A-7a, §30-7A-8, §30-7A-9, §30-7A-10, and §30-7A-11 of said code; to repeal §30-7B-1, §30-7B-2, §30-7B-3, §30-7B-4, §30-7B-5, §30-7B-6, and §30-7B-7 of said code; to repeal §30-7C-1, §30-7C-2, §30-7C-3, §30-7C-4, §30-7C-5, §30-7C-6, §30-7C-7, §30-7C-8, §30-7C-9, §30-7C-10, §30-7C-11, §30-7C-12 and §30-7C-13 of said code; to repeal §30-7D-1, §30-7D-2, §30-7D-3, §30-7D-4, §30-7D-5, §30-7D-6, §30-7D-7, §30-7D-8, §30-7D-9, §30-7D-10, §30-7D-11, §30-7D-12 and §30-7D-13 of said code; to repeal §30-7E-1, §30-7E-2 and §30-7E-3 of said code; to repeal §30-23-1, §30-23-2, §30-23-3, §30-23-4, §30-23-5, §30-23-6, §30-23-7, §30-23-8, §30-23-9, §30-23-10, §30-23-11, §30-23-12, §30-23-13, §30-23-14, §30-23-15, §30-23-16, §30-23-17, §30-23-18, §30-23-19, §30-23-20, §30-23-21, §30-23-22, §30-23-23, §30-23-24, §30-23-25, §30-23-26, §30-23-27, §30-23-28, §30-23-29 and §30-23-30 of said code; to repeal §30-25-1, §30-25-2, §30-25-3, §30-25-4, §30-25-5, §30-25-6, §30-25-7, §30-25-8, §30-25-9, §30-25-10, §30-25-11, §30-25-12, §30-25-13, §30-25-14, §30-25-15, §30-25-16, §30-25-17, and §30-25-18 of said code; to amend and reenact §4-10-10 of said code; to amend and reenact §18A-4-8 of said code; to amend and reenact §18C-3-4 of said code; to amend and reenact §30-1-7a and §30-1-20 of said code; to amend and reenact §30-1D-1 of said code; and to amend said code by adding thereto a new article, designated §30-41-1, §30-41-2, §30-41-3, §30-41-4, §30-41-5, §30-41-6, §30-41-7, §30-41-8, §30-41-9, §30-41-10, §30-41-11, §30-41-12, §30-41-13, §30-41-14, §30-41-14a, §30-41-14b, §30-41-14c, §30-41-15, §30-41-16a, §30-41-16b, §30-41-16c, §30-41-16d, §30-41-17, §30-41-17a, §30-41-18, §30-41-19, §30-41-19a, §30-41-19b, §30-41-19c, §30-41-19d, §30-41-19e, §30-41-20, §30-41-20a, §30-41-20b, §30-41-20c, §30-41-20d, §30-41-20e, §30-41-20f, §30-41-20g, §30-41-20h, §30-41-20i, §30-41-20j, §30-41-20k, §30-41-20l, §30-41-20m, §30-41-20n, §30-41-21, §30-41-21a, §30-41-21b, §30-41-21c, §30-41-21d, §30-41-22, §30-41-23, §30-41-24, §30-41-25, §30-41-26, §30-41-27, §30-41-28, §30-41-29, §30-41-29a, §30-41-29b, §30-41-29c, §30-41-29d, §30-41-29e, §30-41-29f, §30-41-29g, §30-41-29h, §30-41-29i, §30-41-29j, §30-41-30, §30-41-31 and §30-41-32, all relating to establishing a Board of Nursing and Health Services; defining terms; transferring the authority of the West Virginia Board of Examiners for Registered Professional Nurses, Board of Examiners for Licensed Practical Nurses, West Virginia Medical Imaging and Radiation Therapy Technology Board of Examiners, and the West Virginia Nursing Home Administrators Licensing Board to the Board of Nursing and Health Services; providing

for wind up year activity; transferring authority, assets and funds; providing for rule making; continuing the Center for Nursing; requiring license; providing for the investigation of complaints; providing for disciplinary action; continuing the Medication Assistive Person Advisory Committee; providing for hearings and judicial review; and providing for nurse health programs.”

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. 2376, Relating to the organizational structure of state government,

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

Com. Sub. for H. B. 2376 - “A Bill to amend and reenact §5F-1-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §5F-2-1 and §5F-2-2 of said code; to amend and reenact §9-5-11b and §9-5-22 of said code; to amend said code by adding thereto a new section, designated §9-10-1; to amend and reenact §11-27-38 of said code; to amend and reenact §11B-2-15 of said code; to amend and reenact §16-3-5 of said code; to amend and reenact §16-5S-7 of said code; to amend and reenact §33-25G-2 of said code; to amend and reenact §49-2-125 of said code; and to amend and reenact §60A-9-5 of said code; all relating to the organizational structure of state government; providing that the Bureau for Medical Services be renamed the Department of Medical Services with the Commissioner of the Bureau for Medical Services becoming the Secretary of the Department of Medical Services; providing that the department continue to operate as currently configured as the Bureau for Medical Services with the structure of the Department of Health and Human Resources for administrative support, interagency cooperation and program support; removing the Human Rights Commission, Division of Human Services, Bureau for Public Health, Office of Emergency Medical Services and the Emergency Medical Service Advisory Council, Health Care Authority, Commission on Mental Retardation, Women’s Commission and the Child Support Enforcement Division from administration by the Department of Administration; providing that the Bureau for Public Health, The Bureau for Child Support Enforcement, The Bureau of Children and Families, The Office of the Inspector General, The Health Care Authority, The State Commission on Intellectual Disability, The Women’s Commission, The Commission for the Deaf and Hard of Hearing; and the James H. “Tiger” Morton Catastrophic Illness Commission are to be administered as a part of the Department of Health and Human Resources; providing that the Bureau of Medical Services and The Children’s Health Insurance Agency are incorporated in and administered as a part of the Department of Medical Services; and making technical changes in various chapters of the code to reflect the creation of the Department of Medical Services,”

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. 2930, Allowing powerball, hot lotto, and mega millions winners to remain anonymous,

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

Com. Sub. for H. B. 2930 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-22-15a; and to amend and reenact §29B-1-4 of said code, all relating to allowing powerball, hot lotto, and mega millions winners to remain anonymous;

providing that a person entitled to collect proceeds exceeding one million dollars from a winning powerball, hot lotto, or mega millions may remain anonymous in regards to his or her name, personal contact information, and likeness; providing that if a person entitled to collect proceeds exceeding one million dollars from a winning powerball, hot lotto, or mega millions ticket wishes to remain anonymous, then he or she shall contact the State Lottery Director in writing or appear at the state lottery headquarters in person; providing where such request to remain anonymous may be mailed or emailed; providing that upon such a request, the director will contact the person requesting anonymity and schedule an appointment to meet; establishing an effective date of January 1, 2018; and providing for an exemption under the Freedom of Information Act for the name, personal contact information, and likeness of a person entitled to collect proceeds exceeding one million dollars from a winning powerball, hot lotto, or mega millions ticket,”

With the recommendation that the committee substitute do pass.

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

Your Committee on the Judiciary has had under consideration:

Com. Sub. for S. B. 247, Authorizing prosecuting attorney designate and deliver grand jury records for investigative purposes,

And,

Com. Sub. for S. B. 248, Clarifying composition and chairmanship of Commission on Special Investigations,

And reports the same back, with amendment, with the recommendation that they each do pass, as amended.

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

Your Committee on the Judiciary has had under consideration:

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

Com. Sub. for S. B. 233, Excluding from protection oral communications uttered in child care center under Wiretapping and Electronic Surveillance Act,

And,

S. B. 164, Relating to traffic regulations and special load limits,

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

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

Your Committee on the Judiciary has had under consideration:

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

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

Com. Sub. for H. B. 2453 - "A Bill to amend and reenact §19-12E-5 of the Code of West Virginia, 1931, as amended, relating to expanding the list of persons the Commissioner of Agriculture may license to grow or cultivate industrial hemp,"

With the recommendation that the committee substitute do pass.

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

Your Committee on the Judiciary has had under consideration:

H. B. 2002, Relating to parental notification of abortions performed on unemancipated minors,

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

Com. Sub. for H. B. 2002 – "A Bill to amend and reenact §16-2F-1, §16-2F-2, §16-2F-3, §16-2F-4, §16-2F-5, §16-2F-6, and §16-2F-8 and of the Code of West Virginia, 1931, as amended; all relating to parental notification of abortions performed on unemancipated minors; setting out legislative findings; defining terms; clarifying parental notification requirements prior to performing an abortion on an unemancipated minor; modifying waiver language; providing exceptions; providing a judicial process to not permit parental notification; requiring reporting; providing for disciplinary actions; and providing criminal penalties,"

With the recommendation that the committee substitute do pass.

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

Your Committee on Education has had under consideration:

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

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

Com. Sub. for H. B. 2196 - "A Bill to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating to the secondary schools athletic commission; and participation by home schooled students in extracurricular activities,"

And,

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

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

Com. Sub. for H. B. 2589 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-15g, relating to requiring county boards of education

to permit students who are homeschooled or attend private schools to enroll and take classes at the county's vocational school,"

With the recommendation that the committee substitutes each do pass.

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

Your Committee on the Judiciary has had under consideration:

H. B. 2815, Relating to higher education governance,

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

Com. Sub. for H. B. 2815 – “A Bill to repeal §18B-1-5a, 18B-1-8b, 18B-1-10 of the Code of West Virginia, 1931, as amended; to repeal §18B-1A-3 of said code; to repeal §18B-1B-10 and §18B-1B-13 of said code; to repeal §18B-2-5 and §18B-2-7 of said code; to repeal §18B-5-2a of said code; to amend and reenact §18B-1-2 and §18B-1-6 of said code; to amend and reenact §18B-1B-1, §18B-1B-2, §18B-1B-4, and §18B-1B-6 of said code; to amend and reenact §18B-1D-2, §18B-1D-4, and §18B-1D-7 of said code; to amend and reenact §18B-2A-3 and §18B-2A-4 of said code; to amend and reenact §18B-3-1 of said code; to amend and reenact §18B-4-7 of said code; to amend and reenact §18B-5-4, §18B-5-6, §18B-5-7, and §18B-5-9 of said code; to amend and reenact §18B-10-1, §18B-10-1c, §18B-10-8, and §18B-10-16 of said code; to amend and reenact §18B-19-1, §18B-19-3, §18B-19-4, §18B-19-5, §18B-19-6, §18B-19-7, §18B-19-9, §18B-19-10, §18B-19-11, §18B-19-13, and §18B-19-14 of said code; and to amend said code by adding thereto one new section, designated §18B-19-19, all relating to public education higher education governance generally; defining terms; repealing obsolete provisions of code; clarifying scope of rule-making authority of higher education policy commission and certain institutions of higher education; eliminating outdated language; providing for rule-making procedures; requiring promulgation of rules by commission, council and certain institutions of higher education; providing for shorter time period for commission and council to review and comment on rules proposed by governing boards of institutions of higher education; providing legislative intent; providing for composition of commission; providing for primary responsibility of commission; updating and clarifying powers of commission; limiting authority of commission over certain institutions of higher education; eliminating authority of commission to assess institutions for payment of expenses of commission and for funding of statewide higher education services, obligations, or initiatives; clarifying authority of commission over review and approval of academic programs; repealing and eliminating outdated language; eliminating authority of commission with respect to certain financial and budget reviews and approvals; expanding authority of certain governing boards over appointment of president of certain higher education institutions; eliminating requirement for approval by commission of appointment of president for certain institutions of higher education; eliminating jurisdiction of commission relative to the accountability system over certain institutions of higher education; providing for updated responsibility of commission in development and advancement of public policy agenda and collection of data for certain institutions of higher education; eliminating certain reporting responsibilities for certain institutions of higher education; altering authority of commission over institutional compacts of certain institutions of higher education; eliminating requirement for certain institutions of higher education to prepare an institutional compact for submission to the commission; eliminating application of certain data-based measures on certain institutions of higher education; altering timeframe for updates to institutional compacts; eliminating commission approval of institutional compacts of certain institutions of higher education; eliminating authority of chancellor over coordination of policies, purposes and rules of governing boards of certain institutions of higher education; updating powers of governing boards; eliminating requirement of commission approval of master plans for certain

institutions of higher education; requiring certain institutions to provide copies of master plan to Legislative Oversight Commission on Educational Accountability; providing that rules of commission and council related to administering a system for the management of personnel matters do not apply to certain institutions of higher education; authorizing governing boards to contract and pay for any supplemental employee benefit; providing for legislative findings and purposes; clarifying authority of certain governing boards to delegate authority to its president; clarifying authority of commission and governing boards of certain institutions of higher education with respect to development of rules for accreditation and determination of minimum standards for conferring degrees; eliminating authority of commission to revoke an institution's authority to confer degrees when governing board or chief executive officer do not provide certain information to commission; eliminating applicability of certain commission and council rules on certain institutions of higher education; requiring certain governing boards to promulgate and adopt rules related to acquisitions and purchases; clarifying authority of certain governing boards over certain purchasing activities; authorizing prepayment by commission, council or governing boards in certain instance; expanding scope of authorized purchasers on certain purchase contracts; updating power of Joint Committee over performance audits of purchasing; updating authority of commission, council and governing boards over purchase card procedures; requiring certain governing boards to establish purchasing card procedures; clarifying authority for state institutions to enter into design-build contracts and other commonly accepted methods of procurement and financing for construction projects; providing that Design-Build Procurement Act does not apply to state institutions of higher education; providing authority to donate equipment, supplies and materials to not for profit entity to promote public welfare; updating certain best practices applicable to ensuring fiscal integrity of institutions of higher education; authorizing additional situation where emergency purchase card use is permitted; authorizing different tuition and fees for online courses; updating time frame for payment of fees by students; authorizing deposit of certain fees into single special revenue account by certain institutions; updating applicability of rule by commission and council for tuition and deferred payment plans; authorizing certain governing board to proposed a rule related to tuition and fee deferred payment plans; authorizing certain governing boards to authorize a mandatory auxiliary fee without commission approval; updating tuition and fee increase percentage that requires commission or council approval; updating conditions commission or council are required to consider in determining whether to approve a tuition or fee increase; revising requirements and parameters for certain revenue bonds issued by certain governing boards; updating approvals required for issuance of certain revenue bonds by state institutions of higher education; providing for transfer and deposit of certain fees by certain governing boards into single special revenue account; requiring commission and council to develop system capital development oversight policy and providing content for such policy; requiring each governing board to adopt a campus development plan; updating time frame for reporting to commission and council on campus development plans; eliminating requirement for commission approval of campus development plans of certain governing boards; providing for content of campus development plans; eliminating commission approval over certain capital and maintenance project lists; authorizing certain governing boards to undertake projects not contained in campus development plan; eliminating certain commission approvals related to capital improvements for certain institutions; authorizing capital improvements to be funded through notes; updating conditions to be met for certain institutions to be responsible for capital project management; updating requirements for capital project management rule to be promulgated and adopted by certain governing boards; providing updated applicability and functions of higher education facilities information system; eliminating certain requirements related to leasing of real property by commission, council, and governing boards; updating requirements for use of appraisals in connection with sale of real property; updating permitted uses of proceeds from sale, conveyance or other disposal of real property received by commission, council or a governing board; authorizing certain governing boards to enter into lease-purchase agreements in certain instances without commission approval; eliminating requirement of commission approval for certain real estate and construction transactions; and requiring certain governing boards to provide certain information to commission,"

With the recommendation that the committee substitute do pass.

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

Your Committee on Finance has had under consideration:

H. B. 2816, Eliminating new film tax credits,

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

Com. Sub. for H. B. 2816 – “A Bill to amend and reenact §11-13X-4 and §11-13X-13 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-15-9 of said code; and to amend and reenact §11-16-13 of said code, all relating to taxation, generally; eliminating new film tax credits but preserving credit for taxpayers authorized to claim credit prior to specified date; eliminating exemption from consumers sales and service tax for certain purchases of materials acquired for use in state highway projects; and increasing rate of barrel tax on nonintoxicating beer,”

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

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

Com. Sub. for H. B. 2561 – “A Bill to amend and reenact §18-9A-4, §18-9A-5, §18-9A-6a, §18-9A-7, §18-9A-9 and §18-9A-10 of the Code of West Virginia, 1931, as amended; and to amend said Code by inserting a new section, designated §18-9D-4d, all relating to public school support generally; determining allowance for fundable professional educators at set ratio, rather than the number employed subject to a limit; providing for determination of allowance for fundable professional educator positions in excess of number employed; determining allowance for professional educator positions that exceed the number employed; basing minimum professional instructional personnel required on percent of employed fundable professional educators; providing for prorating professional instructional personnel among participating counties in joint school or program or service; removing penalty for not meeting applicable instructional personnel ratio for 2017-18 school year; determining allowance for fundable service personnel at set ratio, rather than number employed subject to a limit; providing for determination of allowance for fundable service personnel positions in excess of number employed; providing for proration of number and allowance of personnel employed in part by state and county funds; adding professional student support personnel allowance to calculation of teachers retirement fund allowance; establishing that the teachers retirement fund allowance is factored on average retirement contribution rate of each county and establishing basis for determining the average retirement contribution rate; allowing limited portion of funds for bus purchases to be used for school facility and equipment repair, maintenance and improvement or replacement or other current expense priorities if requested and approved by state superintendent following verification; changing calculation of allowance for current expense from percent allowances for professional and service personnel to county’s state average costs per square footage per student for operations and maintenance; providing for prorating allowance for current expense among participating counties in joint school or program or service; adding the improvement of instructional technology to the allowance to improve instructional programs; removing authorization for use of instructional improvement funds for implementation and maintenance of regional computer information system; removing requirement for fully utilizing applicable provisions of allowances for professional and service personnel before using instructional improvement funds for employment; changing percentage of allocation allowed for employment; removing restriction limiting use of new instructional improvement funds for employment except for technology system specialists until certain determination made by state superintendent; authorizing use of instructional technology improvement

funds for employment of technology system specialists and requiring amount used to be included and justified in strategic technology plan; specifying when certain debt service payments are to be made into school building capital improvement fund; authorizing use of percentages of allocations for improving instructional programs, for improving instructional technology for facility and equipment repair, maintenance and improvement, or replacement and other current expense priorities and for emergency purposes; requiring amounts used to be included and justified in respective strategic plans; authorizing School Building Authority to maintain a reserve fund in the amount of not less than \$600,000 for the purpose of making emergency grants to financially distressed county boards to assist them for certain purposes; directing grants to be made in accordance with guideline established by the authority and deleting expired provisions,”

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

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

Com. Sub. for H. B. 2817 – “A Bill to amend and reenact §11B-2-20 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-9A-6a of said code; to amend and reenact §18A-4-2 of said code, all relating to compensation, including retirement benefits, of educational personnel; redirecting a certain amount of surplus funds to the unfunded liability of the Teachers Retirement System from the amount otherwise directed to the Revenue Shortfall Reserve Fund or left in the General Revenue Fund; extending the time period used by the actuary in determining the allowance for the reduction of any unfunded liability of the state Teachers Retirement System; providing for the fiscal year 2018 allowance for the reduction of any unfunded liability in the Teachers Retirement Fund; providing for certain transfers from the state debt reduction fund to the Teachers Retirement Fund and providing for an additional amount to be paid to classroom teachers,”

H. B. 2933, Relating to the consumers sales and service taxes and use taxes,

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

Com. Sub. for H. B. 2933 – “A Bill to repeal §11-15-9k of the Code of West Virginia, 1931, as amended; to amend and reenact §11-15-3, §11-15-3a, §11-15-8, §11-15-8a and §11-15-9 of said code; to amend said code by adding thereto a new section, designated §11-15-3d; to amend and reenact §11-15A-2 and §11-15A-3 of said code; to amend and reenact §11-21-14, §11-21-16 and §11-21-22; and to amend said code by adding thereto a new section, designated §11-21-4g, all relating to the taxes generally; reducing the general rate of consumers sales and service taxes and use taxation; imposing a reduced rate of taxation on sales, purchases and uses of food and food ingredients intended for human consumption; imposing tax on sales of telecommunications services and ancillary services; eliminating reduced rate of taxation for sales of certain mobile homes and imposing tax on such sales at the general rate; eliminating exemption for sales of certain personal services; eliminating exemption for sales of certain professional services; imposing tax on portion of consideration paid for contracting services; removing outdated language from the code regarding an obsolete exemption related to contracting services; eliminating exemption for sales of electronic data processing services and related software when purchased by an ultimate consumer; eliminating exemption for sales of membership or services provided by health and fitness organizations and related programs; eliminating exemption for sales of primary opinion research when purchased by an ultimate consumer; eliminating exemption for sales of instructional services by a music teacher and certain artistic services; eliminating exemption for commissions received by a travel agency from an out-of-state vendor; eliminating exemption for sales of services providing evaluations for compliance with certain environmental laws when purchased by an ultimate consumer; deleting outdated language in the code relating to an obsolete annual sales tax holiday for energy efficient products;

eliminating reduced rate of taxation for use of certain mobile homes and imposing tax on such use at the general rate; eliminating the tax brackets under the personal income tax and changing the rate of the tax; creating a standard deduction from West Virginia taxable income for personal income taxation purposes; eliminating personal exemptions; and eliminating the low-income family tax credit,”

With the recommendation that the committee substitutes each do pass.

Miscellaneous Business

Delegate Robinson announced that he was absent on today when the vote was taken on Roll No. 157, and that had he been present, he would have voted “Yea” thereon.

Delegate Kelly announced that he was absent on today when the vote was taken on Roll No. 154, and that had he been present, he would have voted “Yea” thereon.

Delegate Lewis noted to the Clerk that he was absent on today when the votes were taken on Roll Nos. 151 through 166, and that had he been present he would have voted “Yea” on all except Roll No. 155 on which he would have voted “Nay”.

Delegate Rodighiero noted to the Clerk that he was absent on today when the votes were taken on Roll Nos. 156 through 167 and that had he been present he would have voted “Yea” on all except Roll Nos. 158 and 159 on which he would have voted “Nay”.

Delegate Lovejoy asked and obtained unanimous consent that the remarks of Delegates Eldridge and Rohrbach 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 Sponaule regarding Com. Sub. for H. B. 2524 be printed in the Appendix to the Journal and that the remarks of Delegates Moye and Iaquina during Remarks by Members today also be printed in the Appendix to the Journal.

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

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

Delegates Espinosa and Frich filed forms with the Clerk’s Office per House Rule 94b to be added as a cosponsor of H. B. 2759.

Delegate Nelson filed a form with the Clerk’s Office per House Rule 94b to be added as a cosponsor of H. B. 3062.

At 7:23 p.m., the House of Delegates adjourned until 8:30 a.m., Saturday, March 25, 2017.

SPECIAL CALENDAR

Saturday, March 25, 2017

46th Day

8:30 A. M.

THIRD READING

- Com. Sub. for H. B. 2219 - Authorizing miscellaneous boards and agencies to promulgate legislative rules (SHOTT) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2346 - Relating to motor vehicle license plates (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2515 - West Virginia Monument and Memorial Protection Act of 2017 (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2721 - Removing the cost limitation on projects completed by the Division of Highways (NELSON) (REGULAR)
- Com. Sub. for H. B. 2722 - Eliminating the financial limitations on utilizing the design-build program for highway construction (NELSON) (REGULAR)
- Com. Sub. for H. B. 2724 - Relating to creating a pilot program under the Herbert Henderson Office of Minority Affairs (ELLINGTON) (REGULAR)
- H. B. 2745 - Adding the examination of Advanced Care Technician (ELLINGTON) (REGULAR)
- H. B. 2788 - Allowing military veterans with certain military ratings to qualify for examinations required of a probationary firefighter (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2838 - Allowing military veterans who meet certain qualifications to qualify for examination for license as an emergency medical technician (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 2841 - Requiring board members to have attended a board meeting in order to be compensated for the meeting (NELSON) (REGULAR)
- Com. Sub. for H. B. 2846 - Including high school students participating in a competency based pharmacy technician education and training program as persons qualifying to be a pharmacy technician trainee (ELLINGTON) (REGULAR)

- Com. Sub. for H. B. 2935 - Relating to state flood protection planning (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2948 - Establishing timelines for taking final action on certain permits (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2949 - Exempting specified Division of Natural Resources' contracts for some replacement, repair or design for repairs to facilities from review and approval requirements (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2980 - Relating to civil lawsuit filing fees for multiple defendant civil action (NELSON) (REGULAR)
- H. B. 3018 - Adding definition of correctional employee to the list of persons against whom an assault is a felony (SHOTT) (REGULAR)
- Com. Sub. for H. B. 3020 - Relating to criminal penalties for the offenses of hunting, trapping or fishing on the lands of another person (SHOTT) (REGULAR)
- H. B. 3053 - Relating to motor vehicle lighting (HOWELL) (REGULAR)
- Com. Sub. for H. B. 3064 - Allowing vehicles of a size and weight exceeding certain specifications to operate over specified routes (SHOTT) (REGULAR)
- H. B. 3101 - Creating a misdemeanor for violation of catching, taking or killing fish within two hundred feet of agency personnel stocking fish into public waters (SHOTT) (REGULAR)
- H. B. 3105 - Relating to the Licensed Racetrack Modernization Fund (NELSON) (EFFECTIVE FROM PASSAGE)
- H. B. 3106 - Relating to increasing the number of limited video lottery terminals (NELSON) (REGULAR)

SECOND READING

- Com. Sub. for S. B. 113 - Authorizing DEP promulgate legislative rules (SHOTT) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 362 - Authorizing redirection of certain amounts to General Revenue Fund (NELSON) (REGULAR)
- Com. Sub. for H. B. 2004 - Creating and maintaining a centralized state vehicle inventory system (NELSON) (JULY 1, 2017)

- H. B. 2548 - Relating to the use of outside speakers by persons licensed to manufacture, sell, possess for sale, transport or distribute nonintoxicating beer (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2763 - Relating to the approval by the Council for Community and Technical College Education of acquisitions (NELSON) (REGULAR)
- Com. Sub. for H. B. 2799 - Prohibiting the superintendent of schools from requiring a physical examination to be included to the application for a minor's work permit (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2850 - Relating to product liability actions (SHOTT) (REGULAR)
- H. B. 2869 - Providing for paid leave for certain state officers and employees during a declared state of emergency (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2936 - Requiring competitive bidding for all state purchases of commodities, printing and services (NELSON) (REGULAR)
- Com. Sub. for H. B. 2939 - Relating to the sale of items in the State Police Academy post exchange to the public (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2966 - Creating the West Virginia Sentencing Commission (SHOTT) (REGULAR)
- Com. Sub. for H. B. 3028 - Relating to the Comprehensive Substance Use Reduction Act (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 3096 - Relating to operation and regulation of certain water and sewer utilities owned or operated by political subdivisions of the state (STORCH) (REGULAR)
- H. B. 3107 - Relating generally to horse and dog racing lottery (NELSON) (EFFECTIVE FROM PASSAGE)
- H. B. 3108 - Relating to authorizing redirection of certain amounts to the General Revenue Fund (NELSON) (REGULAR)

FIRST READING

- S. B. 164 - Relating to traffic regulations and special load limits (SHOTT) (REGULAR)

- Com. Sub. for S. B. 233 - Excluding from protection oral communications uttered in child care center under Wiretapping and Electronic Surveillance Act (SHOTT) (REGULAR)
- Com. Sub. for S. B. 247 - Authorizing prosecuting attorney designate and deliver grand jury records for investigative purposes (SHOTT) (EFFECTIVE FROM PASSAGE) (JUDICIARY COMMITTEE AMENDMENT PENDING)
- Com. Sub. for S. B. 248 - Clarifying composition and chairmanship of Commission on Special Investigations (SHOTT) (EFFECTIVE FROM PASSAGE) (JUDICIARY COMMITTEE AMENDMENT PENDING)
- Com. Sub. for H. B. 2002 - Relating to parental notification of abortions performed on unemancipated minors (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2109 - Relating to the West Virginia Land Reuse Agency Authorization Act (SHOTT) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2196 - Relating to the secondary schools athletic commission (ESPINOSA) (REGULAR)
- Com. Sub. for H. B. 2376 - Relating to the organizational structure of state government (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2453 - Expanding the list of persons the Commissioner of Agriculture may license to grow or cultivate industrial hemp (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2520 - Prohibiting the use of a tanning device by a person under the age of eighteen (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2561 - Relating to public school support (NELSON) (JULY 1, 2017)
- Com. Sub. for H. B. 2589 - Permitting students who are homeschooled or attend private schools to enroll and take classes at the county's vocational school (ESPINOSA) (REGULAR)
- Com. Sub. for H. B. 2654 - Expanding county commissions' ability to dispose of county or district property (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2704 - Prohibiting persons convicted of sexual offenses against children with whom they hold positions of trust from holding certification or license valid in public schools (SHOTT) (REGULAR)

- Com. Sub. for H. B. 2720 - Allowing the School Building Authority to transfer funds allocated into the School Construction Fund (NELSON) (REGULAR)
- Com. Sub. for H. B. 2771 - Relating to temporary teaching certificates for Armed Forces spouses (ESPINOSA) (REGULAR)
- Com. Sub. for H. B. 2776 - Creating of special revenue funding sources for the Division of Labor (NELSON) (REGULAR)
- Com. Sub. for H. B. 2781 - Requiring a person desiring to vote to present documentation identifying the voter to one of the poll clerks (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2815 - Relating to higher education governance (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2816 - Eliminating new film tax credits (NELSON) (REGULAR)
- Com. Sub. for H. B. 2817 - Providing for the reduction of the unfunded liability in the teachers retirement system over a 30 year period (NELSON) (JULY 1, 2017)
- Com. Sub. for H. B. 2887 - Relating to retirement and separation incentives (ESPINOSA) (REGULAR)
- Com. Sub. for H. B. 2930 - Allowing powerball, hot lotto, and mega millions winners to remain anonymous (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2933 - Relating to the consumers sales and service taxes and use taxes (NELSON) (REGULAR)
- Com. Sub. for H. B. 2961 - Relating generally to charitable bingo games and charitable raffles (NELSON) (REGULAR)
- H. B. 2962 - Enlarging the authority of the Tax Commissioner to perform background investigations of employees and contractors (NELSON) (REGULAR)
- H. B. 2963 - Eliminating tax lien waiver requirement for estates of nonresidents (NELSON) (REGULAR) (FINANCE COMMITTEE AMENDMENT PENDING)
- H. B. 2967 - Relating generally to administration of estates and trusts (NELSON) (REGULAR)

- Com. Sub. for H. B. 3006 - Exempting certain contracts between the Department of Health and Human Resources and West Virginia University or Marshall University from state purchasing requirements (ESPINOSA) (REGULAR)
- H. B. 3022 - Relating to the reporting of fraud, misappropriation of moneys, and other violations of law to the commission on special investigations (SHOTT) (REGULAR)
- Com. Sub. for H. B. 3048 - Relating to collection of Tier II fees for chemical inventories (NELSON) (REGULAR)
- H. B. 3091 - Relating generally to employer withholding taxes (NELSON) (REGULAR)
- Com. Sub. for H. B. 3095 - Allowing retired teachers to be employed by a higher education institution (ESPINOSA) (REGULAR)
- Com. Sub. for H. B. 3102 - Relating to selling Hopemont Hospital (NELSON) (REGULAR)
- H. B. 3109 - Relating to establishing a Board of Nursing and Health Services (HOWELL) (REGULAR)

HOUSE CALENDAR

Saturday, March 25, 2017

46th Day

8:30 A. M.

SECOND READING

- Com. Sub. for H. B. 2538 - Relating to the licensure of physician assistants (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2871 - Eliminating the mandated employer versus employee cost share of eighty percent employer, twenty percent employee for Public Employee Insurance Agency (NELSON) (REGULAR)

FIRST READING

- Com. Sub. for S. B. 347 - Relating to modernization of Physician Assistant Practice Act (ELLINGTON) (REGULAR) (HEALTH AND HUMAN RESOURCES COMMITTEE AMENDMENT PENDING)
- H. B. 2500 - Supplementary appropriation to the Department of Health and Human Resources, Division of Human Services (NELSON) (EFFECTIVE FROM PASSAGE)
- H. B. 2501 - Supplementary appropriation to the Department of Education, State Board of Education – School Lunch Program (NELSON) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2794 - Relating to the means of giving notice to a debt collector of a consumer's representation by legal counsel (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2804 - Removing chiropractors from the list of medical professions required to obtain continuing education on mental health conditions common to veterans and family members (ELLINGTON) (REGULAR)
- H. B. 2878 - Increasing amount of authorized Federal Grant Anticipation Notes for which Division of Highways may apply (NELSON) (REGULAR)

Com. Sub. for H. B. 2897 - Raising the amount required for competitive bidding of construction contracts by the state and its subdivisions (HOWELL)
(REGULAR)

Com. Sub. for H. B. 2941 - Requiring the Commissioner of the Division of Highways to utilize the Attorney General for all legal assistance and services (SHOTT)
(REGULAR)

**WEST VIRGINIA
HOUSE OF DELEGATES**

SATURDAY, MARCH 25, 2017

HOUSE CONVENES AT 8:30 A.M.

**COMMITTEE ON RULES
8:15 A.M. – BEHIND CHAMBER**

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